

FORTY-NINTH DAY

Tuesday, April 11, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 10:11 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Daniel Senger, OFM, Co-Cathedral of Saint Theresa, after which the Roll was called showing all Senators present with the exception of Senators Buen and Bunda who were excused.

The President announced that he had read and approved the Journal of the Forty-Eighth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 290 and 291) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 290, informing the Senate that on April 6, 2000, he signed the following bills into law:

House Bill No. 1906 as Act 7, entitled: "RELATING TO LICENSING OF PSYCHOLOGISTS";

House Bill No. 2463 as Act 8, entitled: "RELATING TO ADVANCED PRACTICE REGISTERED NURSES RECOGNITION";

House Bill No. 2464 as Act 9, entitled: "RELATING TO THE DUTIES OF THE BOARD OF NURSING";

House Bill No. 2486 as Act 10, entitled: "RELATING TO CHIROPRACTIC LICENSURE REQUIREMENTS";

House Bill No. 2488 as Act 11, entitled: "RELATING TO RETURN OF PRESCRIPTION DRUGS";

House Bill No. 2563 as Act 12, entitled: "RELATING TO THE STATE FIRE COUNCIL";

House Bill No. 2761 as Act 13, entitled: "RELATING TO MOTOR VEHICLES";

Senate Bill No. 2885 as Act 14, entitled: "RELATING TO SANITATION"; and

Senate Bill No. 2906 as Act 15, entitled: "RELATING TO GARMENT INDUSTRY HOMEWORK,"

was placed on file.

Gov. Msg. No. 291, advising the Senate of the withdrawal of the nomination of MAUREEN SATURNIO to the State Planning Council on Developmental Disabilities, under Gov. Msg. No. 276, dated April 7, 2000, was placed on file.

In compliance with Gov. Msg. No. 291, the nomination listed under Gov. Msg. No. 276 was returned.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 449 to 455) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 449, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 303, H.D. 2 (S.D. 1);
H.B. No. 1873, H.D. 2 (S.D. 1);

H.B. No. 1955, H.D. 2 (S.D. 1);
H.B. No. 2062, H.D. 2 (S.D. 1);
H.B. No. 2066, H.D. 1 (S.D. 1);
H.B. No. 2432, H.D. 1 (S.D. 1); and
H.B. No. 2492, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 450, transmitting H.C.R. No. 16, which was adopted by the House of Representatives on April 7, 2000, was placed on file.

By unanimous consent, H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING FEDERAL EFFORTS TO COMBAT TRAFFICKING IN WOMEN AND CHILDREN," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 451, transmitting H.C.R. No. 46, which was adopted by the House of Representatives on April 7, 2000, was placed on file.

By unanimous consent, H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE UNITED STATES GOVERNMENT TO FREE THE WOMEN OF AFGHANISTAN FROM THE OPPRESSION OF THE TALIBAN REGIME," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

Hse. Com. No. 452, transmitting H.C.R. No. 47, which was adopted by the House of Representatives on April 7, 2000, was placed on file.

By unanimous consent, H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE WORLD HEALTH ORGANIZATION AND WARIS DIRIE TO END THE HARMFUL TRADITION OF FEMALE GENITAL MUTILATION," was referred to the Committee on Health and Human Services, then to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 453, transmitting H.C.R. No. 64, H.D. 1, which was adopted by the House of Representatives on April 7, 2000, was placed on file.

By unanimous consent, H.C.R. No. 64, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES NAVY TO RELOCATE FROM THE ISLAND OF VIEQUES, PUERTO RICO AND RETURN THE LAND TO THE MUNICIPALITY OF VIEQUES FOR CIVILIAN USES," was referred to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 454, transmitting H.C.R. No. 156, H.D. 1, which was adopted by the House of Representatives on April 7, 2000, was placed on file.

By unanimous consent, H.C.R. No. 156, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO COMMISSION A STUDY TO DETERMINE THE SECURITY OF THE 5(F) TRUST ASSETS IN LIGHT OF THE RICE V. CAYETANO U.S. SUPREME COURT RULING," was referred jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 455, transmitting H.C.R. No. 202, which was adopted by the House of Representatives on April 7, 2000, was placed on file.

By unanimous consent, H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OFFICE OF THE GOVERNOR TO DEVELOP AND AWARD CERTIFICATES OF RECOGNITION TO FAMILIES OF DECEASED ORGAN DONORS," was referred to the Committee on Health and Human Services.

STANDING COMMITTEE REPORTS

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3390) recommending that H.B. No. 2443, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3390 and H.B. No. 2443, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY DEVELOPMENT CORPORATION," was deferred until Thursday, April 13, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3391) recommending that H.B. No. 2555, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3391 and H.B. No. 2555, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION SPECIAL COMPENSATION FUND EXPENSES," was deferred until Thursday, April 13, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3392) recommending that H.B. No. 2568, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3392 and H.B. No. 2568, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," was deferred until Thursday, April 13, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3393) recommending that H.B. No. 2569, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3393 and H.B. No. 2569, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMERCIAL FISHERIES SPECIAL FUND," was deferred until Thursday, April 13, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3394) recommending that H.B. No. 2997 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3394 and H.B. No. 2997, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE LOANS," was deferred until Thursday, April 13, 2000.

Senator Kawamoto, jointly with Senator Inouye, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3395) recommending that S.C.R. No. 21 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES MILITARY TO USE HAWAII-GROWN COFFEE ON ALL MILITARY VESSELS," was adopted.

Senator Kawamoto, jointly with Senator Inouye, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3396) recommending that S.R. No. 8 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 8, entitled: "SENATE RESOLUTION URGING THE UNITED STATES MILITARY TO USE HAWAII-GROWN COFFEE ON ALL MILITARY VESSELS," was adopted.

Senators Kanno and Taniguchi, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 3397) recommending that S.C.R. No. 25, as amended in S.D. 1, be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 25, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF PROPOSED LEGISLATION FOR THE REGULATION OF CERTIFIED PUBLIC ACCOUNTANCY," was adopted.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3210 (Gov. Msg. No. 192):

Senator Hanabusa moved that Stand. Com. Rep. No. 3210 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of AUDREY HIDANO to the Hawaii Community Development Authority, term to expire June 30, 2003, seconded by Senator Tanaka.

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

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3211 (Gov. Msg. No. 238):

Senator Hanabusa moved that Stand. Com. Rep. No. 3211 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Kahoolawe Island Reserve Commission of the following:

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,

seconded by Senator Tanaka.

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

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3212 (Gov. Msg. No. 242):

Senator Hanabusa moved that Stand. Com. Rep. No. 3212 be received and placed on file, seconded by Senator Tanaka and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations of REGINALD E. DAVID, NEAL EVENHUIS, PH.D., and LLOYD L. LOOPE, PH.D., to the Natural Area Reserves System Commission, terms to expire June 30, 2004, seconded by Senator Tanaka.

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

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

**MATTERS DEFERRED FROM
FRIDAY, APRIL 7, 2000**

AGREE/DISAGREE

S.B. No. 2283, S.D. 1 (H.D. 1):

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2283, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2711, S.D. 1 (H.D. 1):

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2711, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2791 (H.D. 1):

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2791 and requested a conference on the subject matter thereof.

S.B. No. 2766, S.D. 1 (H.D. 1):

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2766, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2924, S.D. 1 (H.D. 1):

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2924, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 3038, S.D. 1 (H.D. 1):

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3038, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 3073, S.D. 2 (H.D. 1):

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3073, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 3129 (H.D. 2):

On motion by Senator Chun, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3129 and requested a conference on the subject matter thereof.

RECOMMITTAL OF A BILL

Stand. Com. Rep. No. 3356 (H.B. No. 2536, H.D. 1, S.D. 1):

By unanimous consent, Stand Com. Rep. No. 3356 and H.B. No. 2536, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD AND ADOLESCENT MENTAL HEALTH," were recommitted to the Committee on Ways and Means.

At 10:16 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:18 o'clock a.m.

THIRD READING

Stand. Com. Rep. No. 3198 (H.B. No. 286, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3198 was adopted and H.B. No. 286, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPEEDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2983, H.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2983, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 1912, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 1912, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2473, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2473, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2482, H.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2482, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL SHARE ACQUISITIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3221 (H.B. No. 1969, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3221 was adopted and H.B. No. 1969, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR THE ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3222 (H.B. No. 1994, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3222 was adopted and H.B. No. 1994, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3223 (H.B. No. 2793, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3223 was adopted and H.B. No. 2793, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3224 (H.B. No. 2801, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3224 was adopted and H.B. No. 2801, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3226 (H.B. No. 3014, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3226 was adopted and H.B. No. 3014, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3227 (H.B. No. 1874, H.D. 1, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3227 was adopted and H.B. No. 1874, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3228 (H.B. No. 1905, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3228 was adopted and H.B. No. 1905, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3229 (H.B. No. 2060, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3229 was adopted and H.B. No. 2060, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3230 (H.B. No. 2280, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3230 was adopted and H.B. No. 2280, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3231 (H.B. No. 2701, H.D. 3, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3231 was adopted and H.B. No. 2701, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3232 (H.B. No. 2505):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3232 was adopted and H.B. No. 2505, entitled: "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3233 (H.B. No. 2588, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3233 was adopted and H.B. No. 2588, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUDIT AND ACCOUNTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3234 (H.B. No. 1940, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3234 was adopted and H.B. No. 1940, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL LEGAL FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3236 (H.B. No. 2418, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3236 was adopted and H.B. No. 2418, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF IDENTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3237 (H.B. No. 2423, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3237 was adopted and H.B. No. 2423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS REPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3238 (H.B. No. 2646, H.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3238 was adopted and H.B. No. 2646, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO TRUSTS AND ESTATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3239 (H.B. No. 2653, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3239 was adopted and H.B. No. 2653, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3240 (H.B. No. 1909, H.D. 1, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3240 was adopted and H.B. No. 1909, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3242 (H.B. No. 2309, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3242 was adopted and H.B. No. 2309, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE IN NORTH KONA, HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3243 (H.B. No. 2573, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3243 was adopted and H.B. No. 2573, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL FUNDS OF THE LAND DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3244 (H.B. No. 2574, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3244 was adopted and H.B. No. 2574, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL LAND AND DEVELOPMENT FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3248 (H.B. No. 2468, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3248 was adopted and H.B. No. 2468, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3251 (H.B. No. 2188, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3251 was adopted and H.B. No. 2188, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3252 (H.B. No. 1387, H.D. 2):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 3252 was adopted and H.B. No. 1387, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2005, H.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2005, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVERSE MORTGAGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2278, H.D. 2, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2278, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3255 (H.B. No. 1761):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 3255 was adopted and H.B. No. 1761, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2216:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2216, entitled: "A BILL FOR AN ACT RELATING TO UNINSURED MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2479, H.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2479, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE EXPRESS WARRANTY ENFORCEMENT (LEMON LAW)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3258 (H.B. No. 2525, H.D. 2):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 3258 was adopted

and H.B. No. 2525, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3260 (H.B. No. 2846, H.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 3260 was adopted and H.B. No. 2846, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2480, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2480, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY PARTNERSHIPS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2481, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2481, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2483, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2483, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2017, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2017, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2585, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator D. Ige and carried, H.B. No. 2585, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ELECTRONIC TRANSACTIONS ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3266 (H.B. No. 2528, H.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3266 was adopted and H.B. No. 2528, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER,"

having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3267 (H.B. No. 1982):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3267 was adopted and H.B. No. 1982, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM DISCLAIMER OF PROPERTY INTERESTS ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3268 (H.B. No. 2148):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3268 was adopted and H.B. No. 2148, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE AND MOTOR SCOOTER INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3269 (H.B. No. 2474, H.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3269 was adopted and H.B. No. 2474, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3270 (H.B. No. 2349, H.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3270 was adopted and H.B. No. 2349, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3271 (H.B. No. 1757, H.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3271 was adopted and H.B. No. 1757, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3272 (H.B. No. 2469, H.D. 1, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3272 was adopted and H.B. No. 2469, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBPOENAS ISSUED BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3273 (H.B. No. 2129, H.D. 1, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3273 was

adopted and H.B. No. 2129, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWN BROKERS AND SECONDHAND DEALERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2586, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2586, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 92F, UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3275 (H.B. No. 2820, H.D. 1, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3275 was adopted and H.B. No. 2820, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3276 (H.B. No. 2506, H.D. 1, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3276 was adopted and H.B. No. 2506, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROSPECTIVE ADOPTIVE PARENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 1938, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 1938, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVISED UNIFORM COMMERCIAL CODE ARTICLE 9--SECURED TRANSACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 1773, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 1773, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR CARRIER LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2797, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2797, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2213, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2213, S.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO BINDING ARBITRATION AWARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2219, H.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2219, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2220:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2220, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2475, H.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2475, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3285 (H.B. No. 2727, H.D. 1, S.D. 2):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 3285 was adopted and H.B. No. 2727, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTERISLAND VEHICLE TRANSFERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2092, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Sakamoto and carried, H.B. No. 2092, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2095, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Sakamoto and carried, H.B. No. 2095, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2507:

On motion by Senator Chun Oakland, seconded by Senator Chumbley and carried, H.B. No. 2507, entitled: "A BILL FOR AN ACT RELATING TO THE PERMANENT PLAN HEARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 3018, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Kawamoto and carried, H.B. No. 3018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3290 (H.B. No. 536, H.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3290 was adopted and H.B. No. 536, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3291 (H.B. No. 2510):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3291 was adopted and H.B. No. 2510, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARD ALLOWANCES FOR STUDENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3292 (H.B. No. 2511, H.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3292 was adopted and H.B. No. 2511, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3294 (H.B. No. 2542, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3294 was adopted and H.B. No. 2542, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE'S MEDICAID HOME AND COMMUNITY BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED OR MENTALLY RETARDED PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3295 (H.B. No. 2524):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3295 was adopted and H.B. No. 2524, entitled: "A BILL FOR AN ACT RELATING TO PROPHYLACTICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3296 (H.B. No. 2405, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3296 was adopted and H.B. No. 2405, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout,

passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3297 (H.B. No. 2530, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3297 was adopted and H.B. No. 2530, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL PUBLIC NOTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3298 (H.B. No. 2895, H.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3298 was adopted and H.B. No. 2895, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3299 (H.B. No. 3021, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3299 was adopted and H.B. No. 3021, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3300 (H.B. No. 2289):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3300 was adopted and H.B. No. 2289, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3301 (H.B. No. 2519, H.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3301 was adopted and H.B. No. 2519, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FLEXIBLE SPENDING ACCOUNTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3302 (H.B. No. 2559, H.D. 1, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3302 was adopted and H.B. No. 2559, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII WORKFORCE DEVELOPMENT COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2584:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, H.B. No. 2584, entitled: "A BILL FOR AN ACT

