

**JOURNAL**  
**of the**  
**SENATE OF THE**  
**TWENTIETH LEGISLATURE**  
**of the**  
**STATE OF HAWAII**

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**Second Special Session of 2000**

**Convened Monday, August 7, 2000**  
**Adjourned Tuesday, August 22, 2000**

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THE  
TWENTIETH LEGISLATURE  
STATE OF HAWAII  
SECOND SPECIAL SESSION OF 2000  
JOURNAL OF THE SENATE

FIRST DAY

Monday, August 7, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Second Special Session of 2000, was called to order at 10:18 o'clock a.m., by Senator Norman Mizuguchi, President of the Senate, in accordance with the following Proclamation:

"August 4, 2000

PROCLAMATION

We, Norman Mizuguchi, President of the Senate, and Calvin K.Y. Say, Speaker of the House of Representatives, of the Twentieth Legislature of the State of Hawaii, pursuant to the power vested in us by Section 10, Article III of the Constitution of the State of Hawaii, and at the written request of two-thirds of the members to which each house is entitled, do hereby convene the Second Special Session of 2000 of the Twentieth Legislature of the State of Hawaii for a period of five (5) days, excluding Saturdays, Sundays, and any days of recess pursuant to a concurrent resolution, commencing on Monday, August 7, 2000.

/s/ Norman Mizuguchi  
NORMAN MIZUGUCHI  
President of the Senate

/s/ Calvin K.Y. Say  
CALVIN K.Y. SAY  
Speaker of the House of  
Representatives"

The Divine Blessing was invoked by the Honorable Norman Sakamoto, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Buen, Hanabusa, Inouye and Menor who were excused.

**MESSAGE FROM THE GOVERNOR**

Gov. Msg. No. 1, submitting for consideration and confirmation as the Director of Labor and Industrial Relations, the nomination of GILBERT S. COLOMA-AGARAN, term to expire December 2, 2002, was read by the Clerk and was referred to the Committee on Labor and Environment.

**SENATE COMMUNICATION**

Sen. Com. No. 1, notice to the Governor dated August 7, 2000, transmitting S.B. No. 1, which proposes amendments to the Hawaii State Constitution, was read by the Clerk and was disposed of as follows:

By unanimous consent, the following notice was sent to the Governor:

"August 7, 2000

The Honorable Benjamin J. Cayetano  
Governor of the State of Hawaii  
State Capitol  
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following Senate Bill(s), a copy of which is attached hereto:

S.B. No. 1  
'PROPOSING AN AMENDMENT TO ARTICLE IV, SECTIONS 7 AND 8, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO STAGGER SENATE TERMS AFTER REAPPORTIONMENT.'

Respectfully,

/s/Paul T. Kawaguchi  
Paul T. Kawaguchi  
Clerk of the Senate"

**INTRODUCTION OF SENATE BILLS**

On motion by Senator Chun, seconded by Senator Slom and carried, the following bills passed First Reading by title and were referred to committees:

Senate Bill

No. 1 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTIONS 7 AND 8, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO STAGGER SENATE TERMS AFTER REAPPORTIONMENT."

Introduced by: Senator Mizuguchi.

Referred to: Committee on Judiciary

No. 2 "A BILL FOR AN ACT RELATING TO THE PRIVACY OF HEALTH CARE INFORMATION ACT."

Introduced by: Senator Mizuguchi.

Referred to: Committee on Judiciary

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

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

"Mr. President, I saw on television and also read in the paper that the leaders decided to have this special session and the bills that we are going to take up. I did ask if we could have a special session to override all of the vetoes that the governor made. Personally, I think that when the governor has the attorney general and others working on bills that you and the House members spent practically a year working on, even during the interim -- having the public input, making sure that when the session started you turned them into bills that were going to be acceptable -- and then they get vetoed for minor reasons, I think that you should have the guts to override the bills that you and the House members believe are pertinent and informative and good for the people of Hawaii.

"I personally, Mr. President, had 19 bills this year. They didn't get too far, but that's fine. They ran the gamut of economy, education, health, and the whole bit. People think we come here and that it's fun and games. Somebody asked me the other day, 'Do you think you earned your ten dollars today?' because we had the special session Thursday and Friday. That was in the late afternoon, and I said, 'I don't know. The day is not over.'

"If you want to come back for special session and I'm supposed to work, I wish that you would have the guts to say let's override 10, 20, whatever bills you believe are pertinent so that we don't waste our time and we're not just here for fun and games on two bills that the governor wants and an appointment that the governor wants. We just appointed four judges that could have been held up, I guess, until the regular session. That bothers me. I've got other things in life to do other than coming here and wasting my time because leaders decided on two bills that the governor wanted.

"Thank you very much, Mr. President."

At this time, Senator Chumbley, for the Committee on Judiciary, requested a waiver pursuant to Senate Rule 20 for S.B. Nos. 1 and 2, and the Chair granted the waiver.

#### ADJOURNMENT

At 10:29 o'clock a.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, August 8, 2000.

## SECOND DAY

Tuesday, August 8, 2000

## ADJOURNMENT

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

The Divine Blessing was invoked by the Honorable Bob Nakata, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Buen, Inouye, Kanno, Matsuura and Menor who were excused.

The President announced that he had read and approved the Journal of the First Day.

At 11:43 o'clock a.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, August 9, 2000.

## HOUSE COMMUNICATION

Hse. Com. No. 1, transmitting H.C.R. No. 1, which was adopted by the House of Representatives on August 7, 2000, was read by the Clerk and was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE SECOND SPECIAL SESSION OF 2000," was adopted.

## STANDING COMMITTEE REPORTS

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1) recommending that S.B. No. 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTIONS 7 AND 8, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO STAGGER SENATE TERMS AFTER REAPPORTIONMENT," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, August 9, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2) recommending that S.B. No. 2 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRIVACY OF HEALTH CARE INFORMATION ACT," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, August 9, 2000.

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

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

"Mr. President and colleagues, I just wanted to make a note that today, August 8, 2000, is a historic day, and I wanted to be sure that it was reflected in the Journal. Prior to the convening of the session, the historians and I were talking about the fact that in the history of this capitol, this is the first day that the Senate has in fact convened in the House chambers. I would call upon the historical knowledge of the good Senators from Waimanalo or from Aiea to correct me if I'm wrong, but it is a very historic day that this body is convening in these House chambers today. We wanted it to be on the record that you were in fact the first and only President to have accomplished that. (Laughter.)

"Thank you, Mr. President."

## THIRD DAY

Wednesday, August 9, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Second Special Session of 2000, convened at 11:47 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Urasaki, Aiea Hongwanji Buddhist Temple, after which the Roll was called showing all Senators present with the exception of Senators Buen, Bunda, Chun, M. Ige and Inouye who were excused.

The President announced that he had read and approved the Journal of the Second Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 2 to 4) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 2, transmitting H.C.R. No. 2, which was adopted by the House of Representatives on August 9, 2000, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE SECOND SPECIAL SESSION OF 2000," was adopted.

Hse. Com. No. 3, transmitting H.B. No. 1, which passed Third Reading in the House of Representatives on August 9, 2000, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTIONS 7 AND 8, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO STAGGER SENATE TERMS AFTER REAPPORTIONMENT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 4, transmitting H.B. No. 2, which passed Third Reading in the House of Representatives on August 9, 2000, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRIVACY OF HEALTH CARE INFORMATION ACT," passed First Reading by title and was referred to the Committee on Judiciary.

## ORDER OF THE DAY

## THIRD READING

S.B. No. 1:

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

Senator Ihara rose in support of the measure and stated:

"Mr. President, I rise in support of S.B. No. 1.

"Mr. President, I would like to commend the Judiciary co-chairs for crafting this simple, straight-forward, and non-controversial bill to fix the unequal Senate terms problem. In fact, just getting to the problem wasn't easy because the inequity was embedded in a complex staggered terms system which was itself a part of the state constitution.

"This bill is necessary to ensure fair elections for Senate seats in new districts after reapportionment. I believe this bill as written complies with community standards for fairness and equity in our democracy . . . and under the federal constitution.

"I acknowledge that today's vote comes near the end of a long process. In fact, it's been four months, almost to the day, when I concluded for myself that not fixing the problem was not an option.

"Until then, I was like most people and presumed that the unequal terms feature was necessary for the complex nature of the Senate staggering system to work. After all, the legislature had held public hearings in 1992, deliberated and voted on it; the media covered it; and the public voted for it.

"It was late Thursday afternoon, on April 6th of this year, after many hours of intensive discussion with staff trying to make sense out of the confusion surrounding the staggered terms system. We looked at this system from every possible angle and finally reached a simple, clear, and disturbing conclusion. This conclusion was that the unequal Senate terms part of this complex staggered terms system was entirely unnecessary for achieving the goal of maintaining the staggered terms system -- it was an extra and unnecessary feature.

"At first, it was hard to imagine that the inequity was a mistake, or even that someone might have a rationale for it. No one had said anything about this in 1992, not one of the legislators involved, not the media -- not a single soul caught this gross and indefensible inequity in 1992. At least no one who would admit it.

