

THE  
 TWENTY-FIRST LEGISLATURE  
 STATE OF HAWAII  
 REGULAR SESSION OF 2001  
 JOURNAL OF THE SENATE

FIRST DAY

**Wednesday, January 17, 2001**

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, was called to order at 10:02 o'clock a.m., by the Honorable Lorraine R. Inouye, Temporary Chair of the Senate.

At this time, the members of the Senate and guests rose to sing the National Anthem and "Hawaii Pono'i" led by Mr. Afatia Thompson and Mr. Avion Weaver.

The Divine Blessing was then invoked by the Reverend Norman Okasako, Senior Pastor, Mililani Missionary Church, who was escorted to the rostrum by Senators Fukunaga, Menor and Hogue.

Nominations now being in order for a temporary clerk, Senator Kim nominated Paul T. Kawaguchi, seconded by Senator Slom.

Senator Tam moved that the nominations be closed, seconded by Senator Chun Oakland and carried.

The Chair declared Paul T. Kawaguchi as Temporary Clerk of the Senate.

**MESSAGE FROM THE GOVERNOR**

Gov. Msg. No. 1, dated December 8, 2000, informing the Senate that he appointed Russell S. Kokubun to the Senate, effective December 8, 2000, to fill the vacancy created by the resignation of Andrew Levin from the State Senate, Third Senatorial District, and pursuant to Section 17-3, HRS, Mr. Kokubun's term will expire on General Election Day of 2002, was read by the Clerk and was referred to the Committee on Credentials.

Senator Hanabusa then moved that a committee of three Senators be appointed by the Chair as a Committee on Credentials to examine the certificates of election of the newly elected members of the Senate and to submit a report of its findings to the Senate, second by Senator Ihara and carried.

The Chair thereupon appointed Senators Buen, Chun and Kawamoto to serve on such committee.

At 10:13 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:15 o'clock a.m.

**SPECIAL COMMITTEE REPORT**

Senator Buen, for the Committee on Credentials, presented a report (Spec. Com. Rep. No. 1) as follows:

"The Honorable Lorraine R. Inouye  
 Temporary Chair of the Senate  
 The Twenty-first State Legislature  
 State Capitol  
 Honolulu, Hawaii 96813

Dear Chair Inouye:

Your Committee on Credentials begs leave to report that it has examined the Certificates of Election of the Senate of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2001, and finds that the following persons have been legally elected and are fully qualified to sit as members of the Senate.

The newly elected Senators whose respective terms of office will expire on November 5, 2002 are:

Second Senatorial District

David M. Matsuura

Fifth Senatorial District

J. Kalani English

Eighth Senatorial District

Sam Slom

Ninth Senatorial District

Matthew Matsunaga

Eleventh Senatorial District

Brian T. Taniguchi

Twelfth Senatorial District

Carol Fukunaga

Fourteenth Senatorial District

Suzanne Chun Oakland

Fifteenth Senatorial District

Donna Mercado Kim

Sixteenth Senatorial District

Norman Sakamoto

Eighteenth Senatorial District

Ron Menor

Twentieth Senatorial District

Brian Kanno

Twenty-fourth Senatorial District

Bob Hogue

Twenty-fifth Senatorial District

Fred Hemmings

Your Committee on Credentials further reports that it has received Governor's Message No. 1 and has examined the credentials of the Honorable Russell S. Kokubun and finds that he is fully qualified to fill the vacancy in the Senate, Third District, created by the resignation of Senator Andrew Levin for the Twenty-first Legislature of the State of Hawaii, Regular Session of 2001, whose term of office will expire on November 5, 2002.

Respectfully submitted,

/s/Jan Yagi Buen

/s/Jonathan Chun

/s/Cal Kawamoto"

Senator Taniguchi moved that Special Committee Report No.1 be adopted, seconded by Senator Chumbley and carried.

The Committee on Credentials was thereupon discharged with thanks.

The Chair, at this time, appointed Senators Ige, Hanabusa and Nakata to escort Chief Justice Ronald T.Y. Moon of the Hawaii State Supreme Court to the rostrum to administer the oath of office to the newly elected members of the Senate.