RELATING TO THE FUEL TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3305 (H.B. No. 284, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3305 was adopted and H.B. No. 284, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3306 (H.B. No. 2262, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3306 was adopted and H.B. No. 2262, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF THE KOREANS TO HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2537, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Chun Oakland and carried, H.B. No. 2537, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE ADULT MENTAL HEALTH DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3309 (H.B. No. 755, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3309 was adopted and H.B. No. 755, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3310 (H.B. No. 2501, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3310 was adopted and H.B. No. 2501, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3311 (H.B. No. 2504):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3311 was adopted and H.B. No. 2504, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2158, H.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2158, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2471, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2471, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE GUARANTY ASSOCIATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3316 (H.B. No. 1457, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3316 was adopted and H.B. No. 1457, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3317 (H.B. No. 1762):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3317 was adopted and H.B. No. 1762, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 1491, H.D. 1, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 1491, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBPOENAS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 1764, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator D. Ige and carried, H.B. No. 1764, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE METROPOLITAN PLANNING ORGANIZATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3322 (H.B. No. 2615):

On motion by Senator Kawamoto, seconded by Senator D. Ige and carried, Stand. Com. Rep. No. 3322 was adopted and H.B. No. 2615, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS MATERIALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2297, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2297, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY OR HOUSEHOLD MEMBER ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3328 (H.B. No. 1983, H.D. 1, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3328 was adopted and H.B. No. 1983, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LAND COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2906, H.D. 1, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator D. Ige and carried, H.B. No. 2906, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3331 (H.B. No. 2521, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3331 was adopted and H.B. No. 2521, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH REQUIREMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3332 (H.B. No. 2624, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3332 was adopted and H.B. No. 2624, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3333 (H.B. No. 2760, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3333 was adopted and H.B. No. 2760, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLEGE SAVINGS PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3338 (H.B. No. 2354, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3338 was adopted and H.B. No. 2354, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2151, H.D. 1, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, H.B. No. 2151, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3346 (H.B. No. 2087, H.D. 2, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3346 was adopted and H.B. No. 2087, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3349 (H.B. No. 1846, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3349 was adopted and H.B. No. 1846, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE GOOD BEGINNINGS ALLIANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3350 (H.B. No. 2273, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3350 was adopted and H.B. No. 2273, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S TRUST FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3354 (H.B. No. 2514, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3354 was adopted and H.B. No. 2514, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3355 (H.B. No. 2534, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3355 was adopted and H.B. No. 2534, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3357 (H.B. No. 3016, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3357 was adopted and H.B. No. 3016, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE TO LOW-INCOME PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3364 (H.B. No. 1944, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3364 was adopted and H.B. No. 1944, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE COMPANY TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3372 (H.B. No. 2487, H.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3372 was adopted and H.B. No. 2487, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCING THE HAWAII HURRICANE RELIEF FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3373 (H.B. No. 1984, H.D. 1, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3373 was adopted and H.B. No. 1984, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3374 (H.B. No. 2410, H.D. 1, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3374 was adopted and H.B. No. 2410, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3376 (H.B. No. 2650, H.D. 1, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3376 was adopted and H.B. No. 2650, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3378 (H.B. No. 1949, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3378 was adopted and H.B. No. 1949, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALIEN AQUATIC ORGANISMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3379 (H.B. No. 2023, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3379 was adopted and H.B. No. 2023, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INFRASTRUCTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3381 (H.B. No. 2403):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3381 was adopted and H.B. No. 2403, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3382 (H.B. No. 2407, H.D. 1, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3382 was adopted and H.B. No. 2407, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3383 (H.B. No. 2570, H.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3383 was adopted and H.B. No. 2570, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOATING SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3385 (H.B. No. 2802, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3385 was adopted and H.B. No. 2802, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROCESSING ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3386 (H.B. No. 2996, H.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3386 was adopted and H.B. No. 2996, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

At 10:19 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:20 o'clock a.m.

THIRD READING

There being no objections, consideration of the following House bills was advanced for the purpose of considering floor amendments being offered:

Stand. Com. Rep. No. 3246 (H.B. No. 1883, H.D. 2, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3246 be received and placed on file, seconded by Senator Levin and carried.

Senator Fukunaga moved that H.B. No. 1883, H.D. 2, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 1) to H.B. No. 1883, H.D. 2, S.D.2:

SECTION 1. House Bill No. 1883, H.D. 2, S.D. 2, is amended by amending the definition of "qualified electric utility company" in section 2 to read as follows:

"Qualified electric utility company" means a distributor of electricity to customers in the State regulated by the public utilities commission that has sales of more than five hundred million kilowatt-hours of electricity per year."

Senator Fukunaga moved that the amendment be adopted, seconded by Senator Levin.

Senator Fukunaga noted:

"Mr. President, the amendment incorporates language that was previously voted upon in the Ways and Means Committee and was inadvertently dropped from the final committee report."

The motion to adopt Floor Amendment No. 1 was put by the Chair and carried.

By unanimous consent, H.B. No. 1883, H.D. 2, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY RESOURCES," was placed on the calendar for Third Reading on Thursday, April 13, 2000.

H.B. No. 2649, H.D. 1:

Senator Chumbley moved that H.B. No. 2649, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chumbley then offered the following amendment (Floor Amendment No. 2) to H.B. No. 2649, H.D. 1:

SECTION 1. H.B. No. 2649, H.D. 1, is amended by amending Section 2, page 3, lines 6 to 9, to read as follows:

"(c) Any person who knowingly submits for filing an invalid court order in support of a nonconsensual common law lien against a federal, state, or county officer or employee, shall be guilty of tampering with a government record under section 710-1017."

Senator Chumbley moved that the amendment be adopted, seconded by Senator Matsunaga.

Senator Chumbley explained:

"Mr. President and members, these are technical and nonsubstantive in nature and these amendments are basically for statutory construction purposes that was a drop out when we moved this measure."

The motion to adopt Floor Amendment No. 2 was put by the Chair and carried.

By unanimous consent, H.B. No. 2649, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," was placed on the calendar for Third Reading on Thursday, April 13, 2000.

H.B. No. 2024, H.D. 1, S.D. 1:

Senator Fukunaga moved that H.B. No. 2024, H.D. 1, S.D.1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 3) to H.B. No. 2024, H.D. 1, S.D.1:

SECTION 1. House Bill No. 2024, H.D. 1, S.D. 1, is amended by adding Parts II to V, consisting of sections 9 to 19 to read as follows:

"Part II

SECTION 9. Section 21F-1, Hawaii Revised Statutes, is amended to read as follows:

"~~[[§21F-1]]~~ **Purpose.** The legislature finds that most states have a separate fiscal policy office in the legislative branch that works effectively to provide the legislature with necessary revenue and expenditure data and analyses from which economic and fiscal policies are developed. In Hawaii, the legislature relies on the economic and fiscal analyses of the executive branch and private sector. The legislature believes that this dependency creates an inherent conflict of interest that precludes the legislature from operating independently.

Modern legislatures have become sophisticated data gatherers and analysts, on par with the executive and judiciary branches. Over the last five years, this shift has been accelerated through the development of professional, highly specialized legislative staff.

Since Hawaii's legislature meets for only four months of the year, it has come to rely heavily on the use of session-only legislative staff or employees on loan from the executive branch. In 1988, the state house and senate together employed 621 session staff members as compared to 151 permanent employees. Only New York, the state with the most legislative staff in the country, had more session staff than Hawaii.

The purpose of this chapter is to establish a [permanent legislative committee] legislative analyst's office under the office of the auditor for administrative purposes, to provide the legislature with information, facts, and analyses concerning fiscal, budgetary, and tax matters of the State. It is the legislature's intent that [the committee, with the assistance of] the office of the legislative analyst[,] shall perform independent, in-depth [analysis] analyses of the State's [budget,] agency budgets, revenues and expenditures, economic conditions, and tax policies."

SECTION 10. Section 21F-6, Hawaii Revised Statutes, is amended to read as follows:

~~[[§21F-6]]~~ **Office of the legislative analyst established.**

(a) There is established the office of the legislative analyst [to be administered by the committee. The committee shall appoint a legislative analyst who shall serve for a period of four years. The committee, by a three-fourths vote of its members, may remove the legislative analyst from office, but only for cause. The committee shall fix the salary of the legislative analyst.] under the office of the auditor for administrative purposes. The legislature, by a majority vote of each house in joint session, shall appoint the legislative analyst who shall serve for a period of six years and thereafter until a successor shall have been appointed. The legislature, by two-thirds vote of the members in joint session, may remove or suspend the legislative analyst from office, but only for neglect of duty, misconduct, or disability.

If the legislative analyst dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the first assistant to the legislative analyst shall become the acting legislative analyst until a new one is appointed.

The salary of the legislative analyst shall be \$85,302 a year. The salary of the legislative analyst shall not be diminished during the legislative analyst's term of office, unless by general law applying to all salaried officers of the State.

(b) The legislative analyst may employ other clerical and technical employees, including a first assistant, as may be necessary to carry out the functions of the office. The legislative analyst and other [clerical and technical] employees shall be entitled to participate in any employee benefit program plan or privilege generally available to state employees."

SECTION 11. Section 21F-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The purpose of the office of the legislative analyst shall be[.]:"

(1) [To provide] Provide the legislature with research and analysis of current and projected state revenues and expenditures;

(2) [To provide] Provide the legislature with a report analyzing the governor's proposed levels of revenue and expenditures for biennial budgets submitted under chapter 37 as well as other supplemental budget submittals to the legislature by the governor;

(3) [To provide] Provide an analysis of the impact of the governor's proposed revenue and expenditure plans for the next biennium;

(4) [To conduct] Conduct research on matters of economic and fiscal policy and to report to the legislature on the result of the research;

(5) [To provide] Provide economic reports and studies on the state of the State's economy, including trends and forecasts for consideration by the legislature;

(6) [To conduct] Conduct budget and tax studies and provide general fiscal and budgetary information;

(7) [To review] Review and make recommendations on the operation of state programs in order to appraise the implementation of state laws regarding the expenditure of funds and to recommend means of improving their efficiency; [and]

(8) [To recommend] Recommend to the legislature changes in the mix of revenue sources for programs, in the percentage of state expenditures devoted to major programs, and in the role of the legislature in overseeing state government expenditures and revenue projections[.]; and

(9) Prepare and distribute fiscal impact statements in accordance with section 21F-...

SECTION 12. Section 21F-2, Hawaii Revised Statutes, is amended by repealing the definition of "committee".

[""Committee" means the joint legislative budget committee."]

SECTION 13. Section 21F-3, Hawaii Revised Statutes, is repealed.

["§21F-3] **Joint legislative budget committee established; purpose.** The joint legislative budget committee is hereby established. The committee shall ascertain facts and make recommendations to the legislature and to the houses thereof concerning: the state budget; the revenues and expenditures of the State; the organization and functions of the State, its departments, subdivisions, and agencies; and other matters as may be provided for in the rules of the senate and the rules of the house. The committee shall have a continuing existence and may meet, act, and conduct its business at any place within this State, during the sessions of the legislature or any recess, and in the interim period between sessions."]

SECTION 14. Section 21F-4, Hawaii Revised Statutes, is repealed.

["§21F-4] **Selection of members; co-chairpersons; filling vacancies.** The committee shall consist of five members of the senate and five members of the house who shall be selected in the manner provided for in the rules of the senate and the rules of the house. The president of the senate and the speaker of the house shall select the members of the committee, including members of the majority leadership, members of the minority leadership, the chairperson of the senate ways and means committee, and the chairperson of the house finance committee. The chairperson of the senate ways and means committee and the chairperson of the house finance committee shall serve as co-chairpersons of the committee. Vacancies occurring in the membership of the committee shall be filled in the manner provided for in the rules of the senate and the rules of the house. A vacancy shall be deemed to exist as to any member of the committee whose term is expiring whenever the member is not reelected at the general election."]

SECTION 15. Section 21F-5, Hawaii Revised Statutes, is repealed.

["§21F-5] **Rules.** The committee is authorized to adopt rules governing its own proceedings and to create subcommittees from its membership and assign to the subcommittees any study, inquiry, investigation, or hearing that the committee itself has authority to undertake or hold."]

Part III

SECTION 16. Chapter 21F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§21F- Requirements for a fiscal impact statement. (a) Every legislative measure that would affect the receipt, expenditure, or allocation of state or local funds, either directly or indirectly, shall have attached to it prior to its consideration by any committee of either house of the legislature, a fiscal impact statement that includes a reliable estimate of the fiscal impact of the measure.

(b) The authors of a measure requiring a fiscal impact statement shall be responsible for obtaining the statement from the legislative analyst. The legislative analyst shall be responsible for obtaining, directly or through the agency best suited to furnish the information, such information as may be necessary to complete the fiscal impact statement. The agency furnishing the information to the legislative analyst shall do so within twenty-four hours. Thereafter, the legislative analyst shall prepare the fiscal impact statement and transmit it to the authors of the measure. The legislative analyst, for good and appropriate cause, may approve an extension of the time in which the information must be furnished; provided that if the agency fails to furnish the information to the legislative analyst within the original or extended time period, the legislative analyst shall nevertheless proceed with the preparation of the fiscal impact statement, noting on the statement itself that the agency failed to furnish the requested information within the statutory time period.

(c) The following provisions shall govern the preparation and distribution of fiscal impact statements, unless otherwise provided by law:

(1) Fiscal impact statement forms shall consist of two parts, a work sheet and a fiscal effect form, and shall be prepared and distributed by the legislative analyst;

(2) The fiscal effect form shall be factual, brief, and concise, and shall provide an estimate in dollars of the immediate and long-range fiscal effect of the measure. If no dollar estimate is possible, the fiscal impact statement shall set forth the reasons therefor. The fiscal impact statement shall not contain any references to the merits of the measure;

(3) The work sheet shall include a breakdown of:

(A) The costs that the measure is expected to cause, such as personnel, materials, supplies, and capital outlay;

(B) The effect of the expenditure, allocation, or receipt of funds;

(C) Such other information as may be required by rules adopted by the legislative analyst; and

(D) Such other pertinent information as the legislative analyst may deem appropriate;

(4) The fiscal impact statement shall be prepared in quintuplicate;

(5) The name of the agency furnishing the information required shall appear at the end of the fiscal impact statement, and the original of the work sheet and the fiscal effect form shall be signed by the head of the agency or by the head's designee; and

(6) Taking into consideration the fiscal impact statement prepared by the agency and all other appropriate information, the legislative analyst shall prepare a fiscal impact statement in the same manner provided in this subsection and shall transmit it in quintuplicate to the authors as provided in subsection (b). The fiscal impact statement prepared by the agency shall be preserved by the legislative analyst and a copy thereof shall be transmitted to the authors or any other person upon request.

