

FORTIETH DAY

Tuesday, March 28, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by William Kunisch, Seminarian for the Diocese of Honolulu, after which the Roll was called showing all Senators present with the exception of Senators Bunda and Taniguchi who were excused.

The President announced that he had read and approved the Journal of the Thirty-Ninth Day.

At this time, the following student shadows were introduced to the members of the Senate:

Senator Tam introduced Leo Gushi from McKinley High School;

Senator Kawamoto introduced Rochelle Murakami from Waipahu High School;

Senator Ihara introduced Maile Cerizo from King Kekaulike School and Kara Smith from Baldwin High School;

Senator Hanabusa introduced Melvin Jadulang from Kohala High School;

Senator Chumbley introduced Joshua Kanaka'ole from Hana High School;

Senator Kanno introduced Christina New from Campbell High School;

Senator Chun introduced Marci Furutani and Tracie Jacinto from Kauai High and Intermediate School;

Senator Matsuura introduced Kafaleen Fabian from Waiakea High School, and his daughter, Grace Matsuura, from Hilo Union Elementary School;

Senator Chun Oakland introduced Jason Moniz from Pa'aulo School;

Senator Iwase introduced Ruby Marcelo from Mililani High school;

Senator Anderson introduced Garrett Soong from Baldwin High School; and

Senator Sakamoto introduced Marcus Sortijas from Radford High School and Jane Chung from Moanalua High School.

Senator Sakamoto then introduced Patrick J. Conroy in recognition of his contributions to safety education and congratulated him on receiving the prestigious National Safety Council's Distinguished Service to Safety Award. Accompanying Mr. Conroy was his wife, Jane; Harvey King; Maritza Vurgos; and Roy Akamine.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 223 to 255) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 223, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of ROEN K. HIROSE, term to expire June 30, 2004, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 224, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of JACK LAW, term to expire June 30, 2002, was referred to the Committee on Judiciary.

Gov. Msg. No. 225, submitting for consideration and confirmation to the Community-Based Economic Development Advisory Council, the nomination of HIN CHIU LAU, term to expire June 30, 2003, was referred to the Committee on Economic Development.

Gov. Msg. No. 226, submitting for consideration and confirmation to the Board of Directors of the Hawaii Health Systems Corporation, the nominations of WAYNE M.T. LU, WILLIAM F. MIELCKE, CAROLYN A. NII, DIANE J. PLOTTS and CLIFTON K. TSUJI, terms to expire June 30, 2004, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 227, submitting for consideration and confirmation to the Hawaii Paroling Authority, the nomination of LANI RAE GARCIA, term to expire June 30, 2004, was referred to the Committee on Judiciary.

Gov. Msg. No. 228, submitting for consideration and confirmation to the Hawaii School-to-Work Executive Council, the nominations of: HARVARD C.S. KIM, term to expire June 30, 2001; JODEE MALIA CRANE and NORMAN JIMENO, terms to expire June 30, 2002; and NOBLEZA E. MAGSANOC, term to expire June 30, 2003, was referred to the Committee on Labor and Environment.

Gov. Msg. No. 229, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nominations of: SUSAN K. FORBES, DRPH., term to expire June 30, 2001; MELODY S. FANNING, term to expire June 30, 2003; and CRAIG KADOOKA, M.D., NOELLA J. KONG, ROSEMARY NELSON and PATRICK S. SAKA, terms to expire June 30, 2004, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 230, submitting for consideration and confirmation to the Honolulu Subarea Health Planning Council, the nominations of: KATHLEEN DELAHANTY, PAMELA HINSDALE and ROBYN KAUFMAN, terms to expire June 30, 2003; and ANDREW W. CHAR, STEPHEN A. KULA, MARK TAYLOR, PATRICIA TOMPKINS and JAMES P. WALSH, terms to expire June 30, 2004, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 231, submitting for consideration and confirmation to the West Oahu Subarea Health Planning Council, the nominations of WENDY A. ABE, LEE ELLEN BUENCONSEJO, M.D., NELSON M. HIGA, C. MIKE KIDO and RICHARD F. KOLBE, terms to expire June 30, 2004, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 232, submitting for consideration and confirmation to the Windward Oahu Subarea Health Planning Council, the nominations of: JIM D. ALDRED, term to expire June 30, 2003; and JOHN E. AOKI, M.D., AGNES E.P. CADIZ, LESLIE S. CHINEN and ANNETTE L. OSTREM, terms to expire June 30, 2004, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 233, submitting for consideration and confirmation to the Hawaii County Subarea Health Planning