The Senators escorted Chief Justice Moon to the rostrum and were thereupon discharged with thanks.

Chief Justice Moon administered the oath of office to the newly elected members of the Senate who were standing at their respective desks.

The Roll was then called by the Temporary Clerk showing all Senators present.

Nominations for officers of the Senate being next in order, Senator Sakamoto placed in nomination the name of Senator Robert Bunda for President of the Senate, seconded by Senator Menor.

Senator Kanno moved that the nominations be closed, seconded by Senator Matsuura.

The motion to close the nominations was then put by the Chair and carried and the Temporary Clerk was directed to cast a ballot for Senator Robert Bunda as President of the Senate.

The ballot having been so cast, Senator Robert Bunda was declared elected President of the Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001.

The Chair then appointed Senators Kim, Matsuura, Sakamoto, Taniguchi and Slom to escort the President to the rostrum and the President addressed the members of the Senate and guests as follows:

"Governor Cayetano, Lieutenant Governor Hirono, Chief Justice Moon, Congressman Abercrombie, Governor Waihee,

Mayor Harris, Mayor Kim, Mayor Kusaka, Mayor Apana, distinguished guests, fellow Senators, and friends – Aloha and Welcome!

"I first want to thank my colleagues for the very great privilege and challenge of being chosen to lead this State Senate. I am honored and I am humbled by your vote of confidence in me. As we open this Twenty-First Legislative Session here in Hawaii, the world marks the beginning of the twenty-first century and the third millennium. This is indeed a time for great expectations and hope for the future. It is also a time of great change and great affirmation.

"Change can be a very positive force in politics – as it is in our everyday lives. It can also be a frightening thing – sometimes uncomfortable and disorienting. However, make no mistake about this certainty . . . things change. In order for truly effective change to take place here in the Senate, we need to work collaboratively with one another and make decisions based on fact, reason and hope.

"Mahatma Gandhi said it well: 'We must be the change we wish to see in the world.' We are all mirrors of one another and the actions we take as legislators should reflect the consciousness of the people – people who want the actions of their elected leaders to reflect what they are truly feeling. Change is the message that voters made very clear last November. Perhaps we need to change the way we listen to that message. Winston Churchill once said, 'You can have 10,000 regulations and still not have respect for the law.' We need to restore public confidence by our actions and take steps to restore government to its highest purpose – and that is to enact laws and resolutions that will do the greatest good for the greatest number of people.

"For us in Hawaii, we are at the beginning of what looks like an economic recovery, but we have been warned that this could be fleeting and short-lived. No matter how small or wide the window of opportunity, we need to take advantage of it. We need to sustain and improve upon what we have in order to continue our social, economic and educational growth. We must further develop Hawaii's image as a clean, healthy and culturally attractive place that is technologically geared to do business with any part of the world.

"A large part of this means changing our own government systems to make sure these reflect the latest technology and managerial skills to serve our local public and business community. I commend the administration and all it has done in the past several years to promote high-tech business development. Teaming with the University of Hawaii and the business sector, they have made enormous strides to create a climate of entrepreneurship by nurturing technology based business ventures in Hawaii. We must also strive to ensure that government is prepared with the 21<sup>st</sup> century technology and personnel skills that will enable us to serve the public properly in the new millennium.

"There are those who say that our main problem is a backlog of budget items – items that will quickly absorb whatever additional revenues there might be. There are far too many areas in need of remedial funding, not to mention funding to meet Felix-related requirements in special education, public worker contracts, long term care, school repair and maintenance, health and human services programs – and the list goes on. We need to look beyond just the money and examine chronic problems within the system. Why does a school have to wait three years to get air conditioning units installed? Why is it taking so long to develop a working definition of a student entitled to special services under the Felix Consent Decree? Why don't projects designed to reduce obviously dangerous

conditions – and save lives on our highways – take priority over programs to reduce traffic congestion? Why have we failed to cover the actual cost of care to the hospitals and long-term care providers who minister to our ill and elderly? Why do some of these same complaints and problems come before us again and again, year after year? Somewhere along the way, there is a dysfunction in the system. We are spending our time attempting to fix the results and not the causes. This we need to change!