"Mr. President, I would also like to recognize and thank the Good Government Coalition for their successful grassroots campaign that finally persuaded this legislature to address this problem. My thanks also to all those who supported the effort -- including Senators who will vote for this bill.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTIONS 7 AND 8, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO STAGGER SENATE TERMS AFTER REAPPORTIONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Buen, Bunda, Chun, M. Ige, Inouye, Kawamoto).

S.B. No. 2:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRIVACY OF HEALTH CARE INFORMATION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Buen, Bunda, Chun, M. Ige, Inouye, Kawamoto).

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair

The Senate reconvened at 11:56 o'clock a.m.

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

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

"Just a comment -- I was toying with the idea of voting against H.C.R. No. 2 because I find it extremely interesting that we still don't know how to compute days here and how long we're going to be here. And I think it probably is yet another function of the fact that the Republicans were not invited to the closed-door sessions where the dates were set out, the agenda was set out, the bills were first drafted, and everything was presented for us to look at. Because Republicans have a wonderful way of organizing things and, Mr. President, we do know how to count properly, we wouldn't have to go back to a 1964 deputy attorney general's ruling.

"So just in the interest of time and to make sure everything runs smooth until the next problem that we encounter, probably next week, I kept my remarks as brief as I could.

"Thank you, Mr. President."

#### ADJOURNMENT

At 11:57 o'clock a.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 10:00 o'clock a.m., Monday, August 21, 2000.

## FOURTH DAY

Monday, August 21, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Second Special Session of 2000, convened at 10:07 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable David Matsuura, Hawaii State Senate.

At this time, Senator Kawamoto led the Senate in the Pledge of Allegiance in honor of the Medal of Honor recipients who were present as honored guests of the Senate.

The Roll was then called showing all Senators present with the exception of Senators Chun, Inouye and Tanaka who were excused.

The President announced that he had read and approved the Journal of the Third Day.

Senator Kawamoto rose at this time and said:

"Mr. President, it is with great honor and privilege to welcome and to have with us today, four living recipients of the 22 Medal of Honor awardees. We honor them today and pay tribute to all of the sacrifices many of our Americans of Japanese ancestry made to show their loyalty, dedication, and commitment to our country.

"The Medal of Honor, awarded by the President in the name of Congress, is the highest medal awarded by the United States of America. To receive this honor, the recipient must display personal bravery above and beyond the call of duty, while risking his life against an enemy of the United State of America.

"This morning, with much pride and gratitude, we salute and congratulate four of these national heroes."

The following introductions were then made to the members of the Senate:

Senator Fukunaga introduced and commended U.S. Senator Daniel K. Inouye. Second Lieutenant Daniel K. Inouye distinguished himself by extraordinary heroism in action on April 21, 1945, in the vicinity of San Terenzo, Italy. While attacking a defended ridge guarding an important road junction, Second Lieutenant Inouye skillfully directed his platoon through a hail of automatic weapon and small arms fire, in a swift enveloping movement that resulted in the capture of an artillery and mortar post and brought his men to within 40 yards of the hostile force. Emplaced in bunkers and rock formations, the enemy halted the advance with crossfire from three machine guns. With complete disregard for his personal safety, Second Lieutenant Inouye crawled up the treacherous slope to within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm. Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions. In the attack, 25 enemy soldiers were killed and eight others captured. By his gallant, aggressive tactics and by his indomitable leadership, Second Lieutenant Inouye enabled his platoon to advance through formidable resistance, and was instrumental in the capture of the ridge. Second Lieutenant Inouye's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit on him, his unit, and the United States Army.

Senator D. Ige introduced and commended Shizuya Hayashi. Private Shizuya Hayashi distinguished himself by extraordinary heroism in action on November 29, 1943, near Cerasuolo, Italy.

During a flank assault on high ground held by the enemy, Private Hayashi rose alone in the face of grenade, rifle, and machine gun fire. Firing his automatic rifle from the hip, he charged and overtook an enemy machine gun position, killing seven men in the nest and two more as they fled. After his platoon advanced 200 yards from this point, an enemy antiaircraft gun opened fire on the men. Private Hayashi returned fire at the hostile position, killing nine of the enemy, taking four prisoners, and forcing the remainder of the force to withdraw from the hill. Private Hayashi's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit on him, his unit, and the United States Army.

Senator Hanabusa introduced and commended Yeiki Kobashigawa. Technical Sergeant Yeiki Kobashigawa distinguished himself by extraordinary heroism in action on June 2, 1944, in the vicinity of Lanuvio, Italy. During an attack, Technical Sergeant Kobashigawa's platoon encountered strong enemy resistance from a series of machine guns providing supporting fire. Observing a machine gun nest 50 yards from his position, Technical Sergeant Kobashigawa crawled forward with one of his men, threw a grenade and then charged the enemy with his submachine gun while a fellow soldier provided covering fire. He killed one enemy soldier and captured two prisoners. Meanwhile, Technical Sergeant Kobashigawa and his comrade were fired upon by another machine gun 50 yards ahead. Directing a squad to advance to his first position, Technical Sergeant Kobashigawa again moved forward with a fellow soldier to subdue the second machine gun nest. After throwing grenades into the position, Technical Sergeant Kobashigawa provided close supporting fire while a fellow soldier charged, capturing four prisoners. On the alert for other machine gun nests, Technical Sergeant Kobashigawa discovered four more, and skillfully led a squad in neutralizing two of them. Technical Sergeant Kobashigawa's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit on him, his unit, and the United States Army.

Senator Kawamoto introduced and commended Barney F. Hajiro. Private Barney F. Hajiro distinguished himself by extraordinary heroism in action on October 19, 22, and 29, 1944, in the vicinity of Bruyeres and Biffontaine, eastern France. Private Hajiro, while acting as a sentry on top of an embankment on October 19, 1944, in the vicinity of Bruyeres, France, rendered assistance to allied troops attacking a house 200 yards away by exposing himself to enemy fire and directing fire at an enemy strong point. He assisted the unit on his right by firing his automatic rifle and killing or wounding two enemy snipers. On October 22, 1944, he and one comrade took up an outpost security position about 50 yards to the right front of their platoon, concealed themselves, and ambushed an 18-man, heavily armed, enemy patrol, killing two, wounding one, and taking the remainder as prisoners. On October 29, 1944, in a wooded area in the vicinity of Biffontaine, France, Private Hajiro initiated an attack up the slope of a hill referred to as "Suicide Hill" by running forward approximately 100 yards under fire. He then advanced ahead of his comrades about 10 yards, drawing fire and spotting camouflaged machine gun nests. He fearlessly met fire with fire and single-handedly destroyed two machine gun nests and killed two enemy snipers. As a result of Private Hajiro's heroic actions, the attack was successful. Private Hajiro's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit upon him, his unit, and the United States Army.

Senator Levin, on behalf of Senators Matsuura and Inouye, then recognized and commended Yukio Okutsu, who was not able to attend today's presentation but was presented with a Senate certificate in Hilo on July 18, 2000. Technical Sergeant Yukio Okutsu distinguished himself by extraordinary heroism in action on April 7, 1945, on Mount Belvedere, Italy. While his platoon was halted by the crossfire of three machine guns, Technical Sergeant



Okutsu boldly crawled to within 30 yards of the nearest enemy emplacement through heavy fire. He destroyed the position with two accurately placed hand grenades, killing three machine gunners. Crawling and dashing from cover to cover, he threw another grenade, silencing a second machine gun, wounding two enemy soldiers, and forcing two others to surrender. Seeing a third machine gun, which obstructed his platoon's advance, he moved forward through heavy small arms fire and was stunned momentarily by rifle fire, which glanced off his helmet. Recovering, he bravely charged several enemy riflemen with his submachine gun, forcing them to withdraw from their positions. Then, rushing the machine gun nest, he captured the weapon and its entire crew of four. By these single-handed actions he enabled his platoon to resume its assault on a vital objective. The courageous performance of Technical Sergeant Okutsu against formidable odds was an inspiration to all. Technical Sergeant Okutsu's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit on him, his unit, and the United States Army.

At this time, the President appointed Senators Kawamoto, D. Ige, Hanabusa, Fukunaga, and Anderson to escort U.S. Senator Daniel K. Inouye to the rostrum to address the members of the Senate and guests on behalf of all the Medal of Honor recipients.

U.S. Senator Daniel K. Inouye addressed the members of the Senate and their guests as follows:

"Ladies and gentlemen, and my fellow Americans, the honor you pay us is something that we should share with all of our comrades.

"I have avoided watching the movie Saving Private Ryan, and I did so until three weeks ago. At that time, I decided to see that movie because I was told that it was a very realistic one. I've tried throughout these decades to avoid reminding myself of this war because there is nothing glorious or beautiful about warfare -- it is ugly; it is painful; it is dreadful. And sure enough, the movie Saving Private Ryan was very realistic to see men dying. But the thing that impressed me was that notwithstanding the fact that bullets were flying towards them and the shells were aimed at them, every single man picked up his gun and moved forward knowing that one or more would not make it. And in that circumstance it occurred to me -- how does one select a recipient of a medal, because all of them had somehow demonstrated bravery above and beyond the call of duty.

"Yes, and there's another situation . . . I made it a point to look over the citations of those Americans who had received the Medal of Honor to see the special fraternity I was now to become a member of. I noted a common thread -- killed 25, captured 15; killed 14, captured 8; knocked out 3 machine gunners -- and it appeared as though we were getting this medal because of the killing.