Council, the nominations of: ROBERTA M. CARTWRIGHT and SUSAN B. HUNT, terms to expire June 30, 2003; and JOHN MCNEIL, CLIFFORD K. MOTTA, IDA H. OTAKE, PAUL P. PAIVA, ALAN R. PARKER and BEVERLY JEAN WITHINGTON, terms to expire June 30, 2004, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 234, submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of: PETRA LOPEZ, DAVID PETERS and BELLE SHEPHERD terms to expire June 30, 2003; and LILI BRYAN-CONANT, CESAR G. CADABES, CARMEN L. PANUI, ELIZABETH UBAY and KENNETH VILLABRILLE, terms to expire June 30, 2004, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 235, submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nomination of TIMOTHY T. SHIROMA, term to expire June 30, 2004, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 236, submitting for consideration and confirmation to the Board of Directors, High Technology Development Corporation, the nomination of DAVID LASSNER, PH.D., term to expire June 30, 2001, was referred to the Committee on Economic Development.

Gov. Msg. No. 237, submitting for consideration and confirmation to the Statewide Independent Living Council, the nominations of: GARRETT TOGUCHI, term to expire June 30, 2001; and BARBARA FISCHLOWITZ-LEONG, RANDALL LICHTER and MARK T. OBATAKE, terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 238, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nominations of: JEFFREY L. CHANG, term to expire June 30, 2003; and ISABELLA A. ABBOTT, PH.D., and ROBERT J. LUUWAI, terms to expire June 30, 2004, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 239, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nominations of: LYONS K. NAONE III, term to expire June 30, 2001; ERIC K. KEAWE, term to expire June 30, 2003; and MARY LANI AKUI, LANE KAAIAI and CASINA K. WATERMAN, terms to expire June 30, 2004, was referred to the Committee on Education and Technology.

Gov. Msg. No. 240, submitting for consideration and confirmation to the Medical Advisory Board, the nominations of: DAVID MAI, M.D., term to expire June 30, 2002; STEPHEN M. OISHI, M.D., term to expire June 30, 2003; and ROBERT L. SIMMONS, M.D., term to expire June 30, 2004, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 241, submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, the nominations of HOWARD A. OKITA, MORRIE STOEBSNER and ROBERT K. TIRRELL, terms to expire June 30, 2004, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 242, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nominations of REGINALD E. DAVID, NEAL EVENHUIS, PH.D., and LLOYD L. LOOPE, PH.D., terms to expire June 30, 2004, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 243, submitting for consideration and confirmation to the Board of Examiners in Naturopathy, the nominations of STEPHEN G. DUBEY, N.D., and DIANA JOY

OSTROFF, N.D., terms to expire June 30, 2004, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 244, submitting for consideration and confirmation to the Board of Examiners in Optometry, the nomination of CHERILYN S.L. LAI, O.D., term to expire June 30, 2004, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 245, submitting for consideration and confirmation to the Pest Control Board, the nominations of: MICHAEL E. KRUPNICK, term to expire June 30, 2003; and HENRY L. GUERRERO SR., and GORDON M. MACHADO, terms to expire June 30, 2004, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 246, submitting for consideration and confirmation to the State Post-Secondary Education Commission, the nominations of CHARLES T. ARAKI, ED.D., and DONALD S. KARIMOTO, terms to expire June 30, 2004, was referred to the Committee on Education and Technology.