“We must build our current sources of revenue as we explore future sources. A more diversified tourist industry means a stronger tourism economy. If one type of visitor business declines, others should continue unaffected. The Legislature did the right thing two years ago in establishing a tourism authority with sufficient dollars to do this type of strategic promotion. Its marketing efforts have helped establish new visitor numbers from the mainland to offset declining Asian visitors. It has shifted our focus to visitor expenditures and length of stay instead of yearly head counts, and it has sought longer-term contracts for major professional sports events, particularly those that will be on national television in the winter. Obviously, we would have a better chance with several healthy segments – so if one goes down, others keep pumping.

“Eco-tourism can provide for greater diversification of our tourism industry and increased protection of our environment as well. Internationally, coral reef systems provide millions of jobs and billions of dollars each year in tourism. In Hawaii, gross revenue from the single, half-square mile coral reef reserve that is Haunauma Bay has been estimated at more than \$8.6 million a year. We have the potential for developing more natural areas like Haunauma Bay that promote tourism and protect our natural resources through preservation and conservation management. I have been working with the community in my own district for more than a year in an attempt to increase the level of protection for the marine life at Shark’s Cove on the North Shore. While there is resistance to imposing restrictions on unlimited access to the ocean’s resources, it will take a change in our attitude towards the protection of our environment to open our eyes to the long term benefits we can reap on all levels. The problem also exists inland where the recent closure of the Manoa Falls Trail to commercial operators is further evidence of our need for a shift in attitude towards finding the best management practices. We must protect the natural beauty of our land while still allowing us to share the experience with visitors.

“We should re-examine the establishment of a Port Authority for the purpose of building up our harbor facilities beyond its present limits and make them more tourist friendly. We need to support the Convention Center as the core of yet another important segment of tourism, one which needs to be cultivated and broadened as it brings many first time visitors to Hawaii. Health and wellness tourism is yet another way of capitalizing on Hawaii’s year round climate. It invites a stronger partnership with the John Burns School of Medicine in its quest to establish itself as a premier health research and resource facility in the world.

“While tourism is of vital importance to our economy, we need to continue to look at other possibilities for diversification to sustain long-term growth. Agriculture remains an important part of our economic future in spite of the loss of sugar and decline in pineapple production. We have seen steady gains in the amount of locally grown produce for both export and local consumption. Aquaculture has proven its potential through significant growth over recent years and now mariculture, the seeding and harvesting of ocean stock, has shown early promise of becoming a viable industry. All of these components lend

stability to our economic picture as it reduces our dependence on tourism.

“Government also has to deal with certain fundamental social commitments with respect to our people and the quality of life they deserve. Primary among those beliefs has to be this: How we provide for our kupuna and chronically ill is a reflection of the respect and compassion we have for them. It is a measure of our dignity as a society – and, quite frankly, we do not measure up as well as we should. Our long-term care system is fragmented and uncoordinated – a hodgepodge of separate programs that are often redundant, sometimes even at odds or in competition with one another. We need to consolidate our long term care resources and implement a seamless, completely integrated long term care continuum – one that will assure the highest quality of care, the most appropriate level of care . . . and a fair reimbursement for the actual cost of care. At the same time, we must do all we can to stimulate and encourage enrollment in long term care insurance plans and shift the proportionate burden of financing away from government toward a more reasonable public-private balance. If not, the current system – already fragile – will collapse under the weight of us, the Baby Boomers, as we progress into our golden years.

“Another issue on the table is the funding of raises for our public work force. Some unions have already won pay raises via arbitration; some others are still in negotiations. We have contracts that have been agreed to – or do we? Funds for public worker contract agreements are absent from the Governor’s budget. If we are to fund collective bargaining contracts, we will need to take it from some other existing or proposed program. Governor Cayetano is also saying that we need not fund some of these contracts because negotiators can be sent back to the bargaining table. Well . . . let me tell you . . . if we want to restore public confidence in government, we should find the means to live up to our end of the bargain.