"In my platoon, and I am certain my colleagues will agree, the bravest person on any combat day was the medic. He had no guns. He had no special armor, no protective device. But whenever a person got wounded, the first call he made was 'medic.' I hate to disappoint others but they never called for their sweethearts or wives; they called for a medic. And the medic was the first to respond. Notwithstanding the hail of fire, he came charging through. As a result, many medics died; many medics received the Purple Heart. Unfortunately, if you look at the Medal of Honor recipients, very, very few are medics, because apparently we have not reached the stage where we will honor a man in combat for saving lives. But I'm glad that among the 22 of us who received the Medal, one was a medic. At least we recognized one person.

"As I close, may I just share with you that when I say all of us should have received this Medal, I say so with all sincerity, and I do so by recalling a morning before combat. We had just landed in Naples and I noted that the night before, all gambling had stopped, all singing stopped, all discussion stopped. The ship was very quiet, and the men were, for the most part, hanging on the railing

and looking out at the horizon at this place where we were to land and to begin our fighting. So the next morning when we assembled on land, I got my squad together and I, as a curious young fellow, asked the question, What were you thinking about? All of us were quiet -- no gambling, no singing -- what were we thinking about? And every one of the 11 men sitting around me gave the same answer, in different ways -- I hope I don't bring shame; I hope I don't dishonor the family. It was a common thread that ran throughout the whole regiment. So you can see, none of us wanted to bring shame. I hope we brought some glory.

"Thank you."

At this time, Senator Slom rose on a point of personal privilege and said:

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

"I just wanted to say that it is always a privilege and a pleasure to hear and to learn from our distinguished senior Senator. On behalf of Senator Anderson and myself, I want to add our congratulations and our pride not only to the honorees, but also to their families today.

"Patriotism, heroism, courage is bipartisan, and we are privileged to share in the glory that you have brought to all of us and the sacrifices that you have made for all of us. I just want to tell you that we will not forget, nor will we allow our children to forget what you've done for us.

"God bless you, and thank you."

At 10:33 o'clock a.m., the Senate stood in recess subject to the call of the Chair

The Senate reconvened at 10:41 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3) recommending that H.B. No. 1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chumbley, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTIONS 7 AND 8, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO STAGGER SENATE TERMS AFTER REAPPORTIONMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, August 22, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 4) recommending that H.B. No. 2 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chumbley, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRIVACY OF HEALTH CARE INFORMATION ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, August 22, 2000.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 5) recommending that the Senate advise and consent to the nomination of GILBERT S. COLOMA-AGARAN as Director of Labor and Industrial Relations, in accordance with Gov. Msg. No. 1.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 5 and Gov. Msg. No. 1 was deferred until Tuesday, August 22, 2000.

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

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

"Mr. President, I don't like these special sessions because I have to wait days and days and days to speak. I've got the list down to a basic 12 things right now that I'd like to speak on since we've been in recess, but with your kind indulgence, and looking at the clerks and their faces and all, I'll get it down to three.

"First of all, there was a major story in today's Honolulu 'Probdetiser' called, 'Families barely make ends meet.' The emphasis there was on providing more government involvement, higher minimum wages, and more welfare. Mr. President and colleagues, that's not Hawaii's problem, because in every other state we've seen it's been just exactly the opposite -- less welfare and less government; more take home pay and less taxes; more individual initiative and more rewarding of incentives. And unless and until we get it right, we're going to continue to have headlines like this and stories like this despite the fact that (what's that gentleman's name, Gore?) Gore came here at McKinley two years ago and said, quote, 'the economy is turned around,' unquote. And the governor says, 'You know, the economy is doing fine; everybody's doing well.' Well, people are not doing well. The small business people are not doing well, and your constituents are not doing well. And when you talk to them they tell you this -- they're working harder and enjoying it less, and they're realizing a reduced quality of life. And it's because of our tax structure, because of our government, because of the things that we're doing here. We've got to do them better. So Mr. President, that's my remark on that.

"The second item . . . I would be remiss if I didn't say, 'Pardon me, Ben.' I think it's outrageous the pardons that the governor made and particularly outrageous in the way that he did it. He left the pardons here and then he went on (if you can believe that) his first vacation in 26 years. I don't know what all of the other trips and times out of the state are, but be that as it may, the fact is that he made those pardons and was not here to answer questions and to discuss this.

"Now, we've seen back and forth in the newspaper pro and con -- the idea of being forgiving and of turning the other cheek, and I certainly agree with that and subscribe to that. But Mr. President, I would remind you that my colleagues and myself, we spend a great deal of time here crafting legislation, crafting laws, crafting penalties for those who do not obey the laws. And to have some people selectively get by with less than what the law calls for makes a mockery of the judicial system and also our way of government. And it negates the hard work that we do.

"Now, I'm very happy that Mr. Foley . . . no relation to Dan Foley, we want to always make that clear even though Dan Foley is his attorney and even though Dan Foley was appointed by the governor and even though there may have been a quid pro quo, no relation. I'm very happy that Mr. Tom Foley was a model prisoner, but there are other model prisoners. The fact of the matter is it was his third DUI offense. The third one that he got caught at that we know of. And he killed an individual. And for the governor to do this, I think, is shameful and outrageous.

"And secondly among the pardons, the pardon of former state representative Gene Albano, one of the very few people in this state ever convicted of voter fraud. Voter fraud and registration -- something that is very basic, something that those honorees for the Medal of Honor fought for -- our right to vote. For him to be pardoned because he's not feeling well, again, is a travesty. And I don't care that we have a long list of the pardons that were made by

previous Democratic governors. That's not the point. The point is that we should keep these things in mind and we should hold our chief executive to a higher standard.

"And finally, Mr. President, there was a special meeting here at the Senate last week because of another emergency created by the head of the state Department of Health. It involved the workers and the patients at the Diamond Head Mental Health Center. It was because of the actions taken by Mr. Bruce Anderson, the director of health, in his desire for more office space and more comfort for he and his employees to disrupt the lives of patients getting mental health treatment and those that were administering it to make it more convenient for the bureaucrats than for the patients. And yet we sit in here and we talk about how we are trying to improve health and human services and the welfare of all people.

"This is not the first time that the health director has done this. He did it last year when he unilaterally got rid of the dental health program that had been so effective in the schools, instead pushing for the mandatory fluoridation of water. And then after a while when everybody complained about it and everybody came forward, he said, 'Oh, maybe I should listen to the people.' And the program was restored. And then right after that, he announced in Pearl City that despite the objections and despite the lack of knowledge by people in that area, they were going to get youthful sex offenders whether they wanted it or not. And only after, again, the community got galvanized and spoke up, only then did he say the same thing, 'Oh, maybe I should listen to the people.'

"And in another area, Felix-Waihee/Felix-Cayetano -- where the Department of Health has been a terrible representative for this state and for those desiring and needing services, as well as for the taxpayers -- after a lot of foot-dragging the health director said, 'Oh, maybe I should listen to the people.' And so this is the fourth incident.

"I would suggest that when we in the Senate are confirming individuals, that we remember things like this, that we ask the tough questions and we make sure that anybody that we confirm talks to the people first. We owe them that, and other people owe them that as well. And I think that for the best mental health of everyone, Mr. Bruce Anderson should step down.

"Thank you, Mr. President."

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

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

"Every press release, letter to the editor, or whatever, is sent out by my staff. When they ask to whom, I say to God and everybody. I think it's fair that people know how I feel. On July 29th of this year, the managing editor for the Star Bulletin, Mr. Shapiro, wrote an article. Now this gentleman, I was told, is sick, but not too sick to write his articles.

"On July 29th I called his office and I left messages. They advised me that he gets his messages almost daily. To date, Mr. Shapiro hasn't returned my messages so I don't think that it's improper that I read what he wrote in this article. It more or less runs down both parties for lack of putting up alternatives to another colleague. What it says here is that it showed Democrat voters who are 'picky about honest government' are not doing something about some of their own rubbish. But the Republicans are dealing with their own Bronster/Bishop Estate problem in another windward district by offering a veteran, Mr. Hemmings, as an alternative to Senator Whitney Anderson.'

"Now, I've written everything about the Bronster vote, 10 different issues that supported my vote. The second point is that

Anderson had nothing to put forward for the economic revitalization taskforce other than horse racing. This is not true; they didn't want to discuss how to help the economy.

"What bothers me more, Mr. President, is that the article runs down my colleagues, they run down myself, including my colleague Senator Slom. But Midweek, they don't mind printing everything that they want to against us. I received a call the other day from the moderator for some kind of dialogue deal. It's one of these people that I send information to and they've run us down, and now they want to be a moderator. I didn't even ask what the ground rules were . . . I don't care! I don't know what the subjects are going to be. But these individuals can write nasty things about us and then they're going to be the moderator. They claim to take no sides -- they're so full of it I can't believe it. And it bothers me because they, too, get the information.