Gov. Msg. No. 247, submitting for consideration and confirmation to the Radiologic Technology Board, the nomination of ALBERT K.P. AH NEE, term to expire June 30, 2004, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 248, submitting for consideration and confirmation to the Board of Registration, Island of Oahu, the nomination of EUCLID LEE, term to expire June 30, 2004, was referred to the Committee on Judiciary.

Gov. Msg. No. 249, submitting for consideration and confirmation to the Board of Registration, Island of Hawaii, the nomination of DAVID M. VIEIRA SR., term to expire June 30, 2004, was referred to the Committee on Judiciary.

Gov. Msg. No. 250, submitting for consideration and confirmation to the Board of Registration, Kauai and Niihau, the nomination of PAUL K. SHINSEKI, term to expire June 30, 2004, was referred to the Committee on Judiciary.

Gov. Msg. No. 251, submitting for consideration and confirmation to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, the nominations of: CRAIG G. NAKAMURA, term to expire June 30, 2003; and ANTHONY MONDELLO, term to expire June 30, 2004, was referred to the Committee on Judiciary.

Gov. Msg. No. 252, submitting for consideration and confirmation to the State Rehabilitation Council, the nominations of: VICTORIA A. SUYAT, term to expire June 30, 2001; CARRICK WONG, term to expire June 30, 2002; and LYNN C. FOX, PETER L. FRITZ, STERLING KRYSLER, LILLIAN Y. SHIBATA, RICHARD W. SMITH and MARK YABUI, terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 253, submitting for consideration and confirmation to the Board of Directors, Research Corporation of the University of Hawaii, the nomination of LYNN C. KINNEY, term to expire June 30, 2001, was referred to the Committee on Education and Technology.

Gov. Msg. No. 254, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nominations of HIROSHI SAKAI and ROBERT S. TOYOFUKU, terms to expire June 30, 2004, was referred to the Committee on Judiciary.

Gov. Msg. No. 255, submitting for consideration and confirmation to the State Commission on the Status of Women, the nominations of: MARGARET K. MASUNAGA, term to expire June 30, 2002; and NANJI KREIDMAN, term to expire

June 30, 2003, was referred to the Committee on Health and Human Services.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 398 to 401) were read by the Clerk and were placed on file:

Hse. Com. No. 398, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 2406, H.D. 1.

Hse. Com. No. 399, informing the Senate that the Speaker on March 24, 2000, made the following changes to conferees on the part of the House at the conference on the following House bills:

H.B. No. 71, H.D. 2 (S.D. 1):

Discharged Representatives P. Oshiro and Saiki as co-chairmen, and Representative Hamakawa as a manager.
Appointed Representative Hamakawa as lead co-chairman and Representative Yamane as second co-chairman.

H.B. No. 83, H.D. 1 (S.D. 1):

Discharged Representative P. Oshiro as chairman, and Representative Hamakawa as a manager.
Appointed Representative Hamakawa as chairman.

H.B. No. 140 (S.D. 2):

Discharged Representative Saiki as a manager.

H.B. No. 150, H.D. 2 (S.D. 1):

Discharged Representative P. Oshiro as second co-chairman.
Appointed Representative Hamakawa as second co-chairman.

H.B. No. 157, H.D. 2 (S.D. 2, C.D. 1):

Discharged Representative Saiki as third co-chairman.
Appointed Representative Yamane as third co-chairman.

H.B. No. 235, H.D. 2 (S.D. 2):

Discharged Representatives P. Oshiro and Saiki as co-chairmen, and Representative Hamakawa as a manager.
Appointed Representative Hamakawa as lead co-chairman and Representative Suzuki as second co-chairman.

H.B. No. 374, H.D. 2 (S.D. 1):

Discharged Representative Saiki as a manager.
Appointed Representative Espero as a manager.

H.B. No. 557, H.D. 2 (S.D. 1):

Discharged Representative Saiki as second co-chairman.
Appointed Representative Espero as second co-chairman.