“While government needs to work at restoring public confidence in our approach to law making, the public has an obligation to support or oppose those decisions that are inconsistent with their own priorities. A good example is the value we place on our public school teachers. There is no other public employee that has as much of an impact on our children, and therefore our future, as do teachers. In some cultures teachers are revered and recognized for their importance in shaping the minds and morals of the young. Why, then, do we fail them as a group by failing to give them adequate tools and resources to do their job? We are not talking about just salary increases but moral support in the form of advocacy from the administration, from the union and from us, those elected to carry the public’s message to the Capitol. By a margin of two to one, the public supports a salary increase for teachers, above and beyond the State’s offer to date. A salary increase to the teachers has more than just fiscal implications – it will be an indication of how we have prioritized our agenda for the future.

“Today we have as a guest in our Chambers an example of an outstanding teacher – a teacher whose students say he has the ability to turn complicated science concepts into lessons they can understand. Mr. Derek Minakami, a physics teacher at Kailua High School, was named the 2001 Hawaii State Teacher of the Year and was recently named one of four finalists for the National Teacher of the Year to be announced by President Bush in April. As Derek says, it is the ‘people element’ that is at the core of teaching. Derek, will you please stand and be recognized by the Hawaii State Senate. (Mr. Minakami, who was seated on the Senate Floor, rose to be recognized.)

“Now . . . what do we need to do to make sure that there will be more Derek Minakamis in Hawaii’s future? The answer is,

by placing the proper emphasis on the critical importance of good teachers to our public school system. The demand for qualified special education teachers, and the difficulty we have in recruiting them, is a wake up call for all of us. The solutions are there. To implement them, we in the Senate need to support an agenda for change that will emerge from this Legislative Session.

"Also of vital importance to the health and welfare of our children in school is the condition of the schools themselves. Governor Cayetano has proposed spending \$50 million a year over the biennium on school repair and maintenance. On the surface, this is an impressive amount. However, our latest estimates indicate that we are facing a staggering \$640 million backlog of repair and maintenance projects. At a rate of \$50 million a year, it would take us almost 13 years to address the backlog – and that won't even take care of the new projects that would arise during that period.

"I believe we need to make a greater commitment to providing a safe learning environment for our children. Therefore, I have proposed to the Way and Means Chair that we double the Governor's budgeted amount to \$100 million a year.

"Every school – in every community – across our State will benefit from this funding. And I say to my colleagues, every one of your districts will benefit from this funding. Every year, just about every Legislator says education is their highest priority. Today, I ask each of you to join me in a pledge that we will fund this \$100 million a year for school repair and maintenance. To the people, I say this is the commitment and pledge of your Legislators, your Senators. Know that when the Session ends, our commitment to our children's education will not be in doubt.

"In fact, when the Session ends, our capacity for change will have been clearly demonstrated. Only then can we hope to restore public confidence in our ability to provide the leadership people have a right to expect.

"In conclusion, I would like to share a lesson I learned this year, which really saved my life. I would not be standing here today if earlier this year I hadn't listened to my gut instincts, listened to my body, and then did something about it. That 'something' was a quadruple coronary bypass. I thank you – Dr. Nakamura, Dr. Kobayashi, and Dr. Makino. (Dr. Nakamura, Dr. Kobayashi, and Dr. Makino rose to be recognized.) Thank you for taking the time out of your busy schedule to be with us today. Most of all, thank you for making it possible for me to be able to count on many more years with the most important people in my life – my wife, Gail; my daughter, Ashley; and my two sons, Robson and JR. (The President's family then rose to be recognized.)

"And so to my fellow Senators, my friends, to all of you out there, as we proceed along the path of legislative review and analysis this year, I would leave you with this same message – pay attention when something doesn't 'feel right,' listen to your instincts, listen to your constituents and supporters, and then do something about it.

"Mahalo and thank you."

Senator Slom, Minority Leader of the Senate, then responded as follows:

"Mr. President, colleagues, Governor and Mrs. Cayetano, Lt. Governor Hirono, Mr. Chief Justice, our Congressional delegation, our Mayors, Federal Trade Commissioner Orson Swindle, distinguished guests, friends, and family – Aloha!

"I am honored and privileged today to present comments reflecting positions of your Minority – the emerging Republican Majority in the Senate – for the upcoming 2001 Legislative Session on behalf of Floor Leader Fred Hemmings, Policy Leader Bob Hogue, and myself – your three amigos. (Laughter.)