"I realize that a writer's shortcomings may not be their fault, it could an editor's decision. Mr. Bob Rees turned around and said that I voted 'aye' in the Judiciary meeting the other day for Mr. Dan Foley. I didn't. I voted with reservations. The same as I did on almost everybody, because I come down here on this floor and I have lots of objections to people. I spent a week on research. When people called me about Mr. Foley the day before and the day of voting, I said, 'I happen to be voting the way that you're asking but I've been working on this for a bloody week. And now you come up and say you should vote this way because of your one issue.' I don't have one issue; I have many issues. And then when I voted 'no,' Mr. Rees puts down that 'he forgets that he voted "aye" in committee.' Well, he talks out of both sides of his anatomy once in a while.

"It's too bad that you and I get run-down because these people don't do their homework. Mr. Rees knows damn well what a vote of 'aye, with reservations' is. There was only one vote against Mr. Foley in committee. We were told we couldn't kill a nomination in committee anymore. We used to have a committee that did that. It was a lot better. It was, I think, very respectful to the people who were being considered. I don't think that it's fair, and I've said this on the floor -- it's unfair and unreasonable to have people that the governor puts up for confirmation to come here with their families and friends and everyone else, and then we have to stand up and speak against them.

"Now I don't mind what they print about Whitney Anderson or what they say about Whitney Anderson, it really doesn't make a damn difference to me. But I think it's wrong when you send them the information, they have the information, and then they write BS! That is not fair to my colleagues, and it's not fair to me. So ladies and gentlemen of the press, if you're going to write anything, make it truthful, because I think that it's fair for the public to know what we are, who we are, and they can vote accordingly.

"Thank you so much for the time, Mr. President and my colleagues."

#### ADJOURNMENT

At 10:55 o'clock a.m., on motion by Senator Chumbley, seconded by Senator Slom and carried, the Senate adjourned until 10:00 o'clock a.m., Tuesday, August 22, 2000.

## FIFTH DAY

Tuesday, August 22, 2000

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

The Divine Blessing was invoked by the Honorable Jonathan Chun, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators M. Ige and Inouye who were excused.

The President announced that he had read and approved the Journal of the Fourth Day.

## ORDER OF THE DAY

## ADVISE AND CONSENT

Stand. Com. Rep. No. 5 (Gov. Msg. No. 1):

Senator Nakata moved that Stand. Com. Rep. No. 5 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Nakata then moved that the Senate advise and consent to the nomination of GILBERT S. COLOMA-AGARAN as Director of Labor and Industrial Relations, term to expire December 2, 2002, seconded by Senator Chumbley.

Senator Nakata rose in support of the nominee and said:

"Mr. President, I rise to speak in favor of this appointment and urge my colleagues to vote for Mr. Agaran.

"It is really an honor and a privilege to tell you that the Committee on Labor and Environment unanimously recommended Mr. Agaran to this position after quite a bit of questioning. Testimony in support of him was overwhelming, in fact unanimous. More than 40 pieces of testimony came in from various individuals and organizations which attest to his intelligence and his commitment to his work.

"He has been deputy director for two other agencies of government. His academic record displays his intelligence. He's a graduate of Yale College and Boalt Hall Law School. He was the valedictorian of his graduating class at Maui High School.

"There were constant comments on his intelligence, on his commitment to the work that he has done, and to the many and varied organizations to which he has given his time, energy, and devotion.

"Again, it is an honor and a privilege to recommend that the Senate advise and consent to the appointment of Gilbert Agaran to be director of the Department of Labor and Industrial Relations. Thank you."

Senator Kanno also rose in support of the nominee and said:

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

"Mr. President, I have known Mr. Coloma-Agaran for 20 years now, and I have every confidence that he will do an excellent job as labor director.

"As we begin this new millennium, our job market is changing rapidly, and I believe one of the priorities for Mr. Coloma-Agaran is workforce development and making sure that our workers are trained for the jobs of the future.

"I urge my colleagues to support this nominee. Thank you."

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

"Mr. President, I also rise to speak very briefly in favor of this confirmation.

"Mr. President, I have known Gil for a number of years through his community and civic involvement, especially within the Filipino community. I can attest to the fact that Gil really is exceptionally qualified to serve as labor director and the governor really should be commended for making this appointment.

"Throughout the years, I really have come to greatly respect the outstanding work Gil has done and his intelligence, dedication, and commitment to bettering the lives of others. Moreover, as the past chair of the House Consumer Protection and Commerce Committee, I can tell you that I really had the pleasure and the opportunity to be able to work with Gil on issues affecting the department. As deputy director of DCCA, Gil displayed outstanding and excellent leadership and administrative skills that I know will serve him in good stead as he assumes the position of director of the Department of Labor and Industrial Relations.

"Finally, it should also be noted that Gil comes from a working-class background. It is my understanding that his grandfather initially labored in the plantation fields and later in hotels in Honolulu before eventually returning to Maui where he worked in the Kula Sanitarium. Gil's father also arrived and emigrated from the Philippines to Hawaii in 1946 to work at HC&S in Puanene, Maui.

"A mutual friend of both Gil and myself, as well as a local attorney, Alfredo Evangelista accurately described Gil, his background, qualifications, and values in a letter that he submitted to the Senate Committee on Labor and Environment in which he states, 'You can take Gil out of the working class, but you can never take the working class values out of Gil.'

"Mr. President, given Gil's professional and governmental experience, his educational background, and the values that he holds and shares with all of us, I am confident that he will make an excellent director of the Department of Labor and Industrial Relations. Accordingly, I will be joining all of my colleagues in strong and wholehearted support of Gil Coloma-Agaran for the position of the Department of Labor's director.

"Thank you."

Senator Chumbley then rose to support the nominee and said:

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

"Mr. President and colleagues, we are very proud on the Valley Isle to have Mr. Agaran nominated to this position. He does have a long history of family involvement and contributions to our community. One of the things I'm most excited about is that during the hearing Mr. Agaran had made a commitment to bring back to the neighbor islands, not only Maui but to the Big Island and Kauai, the Department of Labor. And he committed that he will bring services and bring meetings and bring his department and open his doors to all the people on the neighbor islands. So I ask all my colleagues to please support this nomination.

"Thank you."

Senator Chun rose to support the nomination and said:

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

"Mr. President, I am very much impressed with Mr. Agaran's credentials and education. I did have a concern in terms of his lack of experience in the labor field. However, I met with Mr. Agaran and I think what impressed me most was his answer to one of the questions I had and that is, 'Is he going to commit to serve the final two years of this administration's term?' He unequivocally said he would.

"Mr. President, that is something we want to see in our leaders today. We want to see commitment towards the goal. We want them to finish the work that they started. I think the governor will be well-served by having somebody as committed as Mr. Agaran serving as director of the Department of Labor and Industrial Relations.

"Thank you."

Senator Matsunaga also rose in support of the nominee and said:

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

"I would just like to briefly add my support to the comments of the previous speakers and commend Mr. Agaran. He is one possessed of tremendous intellect and unwavering commitment to government service, and of course a modest sense of humor. He has always shown the ability to be competent and efficient, whether it's helping us crackdown on unlicensed contractors or his participation in office fantasy football pools. So I urge my colleagues to vote in support of the nominee.

"Thank you."

Senator Slom rose in support of the nominee and said:

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

"I support Mr. Agaran. I, over the past four years, have seen him before committees when he represented DLNR and when he represented DCCA. I think he's done an admirable job in doing that. I think he has the qualifications and experience. In talking with him and asking him questions, I think that he's going to do an outstanding job and move this department closer so that we have a combination of labor and business working together for the benefit of this community rather than an adversarial relationship. So I wholeheartedly support his nomination.

"Thank you."

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

Ayes, 23. Noes, none. Excused, 2 (M. Ige, Inouye).

At this time, Senator Nakata introduced Mr. Coloma-Agaran who was seated in the gallery with family and friends.

### THIRD READING

H.B. No. 1:

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

Senator Ihara rose in support of the measure and stated:

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

"Mr. President, I spoke in favor of this bill at first crossover, so I won't repeat my speech. But I did want to thank and acknowledge

the leading citizen advocates who brought this issue to the attention of the public and the Legislature, as well as getting the support of many grassroots organizations. They are Larry Meacham from Common Cause Hawaii and Laure Dillon from Hawaii Clean Elections who are in the audience. Please stand to be recognized. Also here are George Fox and Jean Aoki from the League of Women Voters. (All rose to be recognized.) I wanted to thank the three of you as well as Larry for saving taxpayers from having to defend a lawsuit as well as thanking you on behalf of the many Hawaii voters who will never know or appreciate what you've done to preserve their voting rights.

"Thank you."

The motion was then put by the Chair and carried, H.B. No. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTIONS 7 AND 8, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO STAGGER SENATE TERMS AFTER REAPPORTIONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (M. Ige, Inouye).

H.B. No. 2:

Senator Chumbley moved that H.B. No. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Menor rose to speak in favor of the measure as follows:

"Mr. President, I'd like to speak briefly in favor of H.B. No. 2.

"Mr. President, let me first of all state for the record that I support the provisions of this bill that would in effect delay the effective date on the medical records privacy law to the extent that we have received testimonies and concerns from various interested parties regarding the ambiguities that exist under the current law. However, I believe that there are several important points that need to be made for clarification.