(d) Whenever any committee of either house reports any measure with any amendment that alters the fiscal effect of the measure, there shall be attached to the amendment a fiscal impact statement delineating the fiscal effect of the change proposed by the amendment. This subsection shall apply equally to floor amendments that alter the fiscal effect of the measure.

(e) The legislative analyst may adopt rules in accordance with chapter 91 to carry out the purposes of this section.

(f) Agencies involved in the preparation of the required information for a fiscal impact statement shall keep in strict confidence the subject matter of the proposed measure and the information contained in the fiscal note prior to the filing or pre-filing of the measure with the clerk's office of each respective house, except that the authors of the measure shall be furnished a copy of the fiscal impact statement.

(g) A fiscal impact statement shall not be required for the general appropriations bill, any bill that appropriates a specific amount, or any measure affecting state funds for retirement purposes.

(h) Notwithstanding subsection (g), a fiscal impact statement shall be required for any measure concerning any program that is wholly or partially funded by federal moneys, and that involves an expenditure of state funds or any legislative appropriation of funds. The fiscal impact statement shall reflect the immediate and long-range fiscal effect of the program on the State, and shall include the following information:

- (1) The length of time federal funds are to be provided; and
- (2) The probable amount of state funds required to continue the program.

The fiscal impact statement shall comply with all rules applicable to, and contain the same kind of information contained in, other fiscal impact statements."

Part IV

SECTION 17. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary for fiscal year 2000-2001, to fund the office of the legislative analyst.

SECTION 18. The sum appropriated shall be expended by the legislature for the purposes of this Act.

Part V

SECTION 19. Statutory material to be repealed is bracketed. New statutory material is underscored."

Senator Fukunaga moved that the amendment be adopted, seconded by Senator Levin.

Senator Fukunaga then said:

"Mr. President, the contents of S.B. No. 2544, which are being proposed for Floor Amendment No. 3, were inadvertently dropped out. We learned only yesterday that the House had heard, but did not report out, this bill."

The motion to adopt Floor Amendment No. 3 was put by the Chair and carried.

By unanimous consent, H.B. No. 2024, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE LEGISLATIVE AGENCIES," was placed on the calendar for Third Reading on Thursday, April 13, 2000.

THIRD READING

Stand. Com. Rep. No. 3199 (H.B. No. 1759, H.D. 2, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3199 be adopted and H.B. No. 1759, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to support the measure with reservations and said:

"Mr. President, I rise to speak in favor of the bill with reservations.

"This is the bill that has to do with the photo red light imaging and removes the requirement that a police officer actually issue a citation. I had spoken against this bill several years ago. We enacted a law in 1998, and in the 1998 law we

had a provision that the officer shall make reasonable efforts to be seen.

"In this current version in H.B. No. 1759, S.D. 2, Section 2 deletes entirely the language that the officer shall make reasonable efforts to be seen. I think that because the money raised goes to the traffic enforcement as well as the administration and a new fund is being created, I have concerns about that, so I will support it with reservations.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3199 was adopted and H.B. No. 1759, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3214 (H.B. No. 1947, H.D. 2, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3214 be adopted and H.B. No. 1947, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tanaka.

Senator Anderson rose in favor of the measure with reservations as follows:

"Mr. President, I want to speak on behalf of the bill with reservations.

"My reservations are that I'm still not sure, and there are many people, as to how this is going to impact on our local fisheries. We originally thought that from zero to three miles was perfect and any shark finning outside of the territorial waters would not impact on our own fisheries. There are people from DLNR who stated it would impact on our fisheries. So I do have some reservations and I'm continually calling people to find out why DLNR is looking at it one way and others in another.

"Thank you."

Senators Slom, Tanaka and Iwase requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3214 was adopted and H.B. No. 1947, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FISHERIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 750, H.D. 1, S.D. 1:

Senator Hanabusa moved that H.B. No. 750, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tanaka.

Senator Slom rose in favor of the measure with reservations as follows:

"Mr. President, I rise to speak in favor of the bill with reservations.

"The bill calls for selecting a color and a flower for each county in this state. And the Senate Minority Research Office has done extensive research in the area here which has become very important to us. As you know, last year we adopted hula as the official dance and surfing as the official individual sport. And I note from the research office, that we have an official

language, an official popular name, an official tree, official motto, official song, official marine animal -- but somehow, Mr. President, there must have been a mistake because there is no land animal; perhaps the mongoose did not lobby stringently enough -- team sport, individual sport, gem, flower, bird, dance. We also don't have an insect or a state lobbyist mentioned in any of our laws.

"I also note that there are two separate resolutions, one that would establish a state tropical fruit, and another resolution that would establish a state tropical fruit juice. Aside from the issue that this possibly should be a matter of individual taste or a matter of county home rule, I think that we may be spending an inordinate amount of time putting these things into statute rather than resolution. So I'll vote with reservations.

"Thank you."

The motion was put by the Chair and carried, H.B. No. 750, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ISLAND SYMBOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3219 (H.B. No. 1946, H.D. 2, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3219 be adopted and H.B. No. 1946, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

Senator Tam rose to speak with reservations on the measure and said:

"Mr. President, I have reservations on the question of being cost effective. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3219 was adopted and H.B. No. 1946, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3220 (H.B. No. 1956, H.D. 1, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3220 be adopted and H.B. No. 1956, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak with reservations on the measure and stated:

"Mr. President, I rise to speak in favor of the bill with reservations.

"As you know, we have supported this measure for a number of years now to provide the implementation of the small business regulatory flexibility reform act and to make sure that all parts of the act were in fact implemented. We have not had the appointment of a small business defender. We've argued back and forth as to where that small business defender should be placed, and we're still arguing about who should appoint the defender.

"This was a legislative prerogative to establish this position in the first place, and this bill now would give yet another power of appointment to the governor. I like everything about

the bill except that the Legislature has given its power over once again to the governor. So I'll speak with reservations.

"Thank you."

Senator Anderson then rose and said:

"With all of those concerns, I'll go W/R also, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3220 was adopted and H.B. No. 1956, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3225 (H.B. No. 2955, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3225 be adopted and H.B. No. 2955, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Anderson rose to speak with reservations on the measure and stated:

"Mr. President, I have some reservations.

"We did have or we do have a bill that incorporates, I thought, everything on new economy skills, including training and the whole bit. I didn't know why we still needed to have the individual bills, but I'm not sure if eventually we're going to incorporate all of them into the one bill or just how we're going to work it. For that reason, I did have some reservations.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3225 was adopted and H.B. No. 2955, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW ECONOMY SKILLS TRAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3235 (H.B. No. 2160, H.D. 2, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3235 be adopted and H.B. No. 2160, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Chun rose to support the measure with reservations and said:

"Mr. President, I stand in support of the bill with reservations.

"Mr. President, I understand and appreciate the concerns raised by the authors of this bill regarding the need to educate the people of Hawaii about brain injury and its proper treatment. I think those are laudable goals. However, Mr. President, I am concerned about a provision in the bill which specifically authorizes the disbursement of available funds from the trust fund for the purpose of providing care and rehabilitative services to the residents of the state who have survived a traumatic brain or spinal cord injury.

"Payments from the fund for those kind of treatments should be handled by the appropriate doctors, hospitals, or medical plans, and not by the state. And I feel by authorizing this trust fund and authorizing the payments for these services brings us

onto the dangerous road of being the ultimate insurer for every citizen of this state.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3235 was adopted and H.B. No. 2160, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRAUMATIC BRAIN INJURY TRUST FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3241 (H.B. No. 1939, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3241 be adopted and H.B. No. 1939, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in favor of the measure with reservations as follows:

"Mr. President, I rise to speak in favor of the bill with reservations.

"The bill would allow the Kahoolawe Island Reserve Commission to hire outside attorneys, outside of the Attorney General's Office, and this has been a disturbing trend. I've spoken about this for a number of years now, the fact that we continue to hire additional attorneys.

"The rationale given is that the specialization, technical nature and legal expertise required in the matters for the cleanup and transfer of Kahoolawe are not within the realm of the Attorney General's Office. With more than 160 deputy attorney generals and a burgeoning budget, I would suggest that either we have the people now or we should get the people that have that expertise, because we see in other bills that more and more departments are coming in and asking for outside legal expertise and legal cost. It is a greater cost and burden to the taxpayers.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3241 was adopted and H.B. No. 1939, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KAHOOLOWE ISLAND RESERVE COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3245 (H.B. No. 101, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3245 be adopted and H.B. No. 101, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Chun rose to speak against the measure and said:

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

"Mr. President, even though I agree with the laudable goal of this bill to help a person out, I must stand by my initial oath of office of upholding the Constitution. In the State Constitution, Article 1, Section 21, specifically states: 'The power of the state to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.'

"Mr. President, other states which have this provision have specifically held that the granting of laws, the making of laws to help one person or a limited number of persons is a violation of this constitutional provision. In other words, we cannot do

laws to help just one person; we do laws to help the general welfare of all the people.

"Mr. President, even though I agree with the need to help these people -- people such as Miss Kim who has fallen through the cracks of the system -- we are not going about it in the right way. If we want to help people, we should include all people who have fallen through the cracks who have not been informed of their rights to buy back their credits.

"As I stated in the Ways and Means Committee, I know of two people on my island who have fallen through the cracks because they were not adequately informed of their right to buy back retirement credits. Now, what are you going to do with them? I've heard it said, well, it's fair for her to do that. Yes, that's true, it's fair for her, but what about the other people who are in similar situations who are not given this kind of special privilege or right. Is it fair to them?

"Mr. President, I believe we should act for the good of all people. And if we really want to help all people who have fallen through the cracks, we would do a law to say that all people who have not been fully informed of their right to buy back retirement credits should be given a period to do so right now, rather than just identify one person.

"So Mr. President, as a matter of principle, I must stand in opposition to this bill."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3245 was adopted and H.B. No. 101, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUYBACK OF EMPLOYEES' RETIREMENT SYSTEM MEMBERSHIP SERVICE CREDIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Chun). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3247 (H.B. No. 1884, H.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3247 be adopted and H.B. No. 1884, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

At 10:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:39 o'clock a.m.

Senator Slom rose and said:

"Mr. President, I speak for the bill with reservations. That's all, just reservations."

Senators Anderson and Iwase then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3247 was adopted and H.B. No. 1884, H.D. 2, 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, 22. Noes, none. Excused, 3 (Buen, Bunda, D. Ige).

Stand. Com. Rep. No. 3249 (H.B. No. 2314, H.D. 1, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3249 be adopted and H.B. No. 2314, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Sakamoto rose for a conflict ruling as follows:

"Mr. President, I request a ruling on a potential conflict of interest.

"My company, Mr. President, furnishes and installs hurricane and security shutters and wind resistive devices."

The Chair ruled that Senator Sakamoto was not in conflict.

Senator Chun rose to speak in support of the measure as follows:

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

"Originally in the Ways and Means Committee, I voted against this bill. However, after discussing this matter with the chair and the entire idea and plan of the committee, I believe it's a good step in alleviating some of the concerns of the cost of hurricane damage in the event a major disaster strikes the islands. I believe this is a good method and a good beginning to address those costs.

"I support this measure wholeheartedly, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3249 was adopted and H.B. No. 2314, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3250 (H.B. No. 2218, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3250 be adopted and H.B. No. 2218, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to oppose the measure and stated:

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

"We've done a great deal for the captive insurance industry in the last couple of years and I certainly support it. I think we've got a lot of opportunities here. But in so doing, we're also doing a great deal for the insurance commissioner's office. We're providing more staff, more money, more functions, rather than insurance regulations. And this bill provides that the insurance commissioner shall be responsible for promoting the captive insurance industry -- a job which I think the industry is fully capable of doing themselves. It takes up to 10 percent of the fund, the revenues that are deposited by the insurance companies for that purpose.

"I don't know about any future insurance commissioners but I don't know about the marketing and promotional abilities of the current insurance commissioner and I don't want him or her to be overburdened. So I don't think this is a good precedent, and I don't think it's necessary, so I'll vote 'No.'

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3250 was adopted and H.B. No. 2218, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3259 (H.B. No. 2425, H.D. 1, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 3259 be adopted and H.B. No. 2425, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Chun rose in support of the measure as follows:

"Mr. President, I stand in support of the bill.

"Mr. President, I support the intent of this bill, which is basically to require that all condominium property regimes comply with underlying county zoning. Mr. President, it's also my understanding that the bill requires that CPRs comply with all applicable development codes and requirements of the counties. It is my understanding, Mr. President, that none of the counties, including the City and County of Honolulu, have currently adopted any such development standards for CPRs, and that if they wish to avail themselves of this authority, they would have to adopt new or additional development standards for CPRs specifically.

"Mr. President, my view, after reading this bill and also in discussing it with the chairmen, is that until the counties decide to avail themselves of this authority and to develop new developmental standards or rules and regulations, the existing rules and regulations and ordinances of the counties will continue to be in place and that CPRs will not be stopped to allow time for the counties to develop these new standards and ordinances. In other words, business will continue to go on unless the counties decide to adopt new rules and regulations.

"So I support this bill and I believe this is a good step forward. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3259 was adopted and H.B. No. 2425, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

H.B. No. 2484, S.D. 1:

Senator Kanno moved that H.B. No. 2484, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Slom rose to support the measure with reservations and said:

"Mr. President, I rise to speak in favor of the bill with reservations.

"The bill seeks to update the Hawaii Business Corporation Act with amendments from a national model act. And while I generally support the efforts of the DCCA and particularly the Business Registration Division, in terms of streamlining and making it easier to do business here, a number of questions arose during the Commerce and Consumer Protection hearing about this particular bill.

"This particular bill is 221 pages. I don't know how many of my colleagues have read it all the way through. The only testimony we had was from lawyers, and of course that's not necessarily a bad thing -- well it could be, but not necessarily. But there were a number of questions and issues that were raised and I think we need a little more time to look into this because some of the questions have to do with if we are adopting this model legislation to make it easier to do business in Hawaii, in fact will a number of the laws that are registering and licensing Hawaii businesses actually be in effect? So for these reasons I'll go with reservations.

"Thank you."

The motion was put by the Chair and carried, H.B. No. 2484, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3293 (H.B. No. 2512):

Senator Fukunaga moved that Stand. Com. Rep. No. 3293 be adopted and H.B. No. 2512, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak in opposition as follows:

"Mr. President, I'm going to speak in opposition to this bill.

"The present law allows reduction in benefits and encourages the reform of welfare. What this bill seeks to do is to again continue Hawaii as being the only state that's dragging its feet on federal and state welfare reform by allowing Human Services to increase financial assistance payments. Every time we increase financial assistance payments, we do two things -- we put a greater burden on the taxpayers, and we make it more unlikely that people are willing or able to get off financial assistance because it becomes so much more attractive. So I'll vote in the negative.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3293 was adopted and H.B. No. 2512, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL ASSISTANCE PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3303 (H.B. No. 2984, H.D. 2, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3303 be adopted and H.B. No. 2984, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to oppose the measure and stated:

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

"We've had a great deal of debate in the last couple of years on this bill and a number of changes. We are now on Senate Draft 2 of this measure to increase the minimum wage.