H.B. No. 632, H.D. 2 (S.D. 1):

Discharged Representative Saiki as a manager.
Appointed Representative Espero as a manager.

H.B. No. 949, H.D. 2 (S.D. 2):

Discharged Representative Saiki as a manager.
Appointed Representative Espero as a manager.

H.B. No. 1006, H.D. 2 (S.D. 2):

Discharged Representative P. Oshiro as lead co-chairman.

Appointed Representative Hamakawa as lead co-chairman.

H.B. No. 1620, H.D. 1 (S.D. 2):

Discharged Representative Saiki as a manager.
Appointed Representative Yamane as a manager.

Hse. Com. No. 400, informing the Senate that the Speaker on March 24, 2000, made the following changes to conferees on the part of the House at the conference on the following Senate bills:

S.B. No. 176 (H.D. 2):

Discharged Representative P. Oshiro as second co-chairman.
Appointed Representative Hamakawa as second co-chairman.

S.B. No. 456, S.D. 2 (H.D. 1):

Discharged Representative P. Oshiro as second co-chairman.
Appointed Representative Hamakawa as second co-chairman.

S.B. No. 585, S.D. 1 (H.D. 2):

Discharged Representative P. Oshiro as lead co-chairman.
Appointed Representative Hamakawa as lead co-chairman.

S.B. No. 594, S.D. 1 (H.D. 1, C.D. 1):

Discharged Representative P. Oshiro as chairman, and Representative Hamakawa as a manager.
Appointed Representative Hamakawa as chairman, and Representative Saiki as a manager.

S.B. No. 605, S.D. 1 (H.D. 2):

Discharged Representative P. Oshiro as second co-chairman.
Appointed Representative Hamakawa as second co-chairman.

S.B. No. 825, S.D. 2 (H.D. 2):

Discharged Representative P. Oshiro as second co-chairman.
Appointed Representative Hamakawa as second co-chairman.

S.B. No. 1050, S.D. 2 (H.D. 1):

Discharged Representative P. Oshiro as second co-chairman, and Representative Saiki as third co-chairman.
Appointed Representative Hamakawa as second co-chairman, and Representative Kawakami as third co-chairman.

S.B. No. 1058, S.D. 2 (H.D. 1):

Discharged Representative P. Oshiro as second co-chairman, and Representative Saiki as third co-chairman.
Appointed Representative Hamakawa as second co-chairman, and Representative Kawakami as third co-chairman.

S.B. No. 1088, S.D. 1 (H.D. 1):

Discharged Representative P. Oshiro as second co-chairman.
Appointed Representative Hamakawa as second co-chairman.

S.B. No. 1089, S.D. 1 (H.D. 1):

Discharged Representative P. Oshiro as second co-chairman.
Appointed Representative Hamakawa as second co-chairman.

S.B. No. 1151, S.D. 1 (H.D. 1):

Discharged Representative P. Oshiro as second co-chairman.
Appointed Representative Hamakawa as second co-chairman.

S.B. No. 1212, S.D. 2 (H.D. 1):

Discharged Representative P. Oshiro as second co-chairman.
Appointed Representative Hamakawa as second co-chairman.

S.B. No. 1276, S.D. 1 (H.D. 2):

Discharged Representative Saiki as second co-chairman.
Appointed Representative Kawakami as second co-chairman.

S.B. No. 1379, S.D. 2 (H.D. 1):

Discharged Representative P. Oshiro as chairman, and Representative Hamakawa as a manager.
Appointed Representative Hamakawa as chairman, and Representative Saiki as a manager.

S.B. No. 1462, S.D. 1 (H.D. 2):

Discharged Representative P. Oshiro as lead co-chairman, and Representative Hamakawa as a manager.
Appointed Representative Hamakawa as lead co-chairman, and Representative Saiki as a manager.