"Our citizens in the gallery – at work, in school, and in their homes – have waited patiently for their Legislators, especially their Senators, to achieve meaningful changes and results, not based on partisanship but on fundamental principles. We have not served them well in the past, but we will in the future, and we promise today to depart from 'business as usual.'

"Mr. President, you said that change is inevitable – an effective change – and we pledge our support for that effective change.

"Hawaii requires revolutionary change – out of the box thinking – based on moral principle, not rhetoric or political strategy designed to benefit a chosen few. Some politicians describe their spending plans as 'visionary,' but the public often views them more accurately as 'delusional.'

"We, however, are optimistic, we're positive, we're determined, and we're energetic to bring about the long delayed change so needed in Hawaii. Many colleagues share our goal. Mr. President, we are not the 'loyal opposition.' Our loyalty is to positive leadership in this State. We extend our friendship, our support, and our willingness to work openly and diligently to our Senate leadership, to the House, to our Governor, and all of Hawaii's residents. We seek broad citizen inclusion in the marketplace of ideas.

"We will agree – and we will disagree – during this Session on issues that come before us. But we will do our best to honestly highlight options, alternatives, and, ultimately, solutions to challenges facing Hawaii. We do not desire to deal in personalities, only in issues impacting us all.

"Our approach and philosophy, however, is different from the failed policies, parties, and promises of the past, and our voices will be strong in advocating a 'new' economy – built by consumers, the working men and women of Hawaii, not politicians – that preserves sound principles of thrift, investment, rationality and accountability.

"By background and experience, we are result-oriented and goal-driven. We want Hawaii to succeed. We are business-experienced, while understanding that compassion and sensitivity are not mutually exclusive to a moral free market of competitive economic principles. However, there is a bottom line. Ignoring it invites fiscal irresponsibility and more unkept or delayed promises for our neediest citizens.

"Remembering what was precisely said and promised is neither a 'personal attack' nor blame, but acceptance of responsibility for what must be done. If an individual lawmaker, a legislative body, a cabinet official, or a Governor makes a promise to teachers, Native Hawaiians, union members, environmentalists, small businesses, or special education children and their families, we must keep our promises to each and every one.

"We won't gamble with our economic future; we'll work and invest for it. Hawaii is blessed with a preponderance of able, creative, skilled, qualified individuals – and this is our greatest resource.

"We have allowed too many residents to leave, punishing their risk-taking and taxing their success. We need to release

their creative energy and provide incentives for merit and for accomplishment here in Hawaii.

"Our legislative agenda for 2001 is simple. It's a pyramid based on three major points:

- (1) Immediate and measurable economic improvement for all of our citizens starting with the long overdue elimination of the cruel taxation of food, healthcare and rents – a Republican proposal for more than 40 years. This proposal, stalled till now but supported overwhelmingly by the public we serve, will pass. We advocate more income remaining with families and businesses earning that income, and oppose tax and fee increases. The economy has not 'turned around' for everyone, and continuing layoffs, bankruptcies and foreclosures give grim testimony to the fact that we must change our economic climate. We have already specified cut items in the budget that are duplicative, wasteful, and non-productive to end the spiral of escalating non-priority costs allowing us to spend more money for basic human needs;
- (2) Autonomy for our public schools and teachers through our 10-point, effective, action initiative with local, elected, policy control; textbooks for EVERY student in this state; prompt elimination of the embarrassing \$640 million in backlog that the President spoke about; and these prioritizations would be made by the schools themselves. In addition, we need recognition, compensation, continuing education and tuition assistance for classroom teachers in Hawaii; creative resolution of the Felix special education mandate with recoupment of federal funds due us while separating medical from educational application; and finally
- (3) A fair, fiscally responsible, workable civil service collective bargaining law that does not place existing employees and retirees at risk of losing what was promised and reasonably relied upon, but one that will recognize affordability, Neighbor Island independence, non-statutory benefits, and managerial flexibility for future employees. We are pleased to continue to stand by and support Governor Cayetano on this major issue.