"Businesses have testified that the minimum wage in fact would be a burden to them. We have not seen any signs that the economy, generally speaking, for those that are not getting special subsidies or tax exemptions, has really turned around. And particularly those in the restaurant and entertainment business would suffer the most.

"The bill itself seeks to increase both the minimum wage and the tip credit given to restaurant employees from a massive 20 cents to 22 cents. The restaurant industry has said that they would support an increase in minimum wage if the tip credit went up to 50 percent of the minimum wage rate. I understand it's going into Conference and so forth, but no less an authority than Mr. Alan Greenspan has testified nationally that any increase in the minimum wage is inflationary.

"We also, of course, are waiting to see what the Congress is going to do, and I think for these and other reasons our action here is premature.

"Thank you, Mr. President."

Senator Sakamoto rose in opposition to the measure as follows:

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

"Mr. President over the past few years our communities, businesses, and government have cut back, streamlined, done without, and done more with less, in order to jump-start this economy.

"The budget committee report speaks of having made the hard decisions to help turn the economy around and how we have 'provided the impetus to support moving the State's economy in an upward trajectory.' It identifies economic indicators, that while not stellar, show positive growth. However, your Committee states, that they remain 'cautiously optimistic.'

"The businesses, which are the engine of our economy, were near dead. We may have jump-started our economic engine, but Mr. President, consider the small businesses as cars with batteries that are dead or faltering. I remember, and some of you may remember (maybe not you young ones), but some of us remember having to get out of the car, be it our friend's or family car, and push. And if there was only one of you, Mr. President, you'd open the door, put your hand on the wheel and attempt to push. And that's not an easy challenge. Many times you'd have friends. Maybe you, Mr. President, three or four friends -- okay, everybody push. Sometimes, my friend jumps in the car a little early and the others are still pushing.

"So, Mr. President, although we have some positive indicators, many of our small businesses are still pushing. So it's premature, premature, Mr. President. It's premature, as the car moves uphill, to stop pushing too soon, to overload it with additional costs or regulations like minimum wages and renewable resource requirements. The engine, even if started, may falter, and the car may start rolling back down the hill.

"This is not the time to start loading baggage into the trunk; its not time for everyone to jump into the car; its not even time to stop pushing the car. We need to make sure our economic engine is working. We need to make sure we have the momentum to climb the hill. This is not just any engine. This engine is central to the operation of our state, our communities, and will have every family in it, Mr. President, if we can keep it running.

"Thank you."

Senator Inouye then rose and said:

"Mr. President, register a 'no' vote for me please."

The Chair so ordered.

Senator M. Ige rose to speak against the measure as follows:

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

"Mr. President, my concern is the tip credit. In our subject matter committee hearings, we included the cents. I believe it was 22. And now, I think in Ways and Means we changed it to a percentage. The concern I have is, Mr. President, by changing it to a percentage, you don't have a floor anymore. And it's possible that when you do change it to a percentage, our hard working people may be able to get below minimum wage, and I have a deep concern about that.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3303 was adopted and H.B. No. 2984, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM WAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 7 (Anderson, D. Ige, M. Ige, Inouye, Sakamoto, Slom, Tanaka). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3307 (H.B. No. 2409, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3307 be adopted and H.B. No. 2409, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak against the measure and said:

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

"I have several problems with this bill. One, of course, again we continue to call it an emergency appropriation. It's not an emergency. It was something that was created by the non-accountability of DAGS. DAGS went out and hired a consultant. The consultant did, apparently, shoddy or erroneous work which resulted in overpayment to the federal government and a subsequent charge of \$800,000 to the department.

"At the hearing I brought up the issue of requiring DAGS to go after the consultant. Nobody even thought about that. They hadn't discussed that before. They are so used to, as other agencies, coming to the Legislature and asking for the taxpayers to pay for any mistake. We're talking about accountability this session. We want to hold the teachers accountable and I'm saying that we've got to hold everybody accountable. I would like to see, instead of us appropriating money at this time, that we allow the Department of Accounting and General Services to pursue the consultant, to get the money back from them, since in fact it was their contract that resulted in that shortfall and not be a burden to the taxpayers.

"In addition to that, I noticed that there are two things: there's nothing in the bill that says that there should be repayment to the general fund if the consultant makes amends; secondly, there is no appropriation directly. And I don't think that it should be necessary to have legislation to require departments to pursue contractors or anyone else if work is not completed the way it's supposed to have been completed. That's accountability, Mr. President.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3307 was adopted and H.B. No. 2409, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, INFORMATION AND COMMUNICATION SERVICES DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Buen, Bunda).

At 10:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:00 o'clock a.m.

Stand. Com. Rep. No. 3312 (H.B. No. 2576, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3312 be adopted and H.B. No. 2576, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in opposition to the measure as follows:

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

"Being consistent, this creates a water resource management special fund within DLNR and I oppose all special funds. It's interesting that the committee report says that 'the purpose of the legislation is to create a fund that will assure continued

funding not jeopardized by budgetary cutback,' and yet as we've seen before, we see that we are constantly raiding and skimming special funds as we will see in a bill later on today. So I'm voting 'no' on this bill.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3312 was adopted and H.B. No. 2576, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WATER RESOURCE MANAGEMENT FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3315 (H.B. No. 2476, H.D. 1, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 3315 be adopted and H.B. No. 2476, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

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

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

"Currently, the law allows the insured employers to select a physician to do an independent medical examination when there are disagreements about the current diagnosis and treatment.

"This measure mandates that if the parties do not agree on the selection of this physician, then they must select from a list maintained by the Department of Labor and they can only be paid a maximum of \$400.

"Mr. President, there was overwhelming testimony in opposition to both of these recommendations -- the list and the \$400. In discussions with the Director of Worker's Compensation, it became clear that essentially the state would be picking the insurer's, the employer's, or possibly your, Mr. President, witness. And that is what this physician would be when the case is contested.

"Additionally, the entire list of physicians is limited by the monetary cap. Currently, the worker's comp law allows up to \$200 dollars an hour for an Independent Medical Examination. The examination includes review of existing records -- and sometimes very extensive records -- all previous treatment, which could be volumes, and an examination of the patient. It is foolhardy to mandate that this review should be done in 2 hours. It may save a little money, but the purpose of the examination is to determine the appropriate diagnosis and treatment for the patient.

"This mandate is not fair to either party. This law may apply to auto insurance, but the worker's comp law and auto insurance, in this regard, are parallel laws. This mandate would remove the basic rights of the insurer and the party covered, be it an employer or individual, to select their own expert. It makes unreasonable demands on physicians and ultimately may jeopardize the health and care of the patient.

"So, Mr. President, if we were in court and you were accused of something and you had to have your defense council, he would like to choose his own witnesses in your defense. This law would allow that if the the plaintiff doesn't agree with your defense attorney on who the witness could be, this law would mandate that the witness would be selected from a pool and be paid \$400 maximum. I don't think, Mr. President, anybody's defense should be allowed to be shackled by a cap and by

selecting out of a pool that your own attorney couldn't select the best defense for you, Mr. President.

"So I ask others to vote in opposition to this measure. It's not going to help the injured party. It's not going to help anybody."

Senator Slom rose to oppose the measure and stated:

"Mr. President, the good Senator from Moanalua was so convincing, that after we pushed his car, he's convinced me to vote 'no' on this bill as well.

"A couple of other things. Certainly, the bill is supported by attorneys who would never want their fees capped or limited in any way, and as the Senator from Moanalua said, this really is an issue of choice -- of being able to choose the best possible defense or the best possible information.

"We learned a couple of years ago that it was possible to reduce rates for workers' compensation insurance by forcibly reducing the amounts in the medical fee schedule. And while we did save money in doing that, at the same time we did two things additionally. One was to make it much more difficult for people that have workers' comp injuries to actually go to some of the practitioners, because with the medical fee schedule reduced, it did not pay them. They couldn't even pay their office expenses to do that. The second thing is that we actually reduced the number of practitioners that were willing to take workers' compensation cases at all.

"If we in fact put yet another arbitrary limit here in terms of the IMEs -- which can be challenged, by the way, by the parties in any discovery situation -- if we limit it further, we are going to find it will be even more difficult to get IMEs, particularly in the State of Hawaii. So I vote 'no' also.

"Thank you."

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

Senator Kanno rose to support the measure and stated:

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

"Mr. President and colleagues, the measure is truly a work in progress. At the hearing, a concern was brought up that some IMEs cost in the range of \$3,000 and the insurance commissioner testified that he felt that an appropriate figure was \$400. He has also indicated that there needs to be continued discussion with a number of items in the bill.

"A number of the proponents have also indicated that in specific situations such as psychiatric cases, where the amount of records are quite numerous and lengthy, there may need to be certain kinds of allowances for higher fees when it requires a doctor to spend an inordinate amount of time on the case.

"So I'd like to reassure members that we'll continue to look at these issues and that it truly is a work in progress. We have received a number of communications from interested parties, and I just ask the members that we keep in touch as we go through Conference on this issue.

"Thank you."

Senators D. Ige, Anderson, Matsuura, Iwase, Chun and Matsunaga then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3315 was adopted and H.B. No. 2476, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Sakamoto, Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3320 (H.B. No. 2582, H.D. 1, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3320 was adopted and H.B. No. 2582, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3324 (H.B. No. 2774, S.D. 1):

Senator Chumbley moved that Stand. Com. Rep. No. 3324 be adopted and H.B. No. 2774, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Sakamoto rose in favor of the measure with reservations and said:

"Mr. President, I rise in support of this measure with reservations.

"The purpose of this measure is to recognize the right of mothers to breast feed their children in places of public accommodations, such as stores, parks, and restaurants. I believe that Hawaii's laws should support mothers who choose to breast feed their children.

"However, my concern is that because this measure falls under the Civil Rights Law, many businesses may suffer severely if charged with civil rights discrimination. Despite good intentions, businesses will have to face questions of whether asking a breast feeding mother to move from a busy aisle to a quiet corner is a reasonable request or unlawful discrimination. No matter what their intentions, this measure will create fear in any employee or employer who may ask a breast feeding mother to move.

"The health benefits of breast feeding are widely acknowledged, and I believe that Hawaii's mothers should not be unreasonably hindered in meeting the needs of their hungry infants when in a public place. However, I would also like to alleviate businesses' fear of civil rights discrimination charges. We can accomplish this by placing this measure in a different section of the law, as other states have chosen to do.

"Currently, the Discrimination in Public Accommodations section of the law prohibits discrimination on the basis of race, sex, color, religion, ancestry, or disability. The law references fundamental classifications. No other specific rights or actions are enumerated in that section, and I do not believe they should be.

"Thank you, Mr. President."

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

Senator Chun rose to support the measure with reservations and said:

"Mr. President, I rise in support of this bill with reservations.

"Mr. President, I agree with the intent of this bill. I think it is a very good bill. However, like the Honorable Senator from Moanalua, I believe the vehicle is the wrong vehicle and we should not be placing this in the civil rights statute.

"I agree with a lot of what has been said -- that the best meal is a breast meal -- by the authors of the bill. However, in civil

rights, basically, issues of choice are raised. In other words, discrimination in public places is meant to emphasize that in a lot of situations -- for example, race, national origin, sexual orientation -- the allegation has been that people don't have any choice in their race, or their sex, or their national origin. However, that category does not easily fit into breast feeding because there is a choice by the mother as to when, where and how to feed an infant.

"I applaud the mother for breast feeding her child. I agree with the statement in the bill which says the best meal is a breast meal. In fact, my wife is breast feeding our daughter right now. I feel that breast feeding does have a good benefit for the child, but I don't believe that we should put this in a constitutional provision. I believe we should set up a separate statute somewhere which addresses situations as a matter of public policy we should support, not a matter of discrimination.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3324 was adopted and H.B. No. 2774, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN PUBLIC PLACES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3325 (H.B. No. 1933, H.D. 1, S.D. 2):

Senator Chumbley moved that Stand. Com. Rep. No. 3325 be adopted and H.B. No. 1933, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose in favor of the measure with reservations as follows:

"Mr. President, I rise to speak in favor of the bill with reservations.

"We've had laws on the books for a number of years and we've also had a problem with unlicensed contractors. The problem is we don't seem to be able to enforce the laws that we have, so we continue to try to have additional laws.

"A couple of things, I think, should be made clear. The fact that a person has a license, whether we're talking about a contractor, a doctor, or lawyer or anyone else, does not in and of itself insure the quality, honesty, integrity or delivery of services, just like the lack of a license does not.

"What we're talking about is an economic issue here where licensed contractors who have to pay their taxes, who have to pay workers' compensation, who have to pay all of the costs are suffering at the hands of those people that are doing jobs and not paying all of those costs, as well. But as I say, we've had laws on the books; we just have not been able to enforce them.

"Now, we're stepping this up and we're adding to the mix the possibility of forfeiture -- forfeiture of tools, of vehicles, of everything that has to do with the person's possible trade. We're seeing that we still have a problem with unemployment. We still see that we have a lot of people, particularly unionized carpenters and others, that no longer have jobs. They have union contracts but they have no jobs with those contracts. They are going into the business of repair. And I think that the possibility for mischief, with the forfeiture situation here, leads me to list my reservations. It's the same problem that we have in terms of forfeiture with drug use. The intent is very clear. The intent is good, but we've seen some very unfortunate situations where third parties have been injured.

"And in this case here, if the person is charged with being an unlicensed contractor, a second offense, and is subject to forfeiture, he or she will lose those tools first and then will have to appeal to try to get them back. In the meantime, that person is not taking care of his family or paying taxes or doing anything else, as well.

"So I would just caution that any time we're talking about forfeiture, it's a very serious step, and I think that there needs to be more safeguards than are in this bill at present.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3325 was adopted and H.B. No. 1933, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNLICENSED CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Buen, Bunda, Fukunaga).

H.B. No. 1925, S.D. 1:

Senator Chumbley moved that H.B. No. 1925, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Tam rose to speak with reservations on the measure and said:

"Mr. President, please register my vote with reservations.

"I have several reasons, one is the bill requires electronic recording of candidates who run for the House of Representatives or the Senate. Two, there are those who want to become State of Hawaii candidates but do not have the funds to buy a computer. This may sound ironic at this time, but who would think of anybody being without a computer? However, there are many in the community who do not have this technology.

"I was asked if I have the technology at home. For your information, I have two computers at home. I have an eight year old son who's very knowledgeable about computers and uses it, but that's beside the point.

"There are many college students who do not have computers and rent Kinko's computers on an hourly basis. That's a good example of those without computers in Hawaii.

"Thank you."