"First of all, there are some, including one of our major newspapers, who have suggested that the problems with the current law could have been addressed by the legislature earlier without the need for a special session. They allege that many of the concerns that have been raised now about the law had been brought to our attention during previous legislative sessions. For the record, Mr. President, let me state that as the past chairman of the House Consumer Protection and Commerce Committee which had jurisdiction over this legislation during the past two sessions, I can tell you that this criticism is not justified.

"As you know, Mr. President, the medical records privacy bill which we eventually enacted into law in 1999 was introduced during the 1999 Session at the request of a medical records privacy taskforce that was comprised of a broad cross-section of individuals including representatives from the Office of Information Practices, the Hawaii Medical Association, other healthcare professionals, health insurers, and other individuals. Mr. President, we relied heavily on the expertise and input of this taskforce in the development of this particular bill. From the time that the bill was first introduced, various House and Senate committees that had jurisdiction over this measure conducted extensive and numerous public hearings. These committees in fact followed many of the recommendations of the taskforce members, all of whom supported passage of the bill in 1999 and who hailed the measure as landmark legislation that put Hawaii at the forefront of other states. Moreover, we consulted and worked closely with representatives of property and casualty insurers to try to address their concerns.

"Furthermore, it should also be emphasized that the legislature took the step of delaying the effective date in 1999 by one year for

several reasons. First of all, we wanted to give all of the entities that would be covered under the bill adequate time to be able to gear up for and to comply with the requirements of the law. In addition, we wanted to give interested parties the opportunity to be able to come before the legislature to suggest changes and approvals to the law during the 2000 Legislative Session. Unfortunately, many of the concerns that have been raised about this bill more than two years after we passed the law in 1999 were never brought up to the legislature during the past legislative session. Had these concerns been expressed and communicated through the respective and appropriate House and Senate Committees, I am confident that we would have been able to make the appropriate changes and improvements to the law that would have obviated the need for a special session.

"Mr. President, I am offering these comments to set the record straight in regards to the development and passage of a law which I believe are germane to the discussion of this bill. I would also like to add that I do recognize that we do need to extend the effective date to give the legislature an opportunity to be able to address the complex issues surrounding this measure during the 2001 Legislative Session. Accordingly, I will be joining my colleagues to vote in favor of this bill.

"Thank you."

The motion was then put by the Chair and carried, H.B. No. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRIVACY OF HEALTH CARE INFORMATION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (M. Ige, Inouye).

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 1 and 2) were read by the Clerk and were disposed of as follows:

##### Senate Resolution

No. 1 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THE SENATE FOR THE FIFTH DAY."

Offered by: Senators Ihara, Anderson.

On motion by Senator Chun, seconded by Senator Slom and carried, S.R. No. 1 was adopted.

No. 2 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Ihara, Anderson.

On motion by Senator Chun, seconded by Senator Slom and carried, S.R. No. 2 was adopted.

At 10:30 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:36 o'clock a.m.

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

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

"Today, Mr. President, is your last day to stand before us as the presiding officer of the Senate, and in honor of that, we would like to present you with some leis and congratulate you for your leadership and all of your contributions and all of the things that

you have taught us over the past years. So, prior to sine die, Mr. President, if it would be appropriate, we'd like to ask for a recess so we may do that.

"In addition, today is Senator Tanaka's last day as a member of the Senate. He will still be a Senator until November, as will you Mr. President, but we would also like to congratulate him and thank him for all of his contributions and all of his humor and good laughs during the last eight years. In fact, today he looks so much younger. He doesn't need these stress balls from Senator Kawamoto because today he looks like a young man, Mr. President.

"So at the conclusion of any other statements the members would like to make, we'd like to ask for a brief recess. Thank you."

Senator Kawamoto also rose on a point of personal privilege and said:

"Mr. President, I rise for two points of personal privilege.

"First of all, I'd like to again thank Senator Tanaka, the Senator from Maui, for maintaining the concept of palaka and for allowing me to share, when I came in, a portion of that concept. Just recently he gave me his shirts and his ties, and I accept the duty of monitoring the concept of palaka, so I wore his tie today. It's not hand-me-downs; it's just passing it on. (Laughter.) Joe, I appreciate all the things you did for us -- being out there and keeping the faith -- thank you very much. How about a hand for Joe Tanaka. (Senator Tanaka received a resounding round of applause.)

"My last point, but not least, again Mr. President, I thank you for the opportunities of learning from you, teaching me humility and patience, and again, understanding what's important -- the end product, not the fights that got us there. We appreciate that kind of leadership and I, for one, personally feel that it's great to maintain the friendship, even through politics for 45 years. Thank you very much, Mr. President."

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

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

"First of all, let me acknowledge, also, Senator Tanaka from Maui. We certainly will miss him those few times that he's been here for us. (Laughter.) I do want to say that he's been very ecumenical and very bipartisan. He did offer me his collection of boxer shorts. (Laughter.) I had to decline, but I want to thank him. He has brought wit and wisdom to the Senate body. The thing that I have liked, personally, about him -- he has always been behind me (laughter) and I think that's extremely important and that's where he'll stay. Now, I know he'll go on to bigger and better things and we can have the Playmates' softball telephone numbers published widely. (Laughter.) So, thank you for everything you've done, Senator Tanaka.

"Mr. President, I have said publicly and privately before that you have been most fair to the emerging Republican majority in this Senate body. You have allowed debate; you have encouraged our participation and shared information with us. I appreciate your leadership and all of the things that you have done. It's been a privilege to have served with you. We are going to miss you. Who else dresses better than you do? (Laughter.) Who else sings karaoke as you do? I've got to say, I've known you, Mr. President, for more than 25 years and I don't know how you look the same way you do after 25 years -- you handsome buggah you! (Laughter.) So, thank you very much for everything you've done, Mr. President. Aloha!"

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

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

"I'd like to say it's been a real privilege to have known Senator Tanaka. We've had some good days and bad days together, and some good fights. So I'm going to miss you, Joe. I respect you and I've really enjoyed it.

"I'd like to thank Senator Kawamoto for our stress balls this morning that we received.

"You, Mr. President, I've known you for, I guess, better than 20-some odd years. I've enjoyed you being our President and working under you. We've had some agreements and disagreements, but that's what politics is all about.

"The last thing that I'd like to say . . . I didn't want you to think that we're going out of here without some kind of comment on the news from the IRS that we have. I happened to read this when it came into my office and I was a little disturbed, Mr. President, possibly because it comes from Congress and they circumvent congressional people having to do all of these things, if I read it right. They're telling the state legislature we need to do more forms and more work to make sure that our volunteers are going to be antagonized a little more.

"So, before you leave, Mr. President, I didn't want you to leave without thinking that the Minority was going to just accept everything readily. I did have those concerns and I wanted to make them your concerns before you leave.

"So again, thank you for everything you've done for us. Mahalo!"

Senator Tam also rose on a point of personal privilege and said:

"Mr. President, I wish to speak on the basis of personal privilege.

"I would like to say thank you very much to the Senator from Maui, Senator Joe Tanaka. I enjoyed having you as a committee member of Government Operations and Housing. Your contribution was greatly enriching in terms of the Committee, especially your knowledge about the business community. Thank you very much. I really think that you express the wishes of your community on Maui and we thank you for sharing that knowledge.

"As for you, Mr. President, many people call you Mr. Sunshine here at the capitol and I wish to acknowledge your openness in terms of your leadership and your willingness to accept new ideas so that we can continue with our process called democracy. You've been very fair to all of us and thank you very much."

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

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

"To both of you, Senator Tanaka and Mr. President, as a first time elected official, I really appreciate both of you for sharing words of wisdom on whatever side of the issue I'm on. Whether it was the same side as yours or the other side, I really appreciated the good advice and the fairness. I honor both of you in putting family first. Many times, elected officials stay until their booted out, but both of you put family first and I believe that's a great honor. God bless both of you."

Senator Kanno rose to speak on a point of personal privilege and stated:

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

"I'd like to add my comments to those of the previous speakers to Senator Tanaka and to you, Mr. President. The contributions the two of you have made to the Legislature and to the State of Hawaii are numerous and too many to mention. For the majority of my time here, I've been the youngest member of the State Senate, and the two of you have always been more than generous with the help that you've provided to me and I thank you for that.

"As you move on, please know that you have the best wishes of those of us here. Thank you."

Senator Fukunaga then rose on a point of personal privilege as follows:

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

"In looking around, I notice that I believe I am the last member of our original gang of nine who tried to organize in 1993, and I want to say that it's been an honor and a privilege to have worked with both you and Senator Tanaka.

"We started out those early years traversing many locations throughout my senatorial district since we were not part of the original majority. But having come from those humble beginnings and singing many songs together about doing it your way, we certainly managed to undertake some exciting times. During the last seven years, we have seen many changes actually come about in the State Senate that many of us would never have encountered previously.

"It's going to be a new beginning as 2000 goes forward, and I know that you will be tackling many new projects. We are hopeful that some of those film and other kinds of dot-com projects may also come to fruition. On this day I'd like to wish you and Senator Tanaka the very best, continuing to do it your way.

"Thank you."