Hse. Com. No. 401, informing the Senate that the Speaker on March 24, 2000, discharged Representative Hamakawa as a manager on the part of the House at the conference on H.B. No. 1006, H.D. 2 (S.D. 2).

STANDING COMMITTEE REPORTS

Senator Kawamoto, jointly with Senator Hanabusa, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3028) recommending that H.B. No. 2185, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2185, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 30, 2000.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 3029) recommending that H.B. No. 2490, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2490, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 30, 2000.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 3030) recommending that the Senate advise and consent to the nomination of JOSEPH F. BLANCO as Special Advisor for Technology Development, in accordance with Gov. Msg. No. 140.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3030 and Gov. Msg. No. 140 was deferred until Wednesday, March 29, 2000.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 3031) recommending that the Senate advise and consent to the nominations of WALTER NUNOKAWA, PH.D., and CHARLES KAWAKAMI to the Board of Regents, University of Hawaii, in accordance with Gov. Msg. No. 170.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3031 and Gov. Msg. No. 170 was deferred until Wednesday, March 29, 2000.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 3032) recommending that the Senate advise and consent to the nomination of CLYDE T. KODANI to the Western Interstate Commission for Higher Education (WICHE), in accordance with Gov. Msg. No. 207.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3032 and Gov. Msg. No. 207 was deferred until Wednesday, March 29, 2000.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2870 (Gov. Msg. No. 208):

Senator Chumbley moved that Stand. Com. Rep. No. 2870 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate consent to the nomination of MICHAEL D. WILSON as Judge of the 6th Division, Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Matsunaga.

Senator Matsunaga rose in support of the nominee and said:

"Mr. President, I rise in support of the nominee.

"Mike Wilson holds a Bachelor of Science degree from the University of Wisconsin and a J.D. degree from Antioch School of Law. Mr. Wilson has served as the Director of the Department of Land and Natural Resources, and is currently the Executive Director for the Division of Consumer Advocacy. In addition to his professional career, Mr. Wilson has made time for several professional and community organizations including the Western Association of Fish and Wildlife Agencies, the American Inns of Court Barristers, Save Our Bays and Beaches or SOBB, and the Parents Ad Hoc Committee to Stop Violence.

"Mr. President during the Senate Judiciary Committee hearing, the Committee heard his thoughts on creating special classes of crimes for offenses perpetrated on vulnerable populations, domestic violence, dangerous drugs, and felony murder statutes. In addition, the Committee questioned Mr. Wilson regarding his recommendations on how to improve victim's rights, the state's tort laws regarding immunity from liability for counties that administer beach parks, and how he will utilize judicial restraint to balance his passion for policy making.

"The Committee also heard from many state agency directors, several members of the legal community, and private citizens. To quote some of the testimony that was reiterated several times -- 'Mike Wilson is intelligent, honest, fair, and possesses an excellent judicial demeanor.' Further, 'Mr. Wilson has the requisite character, integrity, and human understanding that makes him highly qualified to be a judge in the First Circuit Court.'

"Mr. President, this appointment comes with great community support and is well deserved. I am confident that

Mr. Wilson's commitment to excellence will enhance and protect the quality of life for all of us in our community. I urge my colleagues to consent to this nomination.

"Thank you."

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

Ayes, 20. Noes, none. Excused, 5 (Bunda, M. Ige, Iwase, Tanaka, Taniguchi).

At this time, Senator Matsunaga introduced the newly confirmed Judge Michael Wilson to the members of the Senate. (Judge Wilson, who was seated in the gallery with family and friends, rose to be recognized.)

THIRD READING

H.B. No. 1902, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun and carried, H.B. No. 1902, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Bunda, M. Ige, Iwase, Tanaka, Taniguchi).

H.B. No. 1893, H.D. 1, S.D. 1:

On motion by Senator Nakata, seconded by Senator Chumbley and carried, H.B. No. 1893, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Bunda, M. Ige, Iwase, Tanaka, Taniguchi).