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

The motion was put by the Chair and carried, H.B. No. 1925, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3327 (H.B. No. 1836):

Senator Chumbley moved that Stand. Com. Rep. No. 3327 be adopted and H.B. No. 1836, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Sakamoto rose to speak in opposition as follows:

"Mr. President, I rise in opposition to the measure on two points. As I have stated before, the title of this bill is so narrow that it prevents this legislative body from fully hearing,

debating, and resolving the apparent problems posed in Section 327-13(G) of the Hawaii Revised Statutes.

"Secondly, I believe, the original intent of the statute was to provide a measure of protection for the unborn child of a pregnant woman who is incapacitated. The issue is a complex one and the statute, which some claim is flawed, should be further discussed and clarified. But to enact H.B. No. 1836 before such a time is morally wrong.

"The intent of the legislation needs to remain until a more reasonable one can replace it. This new legislation is not reasonable.

"The child that a mother carries has rights. Those rights are given to it when the mother decides to carry it to term (the baby), and those rights still need to be protected in the incapacitation of the mother. We cannot in good conscience approve a bill that would cast away the protection of the unborn, simply to appease those who would turn this into a debate on a woman's choice of abortion. This is not the issue at hand.

"We have a further obligation to the incapacitated mother to protect her decision to have the baby and to insure that the fate of her child is not placed into the hands of someone else.

"We need to fix this statute, but at the same time we still need to protect the child that this bill would jeopardize. I therefore request my colleagues to oppose H.B. No. 1836."

Senator Inouye rose to speak against the measure and said:

"Mr. President, I speak in opposition of Standing Committee Report 3327.

"Mr. President, H.B. No. 1836 was passed unanimously last year and now we wish to repeal the exemptions affecting pregnant women. I concur with the Senator from Moanalua. My conscience directs me to vote otherwise. A 'no' vote for me, please."

Senator Slom rose and said:

"A 'no' vote for me please."

Senator Chun rose in opposition to the measure as follows:

"Mr. President, I stand in opposition to this bill. Mr. President, I agree with the comments of the Senators from Moanalua and also from Hilo.

"Mr. President, I would like to add my words that the proponents of this bill, basically, set it out as a woman's choice versus the state's right to dictate these decisions for the women. Mr. President, the real issue is a woman's choice versus the unborn child's life. In that kind of situation, the Supreme Court of the United States has clearly stated that it is the state's right and obligation, in fact, to protect the unborn life. For example, in the case of Planned Parenthood v. Casey, 505 U.S. 1992 by the United States Supreme Court, the Supreme Court specifically said that the woman's liberty is not so unlimited, however, 'that from the outset the state cannot show its concern for the life of the unborn, and at a later point in fetal development, the state's interest in life has sufficient force so that the right of the woman to terminate the pregnancy can be restricted. We conclude that the line should be drawn at viability so that before the time the woman has the right to choose to terminate her pregnancy, the concept of viability is the time at which there is a realistic possibility of maintaining and nourishing a life outside the womb so that the independent existence of a second life can, in reason and in all fairness, be the object of state protection that now overrides the rights of the woman.'

"Mr. President, I agree with the statements made earlier that even though this bill does attempt to protect the right of the unborn, this bill should be amended to recognize what the Supreme Court has stated that in the event the mother has progressed so that the fetus is viable, then and only then would her medical decisions not be recognized. However, to just do away with that little exemption right now would be to ignore, totally ignore, the rights of the unborn child. And I cannot accept that, Mr. President, and I will vote 'no.'"

Senator Iwase rose in support of the measure with reservations as follows:

"Mr. President, I rise to speak in support of the bill with reservations.

"I share the concern expressed by the previous speaker. This is a very emotional and heart-rending issue. It is one which deals with a mother and an unborn child. But we passed, last year, the right of any person, of any sex, or of any health condition to make a decision about his or her life. That is a very private decision. That is a very personal decision. And no organization, no government should be involved in telling an individual how he or she should leave this earth.

"On the other hand, we have the question of the fetus, particularly in the case where you are in the third trimester of pregnancy. And even the Supreme Court decision of Roe v. Wade recognizes that at that stage of development there is a strong societal interest in protecting the life of the child.

"I'm going to support this bill with reservations because it is my understanding that the chair of the Health Committee is going to make efforts next session to deal with that issue, and it must be addressed. The fetus, particularly in the third trimester, should not be ignored. If a mother is injured, incapacitated, and cannot make decisions and falls under this act and there is a child in the third trimester, that child should not be allowed to just die. And I hope that those questions are addressed next session, and I hope they are addressed to the satisfaction of all concerned.

"It is, like I said, a very difficult issue. It requires a balancing act. It is something the United States Supreme Court attempted to do in Roe v. Wade. We will continue to have to balance the interest of the mother and the child, and I hope we find a proper, humane, and moral balance.

"Thank you, Mr. President."

At 11:24 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

By unanimous consent, action on Stand. Com. Rep. No. 3327 and H.B. No. 1836 was deferred to the end of the calendar.

Stand. Com. Rep. No. 3330 (H.B. No. 2491, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3330 be adopted and H.B. No. 2491, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Tam rose to speak against the measure and said:

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

"It is the responsibility of the Legislature to set the price of school lunches based on the legislative budget given to the Department of Education. The Legislature should not shirk its responsibility in determining the price of school lunches.

"What will happen next year when the price of school lunches soar, due to mismanagement of the program? Under this bill, the superintendent of the Department of Education will

be allowed to increase the price of school lunches without a public hearing. There will be no accountability when this type of blanket approval is given and the increases in cost will be passed on to the student. The Legislature will not have the ability to control any or all increases.

"I feel uncomfortable that we are giving away another blank check, this time to the school lunch program. I strongly oppose this bill and feel that we will be back next year to repeal this unnecessary law.

"I also want to state that if the price of school lunches is increased arbitrarily by the superintendent of the Department of Education, many, many public school students who do not qualify for the free lunch program will be unable to eat a healthy lunch.

"I urge my colleagues to vote against this bill. Thank you."

Senator M. Ige rose in opposition and said:

"Mr. President, I, too, rise against this measure.

"Mr. President, some of my thoughts kind of go along with the previous speaker. I've never supported, throughout all of my years here in the Legislature, any type of legislation that would increase school lunches.

"I remember my dad telling his friends that one of my favorite school subjects was lunch. And even if I knew he was only teasing, I thought maybe it was true, especially at Ben Parker. I can still remember that fresh baked bread with macaroni and cheese on top. That was important to me. And I think, today, a healthy school lunch is important to a lot of children out there in our schools. And I believe that a well-balanced, nutritious meal will make a big difference for them throughout the day.

"A healthy school lunch benefits everybody. A healthy school lunch should remain affordable and available to all of our students in Hawaii. As a result, I'll be voting 'no' against this measure."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3330 was adopted and H.B. No. 2491, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL LUNCH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (M. Ige, Matsuura, Tam). Excused, 3 (Buen, Bunda, Inouye).

Stand. Com. Rep. No. 3334 (H.B. No. 2901, H.D. 2, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3334 be adopted and H.B. No. 2901, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak in support of the measure with reservations as follows:

"I rise to speak in support of the bill with several reservations.

"This is a big omnibus bill trying to do many different things. The buzz word, I think, for this legislative session has become the 'new economy.' I think if you ask different people, you get different answers as to what that means.

"It's interesting, in instructives that go to the bill itself, Section 1 of the bill states, quote: 'The new economy is an economy where risk, uncertainty and constant change are the rule rather than the exception,' unquote. Gee, if I didn't know better, I would say that's what the old economy is all about -- risk and uncertainty being the rule rather than the exception.

"I have a problem with a number of different areas in here. The provision that allows the qualified high technology business, upon approval of the Department of Taxation, to sell their unused net operating loss carry-overs to any other taxpayer, the idea is to provide venture capital funding. First of all, this is not a procedure which is allowed in any other business to my knowledge within the State of Hawaii, and I don't know how effective it would be to gain additional venture capital. It certainly would not be as effective as improving our overall business climate, which is what I've been advocating for a long time.

"Secondly, the bill defines a qualified high technology business. Originally, it required that 100 percent of the business was involved in performing qualified research in Hawaii. Now that has been amended to only a majority of its activities in this state. Also, only a majority, not 100 percent of its gross income, must be derived from qualified research within the state.

"The Board of Trustees of ERS . . . originally the bill was going to require them to invest in local high technology businesses. Now, it simply says it allows them to. Well, they have that ability now. In fact, they have done it where they found it practical.

"The term 'techno-tourism' is used in regards to allowing the Hawaii Tourism Authority to get more involved in marketing techno-tourism. I guess I'll have to check with some of my 'techie' colleagues after the session to get more up-to-date as to why a tourist would come for techno-tourism or just exactly what it is.

"The bill also creates a new economy trust fund and just about everything -- fees, taxes, grants, appropriations -- will go into that trust fund. Then there is a priority list, and the list starts out with educational facilities improvements -- which I think we all support -- in the amount of \$44 million. However, the bill itself does not specify the amount that's going to be appropriated for the new economy trust fund, and does not specify the amount to the high technology development corporation.

"So because of all of these questions and because this bill seems to be doing too many things, I certainly will support moving the bill along and persevering with the new economy, but I think these reservations should be addressed.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3334 was adopted and H.B. No. 2901, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE NEW ECONOMY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3335 (H.B. No. 2311, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3335 be adopted and H.B. No. 2311, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Tam rose to support the measure as follows:

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

"This bill is intended to remove the back room favoritism in awarding public contracts. Mr. President and fellow colleagues, the main emphasis of the Committee on Government Operations and Housing this year is to gain the respect of the public in terms of the operations of government in the State of Hawaii.

"The state is constantly being criticized about its process of awarding architectural and engineering contracts. Yet, we are continually reminded by the State's Chief Procurement Officer that we have adequate laws which allow for the 'best qualified' consultant to be selected. It is very difficult for me to believe that the 'best qualified' architect was selected for the women's softball stadium. We all know what happened, and that is inefficiency. I cannot believe that the 'best qualified' was hired to work without a contract.

"House Bill No. 2311, H.D. 1, S.D. 1, does not address all of the shortcomings of our procurement law as it applies to design professionals. However, it does provide us with a means of achieving what has been tried and tested at the national level. Our priority should be to hire the 'best qualified' person to do the work and to insure to the general public that the selection process is fair. This will allow contracts to be better dispersed to smaller companies with qualified professionals.

"In order for our state to adequately support the construction industry and to ensure fairness when awarding contracts, we need to develop a fair award selection criteria and screening process. In this way, we will be able to insure the continued growth of the construction industry in Hawaii.

"Thank you."

Senator Anderson rose to support the measure with reservations and said:

"I'd like to speak for the bill, but with reservations.

"I was told very recently that there was a project that was under way in Waimanalo and then it was cancelled. There was need to look at evaluating the process of what these people were going to do to move the project on. One of the items here on page 3, line 18, number 2 says, 'Past performance on projects of similar scope for public agencies or private industry.' The gentleman that came to see me that owns land near this Waimanalo project said that the contract awarded for the project was for \$65,000 this year. In 1982, when there was a flood, the project was awarded \$65,000. And it seems like this scope was much larger than the last project that they were going to work on. Now they did bring this project to a halt because they're going to look at it. However, they were told that the state government told them all we have is X number of dollars. We are going to have to craft this project to meet those dollars. I think that's wrong. If a project is going to cost X number of dollars, that's what it's going to cost and that's what we should be projecting it for.

"So for those reasons, I have reservations on how contractors will complete their performance and how we in government must say, all right, if a project is going to cost a little more, then we may have to increase the budget on that particular item or government is some way going to have to make sure that those people are eligible. When it says similar scope, they might have to go out to somebody who has a scope a little larger for a project if it's going to be a little larger than they anticipated.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3335 was adopted and H.B. No. 2311, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE FOR DESIGN PROFESSIONAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:52 o'clock p.m.

Stand. Com. Rep. No. 3336 (H.B. No. 2878, H.D. 2, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3336 be adopted and H.B. No. 2878, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Tam rose to speak in support of the measure as follows:

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

"The essence of this bill, Mr. President and fellow colleagues, is to eliminate the arm twisting by state and county administrations.

"About a month ago, while discussing architectural and engineering contracts with a group of design professionals in the Committee on Government Operations and Housing, I was surprised by the information provided by these professionals. They stated that they are required to perform services often without a contract. One consultant stated that he has expended more than \$150,000 on behalf of the state.

"About a week ago, on the six o'clock news, it was reported that city consultants were displeased about being required to work, and in some cases, to work without a contract. Honolulu Mayor Jeremy Harris, who has announced he will run for re-election, has applied political pressure on these consultants to complete their work on time.

"We have also determined that this is common practice in state government, and it is very costly to the state. Consultants are padding contracts with the knowledge that they are pre-funding government projects.

"According to the state's chief procurement officer, who is politically appointed, we have adequate laws which require written contracts before a contractor may start working on any assignment. Unfortunately, the political pressures of top administrators dictate differently. We have amended the language in this section to clarify that the procurement code specifically requires a written contract before services are performed.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3336 was adopted and H.B. No. 2878, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS AND PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3337 (H.B. No. 2429, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3337 was adopted and H.B. No. 2429, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3339 (H.B. No. 2643, H.D. 1, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3339 be adopted and H.B. No. 2643, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak against the measure and said:

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

"When this bill started out, we were going to beautify the land and we increased the fee from \$1 to \$2 last year for the beautification fee. And at that time there was a discussion on two things. One was on abandoned vehicles, abandoned and derelict vehicles, particularly for the beautiful Garden Island of Kauai. But also, the city and county came in and said that with the additional money, they would be hiring more people and paying more personnel.

"This year, the version of the bill is to go to \$5 from \$2, take all reference to beautification away, and talk about just abandoned and derelict vehicles. Interestingly enough, the Outdoor Circle had testified against this bill saying that they had checked in the past to see what happened to existing beautification funds and they were very surprised and disappointed to find out that the City and County of Honolulu, in fact, was not using them for that purpose -- for beautification.

"We use terms like beautification, and in this case derelict vehicles, to justify increasing taxes or in this case a fee, which is the same as a tax. But then there's no oversight as to what actually happens to the funds that are used. So I think that there's no guarantee that this will be used solely for that purpose, and I don't think that each of the counties has the same kinds of problems with derelict or abandoned vehicles. To increase this fee from \$2 to \$5 is unwarranted.

"Thank you."

Senator Kawamoto rose in support of the measure and said:

"Mr. President, I speak in favor of this bill.

"Mr. President, it's true that when it passed the TIA Committee we just addressed the abandoned and derelict vehicles. But as it came through the Ways and Means Committee, the Ways and Means Committee moved that if you raise the money to \$2, then the first \$2 would be used for abandoned and beautification. Anything above \$2, if it goes to \$3, then that \$1 will be used solely for abandoned and derelict vehicles. It's up to the counties. The counties have the authority to raise it up to \$5. If it should go up to \$5, then the \$3 above the \$2 would go to abandoned and derelict vehicles. But the beautification would still remain with the \$1 fee.