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

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

"First, Senator Tanaka. Senator Tanaka and I were almost destined, I believe, not to get along. (Laughter.) First I take his office, then he inherits the small one that I had, and then poor Senator Tanaka is made vice chair to a freshman Senator, me. But over the two years, all I can say is that there has been no better friend in the Senate than Senator Tanaka. Our relationship has evolved like I believe all of our relationships should evolve. I've reached a point now where Senator Tanaka is someone who we share thoughts with and is there at every single one of my meetings, contrary to what I believe the Minority Floor Leader said. He's there at every meeting of the Senate Committee on Water, Land, and Hawaiian Affairs, and he, without any grumbling, went around the islands -- all of them -- with us on the Rice v. Cayetano issue.

"Senator Tanaka has been there for us and has attempted to mold us into the kinds of Senators that he believes we, especially the freshmen, should become. To this, we owe him a great deal of gratitude and one that we will never be able to repay.

"To you, Mr. President, I can't understand why after surviving the five freshmen Senators you would want to retire. Why would you want to do that? You've survived us, so you should just continue on. But we thank you or I thank you for everything that we've learned from you. We know that you have a bouncing grandson that you'd like to spend more time with, but you will be missed. Thank you very much, Mr. President."

Senator Chun also rose on a point of personal privilege as follows:

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

"Since I haven't known you that long, Mr. President, I can't say how many years I've known you. However, I will have this to say, and that is, since coming to the Senate, you have been very open, kind, and generous with your time, and I thank you for that. I thank you for your words of wisdom and counsel. I might not have always agreed with you, and I think there were a lot of times I didn't agree with you, but it was good I think, because contrary to what people might say that the Senate is heavy handed, I think you have shown to be a person of restraint and a person of reason. We could always talk about our differences and I appreciate that in you, Mr. President.

"Senator Tanaka, thank you for basically giving us your advice and your counsel. But most of all, thank you from a neighbor island Senator to another neighbor island Senator for helping keep us together as neighbor islands to look after the best interests of our neighbor island citizens. Thank you, Senator Tanaka.

"Lastly, I think one of the saddest things about the departure of our two esteemed colleagues is we might not stand a chance next year against the House in the golf tournament. We're losing our two best golfers. (Laughter.) But I think we will rise from the ashes. Mr. President and Senator Tanaka, thank you."

Senator D. Ige rose on a point of personal privilege and said:

"Mr. President, I'm rising on a point of personal privilege.

"I would just like to thank Senator Tanaka for all of his efforts to try and introduce me to all the vices that he tends to propagate. (Laughter.) It clearly was an entertaining and educational experience for me sharing all that time out on the railing.

"For you, Mr. President, I would like to, on behalf of the communities of Aiea and Pearl City, thank you for your many years of service. Clearly, the community is much, much better off. Just to make an announcement, I think it's fitting that the Aiea Little League came home as World Series champions this past week. For your commitment to the community and the youth of the community, I thank you."

Senator Buen also rose on a point of personal privilege and said:

"Mr. President, I rise on two points of personal privilege.

"I want to thank my fellow colleague from Maui for the two years that I have served here and in giving me guidance and a lot of advice as one of the senior Senators here. Thank you, Senator Tanaka, for those words of wisdom that you shared. Also, there were great movements and some great ideas that we shared with our neighbor island colleagues and I really don't know what happened to all those ideas because we didn't go further, but it was really Senator Tanaka who brought us together in talking about different important water issues. I wish you could remain and continue to follow up and finish what we had attempted to do with the neighbor island Senators. Thank you very much for all the help.

"Mr. President, thank you for all your fairness and your openness for the two years that I have served in the Senate."

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

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

"Senator Tanaka, I enjoyed working with you. I will always remember the first time I met you in the Office Towers. You were a freshman Senator and you came down, and I was just a lowly House member and yet you came by and we talked story for almost an hour that first time. I've always appreciated your counsel. We served as co-chairs for two years and I really enjoyed that. I wish you the best in your future endeavors.

"Mr. President, there's not much to say, just thank you. I appreciate all your counsel. What can I say? We're going to miss you. We appreciate your contributions to this organization. We're going to miss you and we wish you well in the future."

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

"Number one, to my two Minority friends, you have to look behind you because I'll be there watching you. I enjoyed both of you. Whitney, you can always invite me for lunch -- those three-hour lunches that we had -- I'll enjoy that.

"Really, like Avery said, everywhere I've gone today they've said, 'Joe, you look ten years younger.' And I do. (Laughter.) And I feel 29.

"It's going to be a sad day when we leave here today for the President and I, because we have met a lot of people in our time (well, the President more than I have) and all of you have become friends. We fought on issues but we remained friends. I hope we can still remain friends as we leave here.

"Mr. President, it was like a eulogy today, right? We're not dying; we're just retiring. (Laughter.) Give us a break.

"I finally caught on to what the President does. That's why he's looked so young all these years. I'm a slow learner, Mr. President. I finally caught on in the last six months of this year so that's why I look younger than the President does today.

"I want to thank all of you people and even the staff up there for a wonderful, wonderful eight years that I had here. This is not the end; it's just the beginning of my next phase of life. I'll still be here to haunt some of you and to enjoy with some of you . . . like David -- I still want to accomplish my mission, so I'll take you down to Keeaumoku. (Laughter.) And we'll play in the Playboy tournaments.

"Mr. President, I know we had our differences, but we remained friends, and I'm sure we're going to be friends forever. He's so fortunate because he has a grandchild. I have two daughters and no grandchild to go home to, so maybe you can talk to my two daughters and then hopefully one day I'll have a grandchild. (Laughter.)

"With that, aloha and thank you very much."

President Mizuguchi delivered his closing remarks as follows:

"For the last 26 years, I have had the opportunity of being a member of the State Legislature, 22 of those years have been in the Senate, the people's house, and I shall forever be grateful for this wonderful honor and privilege.

"I never cease to be thankful to the people of my district for their friendship and their understanding and their support for me.

"And to you my colleagues, thank you for giving me the opportunity to serve as your Senate President for the last seven years, the second longest tenure since Statehood. The Senate has been a home for me for the last 27 years, counting the five years I spent as a legislative researcher for the late Senate President David McClung, and I am very fond of this institution.



"I am saddened in thought that today will be my last opportunity to formally meet with you on behalf of the people that we represent. I will miss the association we have had for so long.

"But with no regrets and with the knowledge that we have done our best in developing public policy, I leave with fond memories, cherished friendships, and mutual admiration for each and every one of you.

"I know that in future sessions, mindful of your conviction, commitment and resolve, you will be able to meet the challenges ahead.

"I want to express my thank you to Speaker Calvin Say and the members of the House of Representatives for their cooperation and wonderful working relationship that we have developed over the years.

"I also want to thank our staffs, majority and minority for the professional manner in which they have supported the work of the Senate. They are the unsung heroes of this institution.

"To the Senior Senator from Maui, I wish you well in your retirement. To those Senators seeking re-election, I extend my best wishes for continued success, and to you holdover Senators, good fortune to you in the days ahead.

"Aloha and mahalo!"

#### ADJOURNMENT

Senator Chun moved that the Senate of the Twentieth Legislature of the State of Hawaii, Second Special Session of 2000, adjourn Sine Die, seconded by Senator Slom and carried.

At 11:00 o'clock a.m., the President rapped his gavel and declared the Senate of the Twentieth Legislature of the State of Hawaii, Second Special Session of 2000, adjourned Sine Die.

**GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT OF THE  
SECOND SPECIAL SESSION OF THE LEGISLATURE SINE DIE**

**Gov. Msg. No. 2**, letter dated August 31, 2000, informing the Senate that H.B. No. 1 (Second Special Session of 2000), which proposes a constitutional amendment, was filed with the Office of the Lieutenant Governor on August 30, 2000.

**Gov. Msg. No. 3**, informing the Senate that on August 29, 2000, he signed into law House Bill No. 2 as Act 1 (Second Special Session of 2000), entitled: "RELATING TO THE PRIVACY OF HEALTH CARE INFORMATION ACT."

## STANDING COMMITTEE REPORTS

## SCRep. 1            Judiciary on S.B. No. 1

The purpose of this measure is to amend the Constitution of the State of Hawaii to provide for the equitable staggering of senate terms following reapportionment.

The following parties submitted testimony in support of the measure: State of Hawaii Attorney General, League of Women Voters of Hawaii, Good Government Coalition, Hawaii's Thousand Friends, Small Business Economic Revival Force, Advocates for Consumer Rights, Kokua Council, Neighborhood Board No. 5, Community Work Day Program, Common Cause Hawaii, Hawai'i Clean Elections, a member of the 1991 Reapportionment Commission, and four individuals. The Office of Elections submitted comments on the measure.

Under current constitutional provisions, all twenty-five members of the Senate are elected for four-year terms that are staggered according to a constitutional plan established in 1978, as amended in 1992. Under the present staggered term schedule, twelve senators elected in 1998 are serving four-year terms that end in 2002. In addition to the senator elected in the special election for District 18, thirteen senators will be elected in 2000. However, because 2001 is a reapportionment year, the State Constitution requires that all senatorial terms end at the general election at which an apportionment plan becomes effective. Thus, the terms of the aforesaid thirteen senators elected in 2000 will end in 2002, resulting in two-year terms for these members. All twenty-five members of the Senate will be elected in 2002.