H.B. No. 2563:

On motion by Senator Kawamoto, seconded by Senator Buen and carried, H.B. No. 2563, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Bunda, M. Ige, Iwase, Tanaka, Taniguchi).

H.B. No. 2761, H.D. 1:

On motion by Senator Kawamoto, seconded by Senator Buen and carried, H.B. No. 2761, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Bunda, M. Ige, Iwase, Tanaka, Taniguchi).

H.B. No. 1906, H.D. 1:

On motion by Senator Kanno, seconded by Senator Hanabusa and carried, H.B. No. 1906, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Bunda, M. Ige, Iwase, Tanaka, Taniguchi).

H.B. No. 2463, H.D. 1:

On motion by Senator Kanno, seconded by Senator Hanabusa and carried, H.B. No. 2463, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES RECOGNITION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Bunda, M. Ige, Iwase, Tanaka, Taniguchi).

H.B. No. 2464, H.D. 1:

On motion by Senator Kanno, seconded by Senator Hanabusa and carried, H.B. No. 2464, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DUTIES OF THE BOARD OF NURSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Bunda, M. Ige, Iwase, Tanaka, Taniguchi).

H.B. No. 2486, H.D. 1:

On motion by Senator Kanno, seconded by Senator Hanabusa and carried, H.B. No. 2486, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC LICENSURE REQUIREMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Bunda, M. Ige, Iwase, Tanaka, Taniguchi).

H.B. No. 2488, H.D. 1:

On motion by Senator Kanno, seconded by Senator Hanabusa and carried, H.B. No. 2488, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETURN OF PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Bunda, M. Ige, Iwase, Tanaka, Taniguchi).

RE-REFERRAL OF HOUSE BILL

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

House Bill	Referred to:
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No. 2618, H.D. 2	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary
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RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

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

Senate Concurrent Resolution	Referred to:
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No. 105	Jointly to the Committee on Health and Human Services and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
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RE-REFERRAL OF SENATE RESOLUTION

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

Senate
Resolution Referred to:

No. 53 Jointly to the Committee on Health and Human Services and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means

Senator Anderson rose on a point of personal privilege and stated:

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

"Again, I'd like to bring forth a little article that was featured in *Mid Week*. I've said it on this floor before because the media gets the idea that some people will be wary of speaking against the media. I don't mind if my name appears in the paper as long as the report is factual. But an article by Mr. Jones in *Mid Week* doesn't have all of his facts right. First of all, he could ask his spouse and find out the facts.

"But this article reads, 'many utterances from Senator Anderson make me wonder if he is really just protecting his wife's job as a Bishop Estate/Kamehameha Schools' travel agent, knowing he's dead political meat that voters can smell from the distance.' Number one, my wife hasn't been with Bishop Estate/Kamehameha Schools for quite a while. Her departure was their fault because whenever they had something nasty to say about me, the media made negative inferences about her position with Bishop Estate. She was there to do a job, making much less than they do writing things that they know nothing about.

"And as far as me smelling like dead meat, ladies and gentlemen, as far as I know right now, there is no one running against me in this next election. So, Mr. Jones can go ahead and move to the district, if he wants to, or go and find someone to run against me, because that's what groups are doing right now.

"I'm tired of people thinking that everybody here is a crook and can be bought and is not going to go ahead and utter a word against them because we're afraid. And it's this kind of public junk that makes me absolutely disgusted with what's happening in the media. I said the other day the media has a code of ethics, and by God, they should live up to it.

"Thank you very much, Mr. President."

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

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

"Mr. President, earlier when I introduced my shadow, I talked about his distinguished family and some of his grandparents. Well, members, as of this Sunday we have a new grandfather among us. Reid and Hayley Mizuguchi gave birth to their son, Cody Rikio Mizuguchi, on Sunday. So, Grandpa Mizuguchi, congratulations on behalf of all of us."

The President responded:

"Thank you. Today, I feel a little older but much prouder. Thank you very much."