"This bill was supported by all the counties in the interest of beautification and removal of abandoned vehicles.

"Mr. President, I urge my colleagues to vote 'aye' on this bill. Thank you."

Senator Inouye rose to speak in favor of the measure and stated:

"Mr. President, I speak in favor of this bill.

"Mr. President, I voted in opposition to this measure when it appeared before the TIA Committee for the mere fact that the beautification was not identified and did not consider that the counties should have the discretion of seeking ways to use the appropriation or the funding for their desired needs. And because the chair of TIA has now saw fit to allow the counties to use some monies for beautification, I will be supporting this measure.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3339 was adopted and H.B. No. 2643, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED MOTOR VEHICLES," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3340 (H.B. No. 2835, H.D. 2, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3340 be adopted and H.B. No. 2835, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to oppose the measure and stated:

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

"All along, the bill was a tax bill, a new tax, a watershed protection tax. The current S.D. 2 has removed the tax from the bill, leaving an appropriation blank amount for the fiscal year 2001 to DLNR, but I think the intent was very clear that there would be a tax. And I'm one of those old fashioned people; I'm very concerned about what happens when it gets into Conference and the ultimate intent, as I say, has come through committees with the tax increased.

"So I would rather be safe than sorry, and I vote 'no' on the bill now."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3340 was adopted and H.B. No. 2835, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WATERSHED PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Anderson, Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3341 (H.B. No. 3001, H.D. 2, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3341 was adopted and H.B. No. 3001, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Anderson). Excused, 2 (Buen, Bunda).

H.B. No. 2434, H.D. 1, S.D. 1:

Senator Fukunaga moved that H.B. No. 2434, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I am standing in opposition to this bill.

"Well, here we are. I've been voting against all the creation of special fund bills and all the discussion was, we're having special funds to protect them and everything else, and this bill says it all. It transfers unspecified sums from what it determines to be excess retained earnings of over 40 special and revolving funds to the general fund. So what we have been doing for the past four years, we're going to continue, and that is to create special funds, pump them up and then skim off money and put it in the general fund so that the public and the auditors are really confused.

"It is a bad move. It's a bad precedent. I urge my colleagues to vote 'no' on this bill."

The motion was put by the Chair and carried, H.B. No. 2434, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Anderson, Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3344 (H.B. No. 1763, H.D. 2, S.D. 2):

Senator Chumbley moved that Stand. Com. Rep. No. 3344 be adopted and H.B. No. 1763, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak against the measure and said:

"Mr. President, I rise to speak against the bill.

"I think that again we have continued to pass legislation where we remove the accountability and responsibility from where it belongs and we pass additional legislation telling people what they can and cannot do, should and should not do. The idea of helmets makes common sense. It's just good common sense, but legislating all of these bills continuously I think is a bad precedent. So I'm voting 'no' on the bill.

"Thank you."

Senator Kawamoto rose in support of the measure as follows:

"Mr. President, I rise to speak in favor of the bill.

"On behalf of the Senator from Maui, who is not here today, Maui, Molokai and Lanai, this bill is safety -- safety for our young people, people that are growing up and want to see the rest of their lives grow up.

"Testimony in support was made by the Department of Health; Department of Transportation; the Disability Communication Access Board; Honolulu Police Department; Keiki Injury Prevention Coalition; the Hawaii Bicycle League; the People's Advocate for Trails, Hawaii; and four individuals. There was no opposition to this bill.

"And I think the bill went out of our committee 18 and below. It went through Judiciary at 12 years old. So this is going to Conference and we'll see what happens there.

"Thank you."

Senator Anderson rose to speak in opposition as follows:

"Mr. President, I, too, will be voting 'no.' I realize that every bill that Senator Slom and I vote 'no' on, we cannot sit on your Conference Committees, but I really don't care. I can't change too many people's minds anyway, it seems.

"But the reason to vote 'no' is when we ignore the cost to taxpayers. Everybody said it will not cost us a dime. Everybody has to buy a helmet for their child. Well, in fact, we pay insurance for welfare recipients and if you're going to mandate that every child wear a helmet, we're going to have to purchase those helmets, because if we don't and their child gets hurt and it's mandated, we will be sued like you'll never believe. The liability is going to be very, very high for us. And everybody said, well, we didn't think of that.

"One gentleman told me it's worth anything because look what you do for the child. And that's great, but I've never heard a group of people come down here and say we need unicameral because that saves millions of dollars or any other bill that we have that helps the economy. No one backs those bills. They just come here and ask for different things to be passed for human services, for the needs of some that they believe is justified. But they never come here and say, 'We want to help and we the people of this state believe that we're over-taxed. However, we don't care if you have bills for the economy and to help us. We just want you to spend money in areas that we cannot afford.'

"So for that reason, Mr. President, we do not have a cost factor on this bill. It is going to cost us, and when you very intelligent colleagues of mine go into your caucuses and conferences, please try to find out if there is any way you can see how this is going to affect our budget, what the cost factors are going to be, and make sure that when you vote, you know what you're voting for.

"Thank you very much."

Senator Sakamoto rose to support the measure with reservations and said:

"I rise in support with reservations, Mr. President.

"Certainly, safety is very important. In construction, workers wear hard hats when it's appropriate. I think there's been instances where golfers get hit by golf balls, Mr. President. Maybe children over 12 should wear helmets on the golf course.

"My point, and I'm being a little facetious, Mr. President, my point is I think appropriate safety hardware is important. I think riding bicycles as a kid was a very good thing, and I fell off and God bless whoever that I didn't die or didn't get traumatic brain injury (maybe some would say I had, Mr. President), but the point being I think there's a point where we need not legislate everything, lest we get carried away too much, Mr. President."

Senator Slom rose again and said:

"Mr. President, the good Senator from Moanalua just brought up a very important point. Since several of my colleagues will be engaging in a very difficult and strenuous and dangerous game tomorrow, I think it's close to the extreme combat games and I would expect that the chair of the Transportation Committee would be advocating for mandatory helmets, particularly for the use by my colleagues, because we certainly don't want any further erosion of brain power in this body.

"In addition to that, I note that we talk about works in progress and we talk about defective dates. The defective date on this bill is June 31, 20001. Mr. President, for a bill that is so important and that requires urgent action for safety and to protect our keiki, we only have 20,000 years in which to debate this further. So I would say unless we're really serious about this, then let's rethink it and stop trying to tell everybody everything that they have to do.

"Thank you, Mr. President."

Senators Ihara and D. Ige then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3344 was adopted and H.B. No. 1763, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BICYCLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Anderson, Slom, Tanaka). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3345 (H.B. No. 2098, H.D. 2, S.D. 1):

Senator Chumbley moved that Stand. Com. Rep. No. 3345 be adopted and H.B. No. 2098, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator M. Ige rose to support the measure as follows:

"Mr. President, I rise to support this measure.

"Mr. President, no child in Hawaii should come into direct contact with any adult who has not had a criminal history check. Whether that child is in a public school or private school, whether that child is getting services from the Department of Human Services, whether that child is getting services from the Department of Health, I believe we owe this protection to our children.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3345 was adopted and H.B. No. 2098, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3347 (H.B. No. 1881, H.D. 2, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga, and carried, Stand. Com. Rep. No. 3347 was adopted and H.B. No. 1881, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3348 (H.B. No. 1632, H.D. 3, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3348 be adopted and H.B. No. 1632, H.D. 3, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

"Mr. President, this measure appropriates funds to finance major sugar cane operations on the Island of Kauai to encourage the continuation of sugar production on that island. Your Committee on Economic Development as well as the Ways and Means Committee, and I thank them for their foresight, developed and finds that although the sugar cane industry remains a vital component of Kauai's economic base, the industry is struggling to survive and is in need of financial assistance to continue operation.

"Because of the large scale of sugar cane operations, additional funding is urgently needed for the Department of Agriculture to carry out its appropriate loan program. This bill will further that goal as well as assist the entire state in the form of energy, agriculture, environmental and economic benefits, and enhance the possibility of developing a local ethanol industry.

"I urge my colleagues to support this bill. Thank you, Mr. President."

Senator Slom rose to speak against the measure and said:

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

"Deja vu, we've been here before. We've used loan money to try to save the sugar cane industry on the Big Island, to save the sugar cane industry on Maui, to save the sugar cane industry on Oahu. These efforts have failed. Some of the loans have not been repaid. And if we're talking about the new economy and if we're talking about new direction, then in fact we should be investing our funds and making our loans available in the new technology and the new educational directions.

"This bill appropriates a total of \$10 million -- \$5 million over the next two years -- and it allows the Board of Agriculture to waive statutory requirements for loans. We are already talking about additional bills for special purpose

revenue bonds, for ethanol, for other methods in which to help the sugar industry not only on Kauai, but wherever we can. But in order to do this I think we need to do it with other than these direct loan programs that seek special exemptions.

"Thank you."

Senator Anderson rose to speak with reservations on the measure and stated:

"I have some reservations, Mr. President.

"The good Senator from Kauai said earlier that he was opposed to a particular bill because that was for a particular lady who fell through the cracks. But it's okay to spend \$5 million on a particular island for a particular business. Now, that's a problem that I have. Sugar is not doing well. As the former speaker said, we're looking at a whole new economy; yet we're trying to preserve as much as possible the old ways with the sugar industry. I'm not sure if this is going to help. I would hope that it does.

"But I want to remember everything that people say. If you are opposed to individual types of legislation, then you should be opposed to individual legislation for individual businesses that gives them all kinds of tax credits, and we are going to give them loans. And yet other businesses have to strive to do the best they can and they go down the tubes.

"Thank you very much, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3348 was adopted and H.B. No. 1632, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3351 (H.B. No. 2277, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3351 be adopted and H.B. No. 2277, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak against the measure and said:

"Mr. President, I stand in opposition to the bill which creates the Department of Health Hawaii Tobacco Settlement Fund because, in fact, it is a special fund.

"Thank you."

Senator M. Ige rose to speak in support of the measure with reservations as follows:

"Mr. President, I rise to support this measure with two reservations.

"Mr. President, on page 3 it talks about the child development programs and I guess the Committee removed that language. I just feel that we should have broad goals for this state and that by removing that language and including youth programs or the prevention of child abuse and including early childhood education, I think it waters down or actually refines what these monies are to be used for. I believe the legislature did right in talking about child development programs and using these monies for child development programs.

"The other concern I have is if there is a diminishment or actually these monies cannot supplement or diminish any of the general funds funding these programs. I have a concern that on principle, I believe the executive branch has the right to move general fund monies around based on our priorities. And I'm hopeful that these concerns can be ironed out or worked on during Conference Committee.

"I believe this is a good bill. It's going in the right direction, but I just hope that we would be able to continue the Legislature's priorities with the children of this state.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3351 was adopted and H.B. No. 2277, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Buen, Bunda).

At 1:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:20 o'clock p.m.

Stand. Com. Rep. No. 3352 (H.B. No. 2392, H.D. 2, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3352 be received and placed on file, seconded by Senator Levin and carried.

Senator Fukunaga moved that H.B. No. 2392, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to the bill, committee report separation notwithstanding and derelicts notwithstanding.

"The bill mandates additional coverage on Hawaii's prepaid health care act and more coverage for employers. While diabetes is a serious and growing problem, there's no question about it, we have to start seriously looking at changes in the prepaid health care act because since 1974, we've done only one thing and that is we've continued to add additional mandates and additional costs to employers who pay nearly 100 percent of all of the costs, rather than the 50/50 sharing between employers and employees as originally envisioned.

"Also, we have not moved in any direction to a cafeteria style approach to allow people to select different kinds of health coverage. We mandate all coverages in all policies.

"And finally, Mr. President, the requirement has always been that before we engage in any additional mandate, that we have a legislative audit of the social and financial implications, and this bill does not do this. This bill seeks to pass legislation first and do the audit afterwards.

"So for these reasons, I'll be voting 'no.' Thank you."

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

Senator Kawamoto rose in support of the measure and said:

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

"Mr. President, the training for diabetes is very important. I, too, am diabetic, and I had the training but it cost me a few dollars. It's unfortunate that people who are less fortunate than I, cannot pay for this diabetic training. They could gain a lot and at the end it will save a lot.

"So Mr. President, I urge all colleagues to vote 'aye' on this bill."

The motion was put by the Chair and carried, H.B. No. 2392, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3353 (H.B. No. 2513, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3353 be adopted and H.B. No. 2513, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Anderson rose with reservations and said:

"Mr. President, W/R please, because Senator Ige convinced me."

The Chair so ordered.

Senator Slom rose to support the measure with reservations and said:

"Mr. President, I'll support the measure with reservations also.

"Some of those reservations that the good Senator had brought up, I think, are legitimate concerns. The time period involved of five working days may in fact not be sufficient time if there are people off island, out of state, out of country. There also is a question of religious or cultural beliefs having to do with cremation. So I will support it with reservations.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3353 was adopted and H.B. No. 2513, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED CORPSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3358 (H.B. No. 2154, H.D. 2, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3358 be adopted and H.B. No. 2154, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senators Matsunaga, Anderson, Chumbley, Chun and Iwase requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3358 was adopted and H.B. No. 2154, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3359 (H.B. No. 2171, H.D. 1, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3359 be adopted and H.B. No. 2171, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak in opposition as follows:

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

"This bill has really been around the block and around the corner. I notice breast feeding is alive and well. Why don't we just insert breast feeding in every other bill that we pass today

and then we'll have accomplished something nutritious and nourishing and healthful.

"The bill seeks to compel mandatory meal breaks after every five hours of work. The problem, as was shown in Committee, is that people who advocate these things make an assumption that, first of all, people don't get meal breaks. And number two, they don't have an understanding of what it means to work, particularly to have your own business, where oftentimes you will work past a particular time period because you've got to get the job done and you've got to satisfy the customer. If you don't provide the service, if you don't do the job, then in fact you lose the customer, you lose the service, and eventually lose the business.

"There was an example brought to us from H-Power. There were other examples of contractors, for example, that have cement mixers -- the cement is in the truck; somebody has to look at the time and all of a sudden, oh, oh, five hours have gone by, six hours have gone by; it's time for a meal.

"Again, we're not talking about people denying individuals a meal break. We're not talking about people denying people the ability to breast feed. But we are talking about, first and foremost, conducting the business of that firm and making sure that is the first priority.

"So I'll be voting 'no. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3359 was adopted and H.B. No. 2171, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Anderson, Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3360 (H.B. No. 2554, H.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3360 be adopted and H.B. No. 2554, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Chun rose to support the measure with reservations and said:

"Mr. President, I stand in support of the bill with reservations.

"Mr. President, I understand that this bill attempts to basically enact the law that was in place approximately five years ago when partial disability was subject to the 32-week restriction. Previously, the department testified that it was inadvertently omitted from the law when it was amended five years ago and now they want to put it back in again.