Article IV, section 8 of the State Constitution establishes the re-staggering of Senate terms following reapportionment. The current constitutional re-staggering scheme focuses on incumbent senators to insure fair treatment of incumbent senators whose terms were cut short. Thus, a senator re-elected in 2002, whose prior term of office was shortened to two years because of the occurrence of a reapportionment year, is assigned a four-year term, while a re-elected senator who served a four-year term immediately preceding re-election is assigned a two-year term. All challengers who are elected during the 2002 election, without regard to their incumbent opponents during the election, will receive two-year terms.

This measure changes the focus from the senator to the senate seat by replacing the language in article IV, section 8 of the State Constitution with new criteria. This criteria will maintain the staggered senate terms using the same resident population base used by the Reapportionment Commission in establishing senatorial districts.

As amended, section 8 requires the Reapportionment Commission, as part of the reapportionment plan, to assign two-year terms to twelve senate seats to be filled in the election immediately following adoption of the reapportionment plan and to assign four-year terms to the remaining thirteen seats. The Commission should assign the two-year terms in such a way that in the six-year period beginning in the even-numbered year prior to the reapportionment year, the permanent resident population of each senate district as determined by the Commission will have no more than two regular senate elections.

The Commission's task to determine which senate districts should be assigned the two-year terms after the reapportionment will be a difficult and staggering, but essential task. As amended, the Constitution will require the Commission to calculate in some fashion, the number and/or percentage of permanent residents in each senate district that reside in an old senate district as that district existed immediately prior to the reapportionment year. The assignment of the two-year terms beginning in 2002 shall be made to those districts in which the least number and/or percentage of these permanent residents (who had a regular senatorial election in 2000) are found.

If the Reapportionment Commission creates multi-member districts, as it may under the Constitution, this measure provides an additional criterion in assigning the four-year terms of office. In the case of a multi-member senate district, the senators (or if there is but one four-year term assigned to the district by the Commission, the senator) elected with the highest number of votes in the election following reapportionment would fill the senate seats (or senate seat) assigned four-year terms by the Commission.

Under this measure, if, prior to reapportionment, old District A had a regular (not a special) senatorial election in 2000 and would thus have a senator serving a two-year term that ran from 2000 to 2002, under the new reapportionment plan, the new District A (assuming that a majority of the permanent resident population in new District A resides in old District A or another district that had a regular senatorial election in 2000) will again be voting in the regular senatorial election in 2002. The senator elected to represent new District A, incumbent or newcomer, would serve a four-year term, running from 2002 to 2006. In the six-year period commencing with the 2000 regular election (the even-numbered year prior to the reapportionment year) and ending prior to the 2006 regular election, the majority of the permanent resident population of new District A will have had no more than two regular senate elections (in 2000 and 2002).

Conversely, if, prior to reapportionment, old District B had been served by a senator serving a four-year term that ran from 1998 to 2002, under the new reapportionment plan, the senator elected in the 2002 election to represent new District B (assuming that a majority of the permanent resident population in new District B resides in old District B or another district that did not have a regular senatorial election in 2000), whether an incumbent or newcomer, would serve a two-year term, running from 2002 to 2004. The winner of the following election held in 2004, whether an incumbent or newcomer, would then serve the usual four-year term for senators, running from 2004 to 2008. In the six-year period commencing with the 2000 regular election (the even-numbered year prior to the reapportionment year) and ending prior to the 2006 regular election, the majority of the permanent resident population of new District B will have had no more than two regular senate elections (in 2002 and 2004).

Your Committee finds that this measure maintains the existing staggered terms of senators treating incumbent senators and newly-elected senators equally with respect to the assignment of terms of office using the Reapportionment Commission and establishing criteria that consider the participation of the voters in each senatorial district. In this way, the proposed constitutional provision clarifies that a term of office attaches to a particular senate seat, rather than the individual elected to that seat.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Co-Chairs on behalf of the Committee.  
Ayes, 7. Noes, none. Excused, none.

**SCRep. 2                    Judiciary on S.B. No. 2**

The purpose of this measure is to retroactively delay the effective date of chapter 323C, Hawaii Revised Statutes (HRS), from July 1, 2000, to July 1, 2001.

Your Committee received testimony in support of this bill from the Lieutenant Governor, Attorney General, Honolulu County Department of Human Resources, Hawaii Nurses' Association, Hawaii Insurers Council, Hawaii Transportation Association, Small-Business Economic Revival Force, Hawaii Medical Association, Hawaii Medical Service Association, Queen's Health Systems, Healthcare Association of Hawaii, Hawaii State Association of Insurance and Financial Advisors, Hawaii Employers' Mutual Insurance Company, Inc., Hawaii Independent Insurance Agents Association, Hidano Construction, Inc., First Insurance Company of Hawaii, Ltd., National Council on Compensation Insurance, HGEA-AFSCME, Hawaii Civil Rights Commission, John Mullen & Co., Inc., National Association of Independent Insurers, Hawaii Association for Home Care, and a private individual. Testimony in opposition was received from the Office of Information Practices, Kaiser Permanente, Hawaii Coalition for Health, and four private individuals. Informational testimony was presented by two private individuals.

Act 87, Session Laws of Hawaii 1999, enacted chapter 323C, HRS, relating to the privacy of health care information, to provide for the comprehensive regulation of the handling and disclosure of medical records. Act 87 was intended to protect the individual's right to privacy with respect to personal health information and records, including information about health care and health status. The effective date of Act 87 was July 1, 2000, to provide affected stakeholders ample time to propose amendments thereto.

In the 2000 Regular Session, Chapter 323C was further amended and, pursuant to Act 140, Session Laws of Hawaii 2000, a medical privacy task force was statutorily established to advise and assist the Office of Information Practices.

It has come to the attention of the Legislature that Act 87 has created confusion among medical providers, hospitals, and workers' compensation insurers regarding the requirements of the new law and the liability of entities who are not in compliance. The Office of Information Practices has received numerous inquiries from doctors and others on the application of the new law. This uncertainty has created a chilling effect on the flow of necessary information. The task force of health care providers that helped to draft Act 87 has indicated that it is good law that needs time to be refined and clarified.

The Legislature finds that the current confusion warrants a delay in implementation (but not repeal) of Chapter 323C, HRS, and the recent 2000 Regular Session amendments. The Legislature believes that this would allow time for the task force and interested stakeholders to develop appropriate statutory amendments that clarify specific provisions for consideration at the 2001 Regular Session. While delaying the implementation of Chapter 323C, HRS, as amended, your Committee believes that the medical privacy task force established by Act 140 should be established and allowed to advise and assist the Office of Information Practices during this delayed implementation period of Chapter 323C, HRS. All stakeholders are strongly urged to participate in the task force.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Co-Chairs on behalf of the Committee.  
Ayes, 5. Noes, none. Excused, 2 (Tanaka, Anderson).

**SCRep. 3                    Judiciary on H.B. No. 1**

The purpose of this measure is to amend the Constitution of the State of Hawaii to provide for the staggering of senate terms following reapportionment.

Your Committee notes that a public hearing on the companion measure, S.B. No. 1, was held on August 7, 2000.

Under current constitutional provisions, all twenty-five members of the Senate are elected for four-year terms that are staggered according to a constitutional plan established in 1978, as amended in 1992. Under the present staggered term schedule, twelve senators elected in 1998 are serving four-year terms that end in 2002. In addition to the senator elected in the special election for District 18, thirteen senators will be elected in 2000. However, because 2001 is a reapportionment year, the State Constitution requires that all senatorial terms end at the general election at which an apportionment plan becomes effective. Thus, the terms of the aforesaid thirteen senators elected in 2000 will end in 2002, resulting in two-year terms for these members. All twenty-five members of the Senate will be elected in 2002.

Article IV, section 8 of the State Constitution establishes the re-staggering of senate terms following reapportionment. The current constitutional re-staggering scheme focuses on incumbent senators to insure fair treatment of incumbent senators whose terms were cut short. Thus, a senator re-elected in 2002, whose prior term of office was shortened to two years because of the occurrence of a reapportionment year, is assigned a four-year term, while a re-elected senator who served a four-year term immediately preceding re-election is assigned a two-year term. All challengers who are elected during the 2002 election will receive two-year terms notwithstanding the length of terms that the re-elected incumbents would have served.

This measure changes the focus from the senator to the electorate by replacing the language in article IV, section 8 of the State Constitution with a new criterion. This criterion will maintain the staggered senate terms using the same resident population base used by the Reapportionment Commission in establishing senatorial districts.

As amended, section 8 requires the Reapportionment Commission, as part of the reapportionment plan, to assign two-year terms to twelve senate seats to be filled in the election immediately following adoption of the reapportionment plan and to assign four-year terms to the remaining thirteen seats. The Commission should assign the two-year terms in such a way that in the six-year period beginning in the even-

numbered year prior to the reapportionment year, the majority of the permanent residents of each new senate district as determined by the Commission will have no more than two regular senate elections.

The Commission's task to determine which senate districts should be assigned the two-year terms after the reapportionment will be a difficult and staggering, but essential task. As amended, the Constitution will require the Commission to calculate in some fashion, the number and/or percentage of permanent residents in each senate district that reside in an old senate district as that district existed immediately prior to the reapportionment year. The assignment of the two-year terms beginning in 2002 shall be made to those districts in which the least number and/or percentage of these permanent residents (who had a regular senatorial election in 2000) are found.