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

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

"I have received, as my colleagues have, the latest Legislative Auditor's Report, the 'Management Audit of the Highways Division of the State Department of Transportation.' And in that audit, Marion Higa found a number of very serious

problem areas which need addressing. This was an audit of the period for fiscal year 1997-1998 of the Highways Division which expends nearly \$270 million every year.

"The report concludes, 'We found the division failed to plan adequately for the construction and maintenance of state highways, increasing costs unnecessarily. . . . Inadequate planning also hinders the division's budgeting for highway construction. Contracts were based on inaccurate design and construction cost estimates and consequently, debt services incurred unnecessarily for excess revenue bond funds.' She continues, 'The Highways Division has not followed the basic standards of highway maintenance, planning and management of the American Association of State Highway and Transportation Officials.'

"She found that the division's lax financial management practices resulted in unnecessary costs to taxpayers. And she said, 'Although procurement code violations have been a serious and recurring problem for the department, the division continues to award contracts without ensuring adequate competition. Furthermore, the division ignored procurement record retention requirements which resulted in its inability to justify the selection of many of the design consultants in our sample. . . . In fact, division staff avoided the contract change order review and authorization process by inappropriately charging additional contract costs to temporary force accounts. The division also failed to adequately monitor utility work.'

"And the report goes on and on, Mr. President, and concludes: 'Moreover, we observed employees playing computer games, taking naps and reading novels during work hours.' Mr. President, I beseech you, don't they know that taking naps is in the purview of the State Senate, and they should not be interfering in our territory.

"Finally, the auditor reported, 'The director has ignored administrative directives for effecting organizational change and the governor's order to increase the division's span of supervisory control.'

"Waste, loss, unfixed and unsafe roads. Senator Sakamoto introduced his shadow Marcus, who wants to write a mystery novel. Well, Marcus, you can start here in the state. The mystery is, Why do we continue to employ and pay and raise the salaries of people who are both incompetent, violate the rules and break the laws? That's the real mystery.

"I was at the HSTA Convention this morning, and the teachers are very upset because they don't like the inference in the legislation we're trying to pass holding them accountable. And certainly, accountability is buzz word this year, but as I've said before, accountability should be for all of us -- including all of the appointed personnel, including the state Department of Transportation. So, if we're going to hold people accountable, then we shouldn't stop with the teachers. We should hold all public officials because, after all, it's not their money, it's the taxpayers' money.

"And so when we say we don't have money to end the fly problem at Maili School, or we can't provide this or that or textbooks for our children, we look around at the money that is wasted and we look around at all of these audit reports, and while we give glowing accommodations to our state auditor, the best thing that we can do, as I've said before, is to implement the reports and hold people accountable. There's no excuse for this.

"Thank you, Mr. Grandpa."

Senator Anderson rose again on a point of personal privilege and said:

"Mr. President, I'd like to do a personal privilege follow-up on what the Minority Floor Leader said.

"We recently wrote a letter to the governor because the Department of Transportation director said that there are six other locations already identified as potential for a disaster. We're going to have another Waimea if we don't fix these areas. We wrote the governor and asked him, over and above our state funds, could he check to see if there are federal funds to go ahead and take care of these areas before a disaster harms residents or visitors to our island state.

"Well, I read in the paper this morning (I believe it was this morning or Sunday) that the Department of Transportation will be widening the road from Kaneohe. This project will help the people at a cost of \$2.7 million. That means that they're not prioritizing properly. Also, on Keolu in Kailua they have already surveyed and started to cut the road. I think they are going to put a new pipe there.

"We have Makapuu that's falling. We have five other areas that they know about. We should be taking care of those sites now, Mr. President. And that's what the governor and the department should do is prioritize what has to be fixed to make sure that no one gets killed on the road because of falling rocks or a disaster like Waimea that no one really got killed but then after the fact they had to find a way to get the people from point A to point B. We should be working on those issues now and preventing them now.

"Thank you very much, Mr. President."

ADJOURNMENT

At 12:14 o'clock p.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 29, 2000.