"Mr. President, I don't have a problem with amending the law. However, I still want to know from the department as to whether or not that five year hiatus, in terms of not subjecting it to a 32-week limitation, has caused any problems to the special fund. If it hasn't, I go back to the old adage, 'if it's not broken, why fix it.' So I stand with reservations on this bill."

Senator Sakamoto rose to speak in support of the measure with reservations as follows:

"Mr. President, I also rise to speak in support with reservations.

"In many of these issues related to workers' comp, most of us don't understand the issue. Looking at the committee report, I think there is acknowledgement that even the committee report questions who gets more liability, whether it's the special comp fund or employers or nobody. My belief is that there is a

cost shifting and it's not clear what the amount is and who it goes to, and if indeed that cost shift is warranted.

"So I have those reservations, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3360 was adopted and H.B. No. 2554, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3361 (H.B. No. 2556, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3361 be adopted and H.B. No. 2556, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

Senator M. Ige rose to speak against the measure as follows:

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

"Mr. President, first of all, the more I hear about this measure, the more I dislike it. In reading the purpose of the original bill -- 'The purpose of this measure is to delete the requirement that the period between safety inspections for regulated equipment be not less than five months, thereby requiring inspections every seven months.' Then you go on to the next paragraph, 'Testimony in opposition to this measure was received from the Department of Labor . . . the Department of Accounting and General Services, Legislative Information Services of Hawaii, Hawaii Chapter CCIM, Institute of Real Estate Management, Real Estate Coalition, Hawaii Council of Associations of Apartment Owners, Scheibert Energy Company, Building Owners and Managers Association.'

"Mr. President, our economy is highly dependent upon tourism, which is highly dependent upon elevators. When you read the committee report from WAM, I do not believe we should be giving the department any kind of flexibility in determining the frequency of these safety inspections. I believe this measure takes us in the wrong way, and it gives the responsibility to a department where we should be telling them exactly what we believe is the best thing to do regarding safety inspections.

"Thank you."

At 1:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:31 o'clock p.m.

Senator Nakata rose to support the measure as follows:

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

"I need to make a correction to statements made earlier. The agencies mentioned as speaking in opposition were speaking in opposition to the original bill and they are in support of the measure that is before us. The Department of Labor is supportive of this measure.

"Thank you."

Senator Anderson rose to speak against the measure and said:

"Mr. President, I'll be going 'no' on this particular bill. Last year when we had this same issue, it was brought up that many of these people had their own inspectors because they were required within their own industry and by their insurers to provide inspections at all times. Consequently, we decided we didn't need any bill.

"Now, we're saying that you no longer have to do a five to seven months on a boiler, amusement ride, elevator, and equipment. I find that we're not cutting back on anything, though. The department is going to do this through new equipment that they have almost like a computer, I guess, that they can view this. But they're not cutting back on the people that they hire to do inspections. They are going to do a lot fewer, but they're going to be taking care of it in another way, and we're not streamlining anything. So those people that have their own inspectors are going to be doing the same work they had to do and they're going to be paying for it, but we're going to be paying people to do other things.

"I don't know how government is going to get smaller if we say we can do things through a new type of economy that we're going to have a computer that they can view this equipment if they need to. But they're not cutting back on any personnel or hiring anybody with certain skills. So this confuses me, Mr. President. So I'll be going 'no.'

"Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3361 was adopted and H.B. No. 2556, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Anderson, M. Ige). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3362 (H.B. No. 2539, H.D. 2, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3362 be adopted and H.B. No. 2539, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak against the measure and said:

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

"The original bill increased the current 5 cent tax on each barrel of oil five times to 25 cents. Subsequently, the tax amount was taken out but it was still an increase in tax that was sought. This current draft that we have here doesn't talk about a tax increase but does talk about expanding the purposes for which the funds in the environmental response revolving fund can be used. Now, initially this tax was set up and was sold to the Legislature and to the taxpayers as something we needed to do to have resources on hand to deal with any emergency oil spills.

"If this bill is passed right now, we will now be able to use money from the response revolving fund for support for environmental protection, natural resource protection programs, energy conservation and alternative energy development, concerns related to air quality, global warming, clean water, polluted run-off, and solid and hazardous waste. Mr. President, I don't think the intent to raise the tax in this measure has been changed one iota, and by putting more responsibilities in here, what we're guaranteeing is that we will come back either in Conference or next year and say, 'Gee, with all these functions we have to do, we're going to have to raise that tax.'

"It is not warranted because the original purpose, as I say, was for emergency oil spills. It is a bad precedent. I urge my colleagues to vote 'no.'"

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

Senator M. Ige rose to speak in opposition and said:

"Mr. President, I, too, rise in opposition to this measure. And Mr. President, my comments are somewhat aligned to the previous speaker.

"The original purpose of this bill, as I understood it in the Labor Committee of which I'm the vice chairman, was to protect our oceans in case of any oil spill emergency. I think we should all take that very seriously. It's my understanding that the amount of money in that fund I believe is like \$7 million. For what purpose? It was to make sure that if anything happened, we would be able to respond immediately, right now, and not worry about the money and who's going to pay for it.

"Now, with the broadening of this definition as the previous speaker said, we're talking about using these monies for global warming, very little to do with protecting our ocean -- the very purpose that this measure was created and passed by this Legislature. Mr. President, I do not believe that this kind of scheming -- by broadening the definition this year, by watering down our original intent and coming back next year -- is appropriate. I believe it is irresponsible and I believe it is up to us as leaders of this state to set priorities and to make sure that the bureaucracy follows our direction and our leadership.

"I believe this bill, again, takes us in a very, very wrong direction, Mr. President.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3362 was adopted and H.B. No. 2539, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL RESPONSE REVOLVING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (M. Ige, Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3363 (H.B. No. 540, H.D. 2, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3363 be adopted and H.B. No. 540, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak in opposition as follows:

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

"The bill seeks to cover a great many more people that are presently not covered and to use, again, blank appropriations in here so we don't know how much we're actually talking about. It would cover legal immigrant residents who arrived in the United States after August 22, 1996, immigrants permanently residing under the color of law, or persons from member counties of the Compact of Free Association who are eligible to benefits under Hawaii's medicaid program but in fact are ineligible under federal coverage. Again there's a blank appropriation.

"We continue to spend additional funds. We continue to expand the number and kinds of people that are under our welfare programs and subsidy programs, rather than getting to the heart of the problem. The heart of the problem is we have a poor economy. We should be using our efforts to fix our economy first. That would automatically reduce the number of people who need these kinds of benefits.

"Thank you."

At 1:39 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:41 o'clock p.m.

Senator Anderson rose in opposition to the measure as follows:

"Now that that's been cleared and I really don't quite understand what we did here but I do understand my Minority Floor Leader, I wish to have the words of the Minority Floor Leader put into the Journal as though they were they my own, if I may, Mr. President. And I, too, will be going 'no.'"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3363 was adopted and H.B. No. 540, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Anderson, Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3365 (H.B. No. 2222, H.D. 1, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3365 was adopted and H.B. No. 2222, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3366 (H.B. No. 2445, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3366 be adopted and H.B. No. 2445, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3366 was adopted and H.B. No. 2445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3367 (H.B. No. 564, H.D. 2, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3367 be adopted and H.B. No. 564, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Sakamoto rose to support the measure with reservations and said:

"Mr. President, I rise to speak in support with reservations.

"This reservation is not to the military portion but to the portion related to the surviving spouse or reciprocal beneficiary. What this bill calls for is changing what the current law is when the spouse or reciprocal beneficiary marries, remarries, enters into a new relationship, that those benefits cease. I understand there's an individual who has a problem because her husband was killed in the line of duty, but this bill is overly broad, Mr. President.

"The way it's written, it seems to me that if a happily married couple, who's 85 years old, and one spouse dies, the other spouse could then say well, maybe . . . how about the grandma who says maybe my nephew can be my reciprocal beneficiary, and then she dies, and then we're obligated to fund the 21-year-old for who knows how long, Mr. President.

"We really need to look at what we're doing. In compassion for looking at people who fall through the cracks, that's a good thing, but we ought not make caverns, Mr. President.

"Thank you."

Senator Slom rose to speak with reservations on the measure and stated:

"Mr. President, I, too, have reservations.

"I share the concerns eloquently spoken by the good Senator from Moanalua. In addition to this, this action will have tax implications as cautioned by the Retirement System. And it is yet another bill where there is a blank dollar amount. If we're going to talk seriously about making appropriations, then we should know exactly what the costs are before we vote on them.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3367 was adopted and H.B. No. 564, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Anderson). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3368 (H.B. No. 2446, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3368 was adopted and H.B. No. 2446, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3369 (H.B. No. 2447, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3369 be adopted and H.B. No. 2447, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3369 was adopted and H.B. No. 2447, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Chun). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3370 (H.B. No. 2458, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3370 be adopted and H.B. No. 2458, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senators Slom, Kanno and Anderson requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3370 was adopted and H.B. No. 2458, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Chun). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3371 (H.B. No. 2472, H.D. 2, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 3371 was adopted and H.B. No. 2472, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3375 (H.B. No. 2648, H.D. 2, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3375 be adopted and H.B. No. 2648, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak against the measure and said:

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

"First of all, it's interesting whether or not we're going to be able to put a new tax on those on probation and whether we can collect it. But in addition to that, even if we do, it goes into a special fund, so I'm voting 'no.

"Thank you."

Senator Matsunaga rose in support of the measure and said:

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

"First, Mr. President, please let me clarify that this is not a general tax on everybody. The probation service fee would apply only to users of probation services -- in other words, those who have committed crimes.

"Right now, crime does pay. Once you're on probation, you get services that cost the state a bundle for free. This bill would make probationers pay a part of what they cost the state.

"My advice to those who are concerned about the rise in fees is:

If you don't do the crime, you won't pay the fine;
If you don't do it the wrong way, you won't have to pay;
If you don't hit your honey, you won't have to pay money.

"Thank you, Mr. President." (Laughter.)

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3375 was adopted and H.B. No. 2648, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3377 (H.B. No. 1889, H.D. 2, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3377 be adopted and H.B. No. 1889, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Kawamoto rose to speak in favor of the measure as follows:

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

"Mr. President, this bill and our bill from the Senate really addresses one group of people, and it's the military actives that have come here -- some 46,000 military members in the Pacific. Again, especially the enlisted men and women who come here sometimes don't have the opportunity to prepare to make the move. They're asked to come to Hawaii within less than 30 days. They salute smartly and then they find out how expensive it is to travel and come to Hawaii.

"One of the expenses is this quarantine bill. Although we had said two years ago that they had to be self-sustaining, they didn't realize the effects of the self-sustaining of this quarantine. And what it amounts to is that an enlisted man, E-4, makes about \$1,400 a month and it costs him \$1,200 to pay for his quarantine. So that affects him greatly.

"This is an opportunity where we can say thank you for the many times that they made an extra effort to go out during Hurricane Iniki and Hurricane Iwa; made an extra effort to go out and rescue people who found themselves out at sea, lost with only a radio and needed to get the Coast Guard out there; the extra effort made to find somebody in the hills because he got lost. These are the things for which we can say thank you.

"The amount that it's going to cost the state is a little less than \$20 per person. So, it's a sum that we can look at. Many of you think about the economic side of the House. The military is looked upon for the military construction. This year we're going to try and pass a state resident bill that's going to bring some money to the state. And we also are asking them to use island coffee on the military vessels that's going to have another impact on our state economy. Just for example, last month their pay raise of 4.8 percent brought \$77 million to our island economy. So what we pay for this opportunity to say thank you for their efforts and for the time they spend here is a small amount compared to what they bring to this economy.

"Therefore, I'd like to ask all of my colleagues to support this bill. Thank you."

Senators Taniguchi and Iwase then requested their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Anderson rose to speak with reservations on the measure and stated:

"Mr. President, I'm going with reservations and I think it's very honorable that we look at the military.

"Over the years that we've been here, we've tried to do everything with the quarantine station. We cut back the time. We cut back costs. We've done everything to make sure that it's easier for people to bring in animals and that they have less time in quarantine.

"At one time, Hawaii had no snakes. We had no other animals. We had no rabies. And everybody says those are good things. Times have changed. We have all kinds of animals that are in our state, that are getting in. The Animal Quarantine Station, from what I understand, has cut back because we've said that they don't have to stay in quarantine as long. We had a quarantine station at one time that, if you sold your animals to other parts of the world, you didn't have to worry. I think the only other place that had as stringent concerns as we did was Australia. However, even with the quarantine that we had, if we purchased a dog from Australia, we didn't have to worry. They didn't go into quarantine. If a

person bought a dog from Hawaii, took it to Australia, they went into quarantine, regardless.

"So we've cut back. We've done everything we possibly can. And I would hope that once we've opened these floodgates on the quarantine station, that we don't continue to say we don't want to restrict anymore; we want to keep making sure it's not going to cost people; we can cut back in many, many areas because it is not helping Hawaii, I don't think. I think it is hurting us. So we're not going to only not afford, we're going to one of these days just say, why do we need a quarantine station? And I think we need it. I think we've done more than our share of having an island state that is free of all kinds of things, and we are no longer that type of a state.

"Thank you very much, Mr. President."

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

Senator Sakamoto rose to support the measure and stated:

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

"I think the Senator from Waimanalo has made some good points about some alien species, and the alien species introduction is a matter for the Harbors and the Airports, not for the quarantine station. The quarantine station has done a good job of keeping us rabies free. In my understanding of the matter, they're doing their best to at least move forward in keeping costs down. They've lowered the time of quarantine. They've got a chip that they can put in the pets that will enable tracking of pets just in case something does go haywire.

"And obviously, Mr. President, keeping rabies free is a good thing, keeping costs down is a good thing, and so is keeping the costs down for the military members, especially in the efforts of our community to be partners with the military, where the military help in schools, help along the highways, and help in many, many ways. The first impression of many of these military personnel is, Why does it cost so much to bring my animal here? I think we can help by at least lessening that burden, Mr. President."

Senator Anderson rose and said:

"Just a short rebuttal. I think the reason that I thought it would be proper that I could bring up what I wanted to is the title of the bill -- Agriculture and Animals. It didn't say just quarantine. The quarantine is what we have attached to the title of the bill.

"There's all kinds of problems. Do you want to go into agriculture? We've been bringing in all kinds of agricultural things that are not beneficial to our island state. So that's what I did, Mr. President. I went by the title, and I think that was fair.

"Thank you very much."

Senator Tam rose to speak with reservations and said:

"Mr. President, please register my vote W/R for the reason of equity. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3377 was adopted and H.B. No. 1889, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE AND ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (M. Ige). Excused, 2 (Buen, Bunda).

Stand. Com. Rep. No. 3380 (H.B. No. 2183, H.D. 1, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 3380 be adopted and H.B. No. 2183, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak in support of the measure with reservations and said:

"Mr. President, I rise in support of the bill with reservations.