Under this measure, if, prior to reapportionment, old District A had a regular (not a special) senatorial election in 2000 and would thus have a senator serving a two-year term that ran from 2000 to 2002, under the new reapportionment plan, the new District A (assuming that a majority of the permanent resident population in new District A resides in old District A or another district that had a regular senatorial election in 2000) will again be voting in the regular senatorial election in 2002. The senator elected to represent new District A, whether an incumbent or newcomer, would serve a four-year term, running from 2002 to 2006. In the six-year period commencing with the 2000 regular election (the even-numbered year prior to the reapportionment year) and ending prior to the 2006 regular election, the majority of the permanent resident population of new District A will have had no more than two regular senate elections (in 2000 and 2002).

Conversely, if, prior to reapportionment, old District B had been served by a senator serving a four-year term that ran from 1998 to 2002, under the new reapportionment plan, the senator elected in the 2002 election to represent new District B (assuming that a majority of the permanent resident population in new District B resides in old District B or another district that did not have a regular senatorial election in 2000), whether an incumbent or newcomer, would serve a two-year term, running from 2002 to 2004. The winner of the following election held in 2004, whether an incumbent or newcomer, would then serve the usual four-year term for senators, running from 2004 to 2008. In the six-year period commencing with the 2000 regular election (the even-numbered year prior to the reapportionment year) and ending prior to the 2006 regular election, the majority of the permanent resident population of new District B will have had no more than two regular senate elections (in 2002 and 2004).

If the Reapportionment Commission creates multi-member districts, as it may under the Constitution, it will, of course, need to initially determine, as to each senate seat, which will be assigned two-year terms and which will be assigned four-year terms, based upon the same criterion set out above. This measure provides that the senators (or if there is but one four-year term assigned to the district by the Commission, the senator) elected with the highest number of votes in the election following reapportionment would fill the senate seats (or senate seat) which had been assigned four-year terms by the Commission.

Your Committee finds that this measure maintains the existing staggered terms of senators treating incumbent senators and newly-elected senators equally with respect to the assignment of terms of office using the Reapportionment Commission and establishing criteria that consider the residents in each senatorial district. In this way, the proposed constitutional provision clarifies that a term of office attaches to a particular senate seat, rather than the individual elected to that seat.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Co-Chairs on behalf of the Committee.  
Ayes, 7. Noes, none. Excused, none.

#### SCRep. 4            Judiciary on H.B. No. 2

The purpose of this measure is to retroactively delay the effective date of Chapter 323C, Hawaii Revised Statutes (HRS), from July 1, 2000, to July 1, 2001.

Your Committee notes that a public hearing on the companion measure, S.B. No. 2, was held on August 7, 2000.

Act 87, Session Laws of Hawaii 1999, enacted Chapter 323C, HRS, relating to the privacy of health care information, to provide for the comprehensive regulation of the handling and disclosure of medical records. Act 87 was intended to protect the individual's right to privacy with respect to personal health information and records, including information about health care and health status. The effective date of Act 87 was July 1, 2000, to provide affected stakeholders ample time to propose amendments thereto.

In the 2000 Regular Session, Chapter 323C, HRS, was further amended and, pursuant to Act 140, Session Laws of Hawaii 2000, a medical privacy task force was statutorily established to advise and assist the Office of Information Practices.

It has come to the attention of the Legislature that Act 87 has created confusion among medical providers, hospitals, and workers' compensation insurers regarding the requirements of the new law and the liability of entities who are not in compliance. The Office of Information Practices has received numerous inquiries from doctors and others on the application of the new law. This uncertainty has created a chilling effect on the flow of necessary information. The task force of health care providers that helped to draft Act 87 has indicated that it is good law that needs time to be refined and clarified.

The Legislature finds that the current situation warrants a delay in implementation of Chapter 323C, HRS, and the recent 2000 Regular Session amendments. The Legislature believes that this would allow time for the task force and interested stakeholders to develop appropriate statutory amendments that clarify specific provisions for consideration at the 2001 Regular Session. While delaying the implementation of Chapter 323C, HRS, as amended, your Committee believes that the medical privacy task force authorized by Act 140, SLH 2000, should be established and allowed to advise and assist the Office of Information Practices during this delayed implementation period of Chapter 323C, HRS. All stakeholders are strongly urged to participate in the task force.

Your Committee intends that this measure serve to extinguish all actions which have been or could have been brought under or in connection with Chapter 323C, HRS.

Notwithstanding the adoption of this measure, your Committee remains fully committed to the full implementation of the privacy of health care information law in July of 2001.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Co-Chairs on behalf of the Committee.  
Ayes, 7. Noes, none. Excused, none.

**SCRep. 5 Labor and Environment on Gov. Msg. No. 1**

Recommending that the Senate advise and consent to the nomination of the following:

DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS

GILBERT S. COLOMA-AGARAN, gubernatorial nominee for Director of Labor and Industrial Relations for a term to expire on December 2, 2002.

Upon review of the resume, vision statement, and other information submitted by the nominee, your Committee finds that the aforementioned nominee is willing to serve, and will work with compassion and commitment to administer the duties and responsibilities of the Department of Labor and Industrial Relations.

Your Committee further finds that the nominee has been appointed based on his professional qualifications. Your Committee notes the specific qualifications of the nominee. Mr. Coloma-Agaran graduated as valedictorian of Maui High School class, and attended Yale College where he earned his Bachelor of Arts degree in History with an emphasis in American Intellectual History. At Yale College, Mr. Coloma-Agaran participated in numerous student organizations and activities such as the Yale Daily News, the Branford College Student Activities Committee, and the Senior Class Council.

Mr. Coloma-Agaran then attended Boalt Hall School of Law at the University of California at Berkeley, where he earned his Juris Doctor degree. Mr. Coloma-Agaran was a member of the California Law Review, the Admissions Committee, Boalt Hall Students Association, and the Asian-Pacific Islander Students Association.

Mr. Coloma-Agaran has been a member of the State of Hawaii Bar since 1988, and has been a member of the State of California Bar since 1987.

Past employment includes serving as an attorney with the law firm of Carlsmith Ball, as a Deputy Director of the Department of Land and Natural Resources, and most recently as the Deputy Director of the Department of Commerce and Consumer Affairs.

A sampling of Mr. Coloma-Agaran's community activities includes membership with the Hawaii Justice Foundation, the Yale Club of Hawaii, the Hawaii Institute for Public Affairs, the National Asian Pacific American Bar Association-Hawaii Chapter, Calvary Chapel Central Maui, the Rainbow Basketball Booster Club, the Filipino Chamber of Commerce of Hawaii, Hawaii Filipino Lawyers Association, the Kahului Filipino Community Association, and a host of other worthy organizations.

Testimony in support of Mr. Coloma-Agaran's nomination was submitted by the Director of Human Services, the Chairperson of the Board of Land and Natural Resources, a Deputy Director and the State Parks Administrator of the Department of Land and Natural Resources, the Director of Human Resources Development, the Director of Commerce and Consumer Affairs, the Chief of Staff for U.S. Senator Daniel K. Inouye, the Filipino Chamber of Commerce, the United Filipino Council of Hawaii, Pacific Resource Partnership, the Laborers' International Union of North America, ILWU, Local 142, attorneys from Carlsmith Ball, LLP, the President and CEO of AIG Hawaii Insurance Company, Inc., the Hawaii Government Employees Association, the Hawaii Building and Construction Trades Council, and numerous private citizens.

Your Committee members diligently questioned the nominee regarding his administrative qualifications, his visions and priorities for the Department of Labor and Industrial Relations and his viewpoints on related policy issues presently before the Legislature. Your Committee believes that the nominee adequately responded to the Committee's inquiries and is qualified to serve in the position to which nominated.

As affirmed by the record of votes of the members of your Committee on Labor and Environment that is attached to this report, your Committee, after full consideration of the background, character, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.  
Ayes, 8. Noes, none. Excused, none.

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
S.B. 1 A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTIONS 7 AND 8, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO STAGGER SENATE TERMS AFTER REAPPORTIONMENT	1 1	1	3	4							
S.B. 2 A BILL FOR AN ACT RELATING TO THE PRIVACY OF HEALTH CARE INFORMATION ACT	1 1	1	3	4							

NUMBER AND TITLE	Offered	Referred	Report of Committee	Adoption
S.R. 1 AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THE SENATE FOR THE FIFTH DAY	12			12
S.R. 2 INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE	12			12



NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
H.B. 1 A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTIONS 7 AND 8, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO STAGGER SENATE TERMS AFTER REAPPOINTMENT	4 4	4	7	11				16			
H.B. 2 A BILL FOR AN ACT RELATING TO THE PRIVACY OF HEALTH CARE INFORMATION ACT	4 4	4	7	11				16		1	

NUMBER AND TITLE	Received Referred	Report of Committee	Adoption	Action of House	Subsequent Action
H.C.R. 1 RELATING TO RECESS DAYS FOR THE SECOND SPECIAL SESSION OF 2000	3		3		
H.C.R. 2 RELATING TO RECESS DAYS FOR THE SECOND SPECIAL SESSION OF 2000	4		4		