"I voted against the bill for the straight out loan to the sugar company on Kauai and mentioned at that time that we did have other measures, including this one, to authorize the issuance of up to \$50 million in special purpose revenue bonds to a company (Worldwide Energy Group) for the development of ethanol which would help the Kauai Sugar Company. We've talked about ethanol for many, many years. We've talked about alternative energy. The state has made many efforts in terms of tax credits and incentives to try to provide alternative energy. I think, however, at the same time, we should be looking at these projects in total and again looking at them from the standpoint of improving the overall environment and economy as well.

"So I vote for the bill with reservations. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3380 was adopted and H.B. No. 2183, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

At 1:57 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:01 o'clock p.m.

Stand. Com. Rep. No. 3384 (H.B. No. 2572, H.D. 1, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 3384 be adopted and H.B. No. 2572, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Anderson rose to speak on the measure with reservations and said:

"Mr. President, I have some reservations on this particular measure.

"I sit on both committees. In the Water, Land, and Hawaiian Affairs Committee we had no problem voting for this bill, and everybody went up. Then when we got to Ways and Means they changed it, and one of the things is that we tacked on a couple of sections with which I have a little problem. One of them being that the department who we wanted to, I believe, give a little more leeway and not so much with the council, but it said that the department, in adopting rules pursuant to Chapter 91, shall consider, but are not bound by the criteria and general management principles in Section 4.9 and 4.10 in Kaneohe Bay. Well, that means that they shall take under consideration anything the council has to say, but they are not really bound to it.

"I'm not very familiar with all of the things that happened with the Kaneohe Bay Council but I do know that they have a very strong membership. And if it says that they shall, at least take them into consideration, the department has a lot of people who are, I wouldn't say weak, but they are easily influenced at times. Consequently, the council would be ruling as well as they are now. And that takes away from the department being as, I guess . . . flexibility that we're looking for, to allow them to do what they believe is right for all of the people because not everybody on the council represents the people, a lot of the groups, as much as they should.

"So this wording rather bothers me because we didn't have this in Committee. And you know that I'm shy, but I would have spoken up had this come up in Committee. We had all of the people there. It was not addressed and it was after. So for those reasons, I'm going with reservations at this time and maybe we can work it out in Conference.

"Thank you very much, Mr. President.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3384 was adopted and H.B. No. 2572, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Buen, Bunda, Taniguchi).

H.B. No. 2194, H.D. 2, S.D. 1:

Senator Fukunaga moved that H.B. No. 2194, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to support the measure with reservations and said:

"Mr. President, I rise in support of the measure with reservations.

"I think one of the most successful programs we've had has been the legislative access room. We honored people here on this Senate floor a number of weeks ago because it started out as a voluntary program. We are now funding the program and we're increasing the appropriations. The appropriations for additional information and for access by the public I think are worthwhile. But this bill goes in a different direction. It's now seeking to add a pilot program for child care -- to provide child care or baby-sitting for those people who come down to use the public access.

"I know that the Senate Majority caucus room has a lot of space and we could probably put the little tykes there, but the question really is whether or not we should be utilizing child care in legislative access. I think they're two separate things. And so for those reasons and for the fact that we cannot use the Minority caucus room since it will be growing after November, I would submit my reservations.

"Thank you."

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

The motion was put by the Chair and carried, H.B. No. 2194, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Buen, Bunda, Taniguchi).

H.B. No. 1900, H.D. 1, S.D. 1:

Senator Fukunaga moved that H.B. No. 1900, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga rose to support the measure and said:

"Mr. President, we do want to recognize our good colleague from the Hawaii Kai area; and while we don't have any songs

or dances to entertain him with, we speak in support of the state budget and would like to do so in a way which will be very appropriate.

"Fellow colleagues, we are poised at the start of this New Millennium with a supplemental budget that reflects our commitment to help Hawaii residents fully realize the benefits of the twenty-first century's New Economy. For those of you that have looked over the committee report, it pretty much spells out the priorities that we have identified. I want to highlight the following four objectives in our budget planning:

"First of all, the budget invests in Hawaii's people -- whether by added support for classroom staffing needs; or substantially increased levels of funding for repairs to Hawaii's school and public university facilities; or by way of increased funding support for health care services at the community level. For example, it also provides support to increase worker retraining efforts by Department of Human Resources Development to ensure that all state employees have the skills that they need to deliver twenty-first century services.

"Second, the budget shifts to a much more user-driven, customer-oriented approach to delivering government services. Two examples: 24-hour access to electronic information and services -- the state's Internet Portal, where we funded DCCA's efforts; and S.B. No. 3026's requirement that all school repair and maintenance expenditures be posted electronically to give each community a way to chart their school's improvements. These kinds of approaches give people choices, thereby rewarding speed, efficiency, and continuous improvements.

"The budget and some of the other bills that we have voted on today are also designed to support young people's aspirations, to give each youngster -- whether one from Kahaluu, Waianae, Kalihi, or Honokaa -- an opportunity to believe that he or she can become a future Bill Gates, the next Guy Kawasaki, or even Steve Case (of America Online). We believe that Hawaii's people are truly the best in the world and it is up to us to provide as many tools as possible to engage the coming generations of Hawaii-born entrepreneurs, policy makers, and bridge builders to the Pacific Century.

"For all of these foregoing reasons, we'd like to encourage our colleagues to vote in support of H.B. No. 1900, H.D. 1, S.D. 1.

"For the next part of our discussion I will defer to my co-chair; and then we'd like to introduce to you and to acknowledge the members of our Ways and Means staff."

Senator Levin rose to support the measure and said:

"Mr. President, overall we believe that this budget before you is both fiscally prudent and responsible.

"The Ways and Means Committee has given due consideration to the concerns of the administration, but this is a year when Ways and Means is determined to emphasize education, both for its own value and for the importance it has for our state, the economy, and the state's vitality. If you compare the biennium budget that we adopted last year, you will find that Ways and Means has proposed to supplement that budget with sizeable additions to lower education and higher education. These additions represent priorities identified by both the Senate and the administration and reflects the desire of both branches of government to improve the educational experience of our children.

"Ways and Means' commitment to education is reflected in this budget, and also in other measures that we have considered today, so that all together, when we reach the sixtieth day of the legislative session, we will be able to say to all concerned that this first Legislature of the new century was indeed the Education Legislature dedicated to meeting the needs of our community.

"Mr. President, I would like to return the floor to my co-chair."

Senator Fukunaga rose to continue her support of the measure:

"Mr. President, the final component of H.B. No. 1900, H.D. 1, S.D. 1, is its reliance on teamwork and collaboration. The value of this work product can meaningfully be evaluated as the sum of its many, many moving parts.

"What helped produce this document here before you today was support from you and your staff, from our subject matter committee chairs and our diligent Ways and Means Committee members, and most importantly, from our Ways and Means staff who are seated in the gallery.

"I'd like to first recognize on the budget side, our budget supervisor, Aaron Nyuha, and his budget team -- CIP analyst, Ryan Shigetani; analysts: Kevin Almeida, Urs Bauder, Rod Becker, Charles Gordon, Neal Matsumoto, and Michael Ng. (The Ways and Means staff members then rose to be recognized.)

"And now I will return the mike to Co-chair Levin."

Senator Levin rose to continue his support as follows:

"Mr. President, while I was sitting here innocently, while my mode of transport was being viciously maligned, I noted that there were no similar aspersions cast toward the work of the Ways and Means Committee nor its staff. I think there is good reason for that. Notwithstanding the remarks that may come from the Minority Floor Leader, the staff has done a remarkable job. Although none of them would be caught dead in my car, they otherwise have shown great wisdom and judgment throughout the past few months. They've worked tirelessly on behalf of the Committee and the Senate and I am proud to be associated with them.

"In addition to the analysts who have already been acknowledged, I would like to introduce and thank the bills research staff: Nani Medeiros, Gladys Quinto, Malia Manol, and chief bills researcher, Carl Miura. We are grateful to all of you. (The Ways and Means staff members then rose to be recognized.)

"Thank you."

Senator Fukunaga rose again and said:

"Finally, Mr. President, we'd like to introduce the captain of our Ways and Means team on his maiden voyage as our chief clerk, Gordon Arakaki. With his guidance, our team has experienced smooth sailing ahead, and we thank all of them. All of you, please rise and be recognized." (Mr. Arakaki and the Ways and Means staff rose to be recognized.)

Senator Slom rose and said:

"Mr. President, I'm cut to the quick. The co-chair of Ways and Means said 'notwithstanding the remarks forthcoming from the Minority Floor Leader.'"

The President interjected:

"Are you speaking in favor of this bill?"

Senator Slom replied:

"Why yes, I am, Mr. President, I am. I'm speaking in favor with reservations, and I do appreciate the work of the co-chairs of the Ways and Means Committee, of the members of the Ways and Means Committee, those times that they actually let me sit in and watch what goes on there, with the mysterious

goings on of the Ways and Means Committee, and certainly the Ways and Means Committee staff, because I know that they work very long and very hard. I know that because the popcorn smell wafts over into my office, day and night, so I know that they're working diligently for us.

"I think it is a good effort. I think it's a good budget, basically. I think it meets a number of our needs and attempts to deal with a number of our problems. I guess my concern and my reservations is that it still is a large budget. It still adds additional costs. It still adds additional personnel, over and above those in the Department of Education, to the already bloated state payroll, which means that it's going to add costs for retirement and health benefits. And these are things that I say we have to get under control.

"But generally speaking, I applaud their efforts. I realize how hard they have worked and that's why I will give my support. And even though they were unable to provide a song and dance for us, I think that the only thing that I could do is provide kind of a short song and dance for them. (Senator Slom then placed an electronic singing and dancing monkey on his desk and turned it on for the members of the Senate.)

"Thank you, co-chairs of Ways and Means." (Laughter.)

Senator Anderson rose in support of the measure and said:

"Mr. President, I rise to speak for the budget with no reservations.

"I sit on the Committee and I know how hard everybody worked and I know how hard the co-chairs worked. But one of my co-chairs in Judiciary said the other day that he's glad that I read. I read the Pacific Business News and it more or less said that we have a budget that's bloated because of fees. Well, the budget doesn't reflect those fees, Mr. President, until such time as we pass these bills which we've all been fighting.

"But I'd like to make a comment. The good co-chair from Ways and Means did say that the people of Hawaii are our first concern. And she's absolutely right, and I want you folks to realize that I asked if we could look at all the bills pulled by the Minority and Majority. Now, there might be a couple that overlap, but from page 15 on, those without any markings at all from the Minority, there would probably be about eight or nine bills that we would have discussed all day, including the budget. I think that's sad because the concerns of the citizens of Hawaii should be first and foremost. And that's why we have dialogue.

"Unfortunately, there are bills held up in committee that will never be heard, and that's sad because there are some good measures. I don't care who the bill name comes under -- Minority, Majority -- but is it beneficial for the people of Hawaii? I believe they are, and they're not being heard. So had we not requested these bills, we probably would have been out of here at 11:00 o'clock, 10:30, something like that. There would have been very little discussion on eight or nine bills. We could have all gone to lunch, rather than have the President invite everybody for lunch. But that's my concern.

"We put out a budget for the people of Hawaii. We have all kinds of fees that we're going to charge the people of Hawaii, and those are the ones that we've been speaking on and that we're concerned about. And if these bills pass, then we're going to say well, now we can go ahead. We're going to have a bigger general fund. We can spend more. And those are the concerns that the Minority Floor Leader and I have, is what happens, because if you read the Pacific Business News, that's what they're leading the people of Hawaii to believe -- that we have this inflated budget because we have all these fees already, and these are to come, and these are the ones that we should be looking at.

"And if we have bills in committee (not this year because it's way, way too late) that will reflect a savings to the people of Hawaii, to help the economy, to do many other things, I think we should be responsible enough to at least have a hearing, to have dialogue, so that people can come in.

"We should also look at because we have a large community of business people that maybe we should have some of these hearings at night so that they can attend or go to a neighbor island like we did with Water, Land, and Hawaiian Affairs. And it was the first time that some of these people came because they can't afford to come to Honolulu, but they were a part of the dialogue that we had. And I think that's important.

"So Mr. President, I have no problem with the budget the way it stands, and I do thank our chairmen and all of the staff for all of their hard work. Mahalo."

Senator Levin rose and said:

"Mr. President, I want to offer my sincere apologies to the Minority Floor Leader. I was being overly defensive. My eyesight was not good enough, and when he pulled out the stuffed doll that is on his desk, I assumed that was Rusty the orangutan.

"Thank you." (Laughter.)

The motion was put by the Chair and carried, H.B. No. 1900, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Buen, Bunda).

**MATTER DEFERRED FROM
EARLIER ON THE CALENDAR**

THIRD READING

Stand. Com. Rep. No. 3327 (H.B. No. 1836):

Senator Chumbley moved that Stand. Com. Rep. No. 3327 be adopted and H.B. No. 1836, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chun Oakland rose to support the measure as follows:

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

"The Hawaii Uniform Health Care Decisions Act was passed during the 1999 Legislative Session. This year, the Legislature was informed that leaving Part G of Subsection 13 of this law as currently worded would exclude a pregnant woman from designating a legal surrogate decision maker. It also precludes pregnant women from executing a living will or a durable power of attorney for health care. Retaining Part G would require the family of the woman, if she is not competent, to seek guardianship or other legal action to determine decision making during her incapacity.

"The intent of this measure, if enacted, is to help protect the autonomy of decision making for an individual to make critical life and end-of-life decisions and to ensure that these wishes are understood and carried out. It was also intended to simplify preparation of an advanced directive and develop a means to recognize a legal surrogate decision-maker in case an individual has not designated one. It was not the intent to enact a provision of the state law that would be discriminatory with respect to pregnant women.

"Women of child-bearing age need to understand how this law might apply to them in the event they become pregnant and incapacitated. For example, a pregnant woman can choose to

suspend the 'no-heroics' provision until her child is safely delivered. Another consideration is to understand that the state can override the no-heroics provision in the last trimester of pregnancy.

"With this, I urge my colleagues to support this measure. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3327 was adopted and H.B. No. 1836, entitled: "A BILL FOR AN ACT REPEALING SECTION 327E-13(G), HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 7 (Chun, Inouye, Kawamoto, Matsuura, Sakamoto, Slom, Tam). Excused, 2 (Buen, Bunda).

Senator Levin, for the Committee on Ways and Means, requested a waiver pursuant to Senate Rule 20 for the following Senate concurrent resolutions:

S.C.R. No. 97;
S.C.R. No. 171;
S.C.R. No. 181;
S.C.R. No. 199; and
S.C.R. No. 206,

and the Chair granted the waiver.

At 2:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:25 o'clock p.m.

ADJOURNMENT

At 2:25 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., Thursday, April 13, 2000.