"There will be additional individual measures that we will author, cosponsor, and support: among them, legislation to guarantee true Native Hawaiian sovereignty while ending government dependency; increasing the age of consent to protect Hawaii's young women; a victims' rights package endorsed by statewide law enforcement; an automatic ballot recount procedure; greater autonomy for Hawaii's four counties; an elected Attorney General; implementation of the Legislative Auditor's many fiscal and management recommendations; abolition of regulations that strangle small business and investment; true privatization; an empowerment of all our people through 'sunshine' enforcement and options such as initiative, referendum, recall, and unicameralism. The public deserves full and open debate on these proposals, regardless of politics. We will insure that it will occur.

"We are cognizant that the next biennial budget will prove challenging, but like every single mom, every family, and every small business in this state, we can learn to prioritize wisely and rationally. Fifty million dollars for a government fish tank, \$25 million for a government art warehouse, millions more for a government golf course may not be the wisest use of hard-earned tax money in this state.

"Previously arbitrated pay raises are on our front burner and they need resolution. We support greater compensation, merit

incentives, and autonomy for our teachers where possible, but let us not forget the role parents play as teachers so that a reduced tax burden, more take home pay, direct involvement in the choices and educational options for their own children must also be a priority.

"Does this all sound ambitious? It is. Does it sound unattainable? It's not. Could it be done? Definitely. Let's stop dumbing down Hawaii. If only a portion of these programs are enacted in a timely manner, it will be beneficial to Hawaii in the new millennium. But we want it all, and so should you, the public. You've expressed skepticism about our ability and resolve to accomplish anything during this Session. That's appeared in recent polls. Why must we continue to talk of 'waiting' and long delays? Native Hawaiians have died waiting for their homestead, teachers have died or retired waiting for respect, and special needs keikis have become adults beyond school age waiting for government to do what is legally required and what is morally right.

"Can three members of a Legislative body influence the outcome of legislation this Session? ABSOLUTELY! But we humbly seek and need the public's support statewide. I repeat, we in the current Minority are optimistic. We will make personal sacrifices. We pledge our support to the leadership to prove the skeptics wrong. But our problem in Hawaii is not a lack of money, it's a lack of political will and strong leadership. This year we can begin to reverse this by producing true bipartisan results. The public doesn't want Democrat or Republican laws; it wants – and deserves – the best laws we can produce.

"We would like to see the hard and difficult issues on the table at the beginning of the Session, not at the end. The Senate must focus on basic needs, not divert its attention to other personal or emotional issues, and open discussions on Hawaii's problems with all 25 Senators, not closed door factional meetings of a few.

"Everyone will be looking at us – as they should – not as Democrats or Republicans, but as your elected representatives. We know they will be looking at the three of us with even more scrutiny.

"Taxpayers expect and deserve our respect and full commitment to a Hawaii that emphasizes success, not just survival. We must earn your respect and your trust. We cannot, must not, and will not disappoint our neighbors any longer. Accountability is not just for teachers or public employees; it is for every one of us here.

"We in this Chamber must never forget who sent us here, who pays for us, whose money we spend, and whose lives we affect by what we do – or don't do. We owe you our very best and we must deliver.

"We pledge to you to focus on the next generation, not the next election. We pledge long term solutions, not short term 'feel good' fixes. And we can achieve greatness, not because it is politically advantageous, but because it is just.

"I leave you with these words of Edward Everett Hale, 150 years ago, in case you're wondering what you can do. He said: 'I am only one. But still, I am one. I cannot do everything, but still I can do something. And because I cannot do everything, I will not refuse to do the something that I can do.'

"Let us begin our work today. Mahalo and aloha!"

At 11:00 o'clock a.m., the Senate stood in recess subject to the call of the Chair. At this time, the members of the Senate and their guests were entertained by "Colo[red square]." "

The Senate reconvened at 11:25 o'clock a.m.

The President then announced that nominations were in order for the office of Vice President of the Senate.

Senator Chun placed in nomination the name of Senator Hanabusa for Vice President of the Senate, seconded by Senator Buen.

Senator Nakata moved that the nominations be closed, seconded by Senator Kokubun.

The motion was then put by the Chair and carried and the Temporary Clerk was directed to cast a ballot for Senator Hanabusa as Vice President of the Senate.

The ballot having been so cast, Senator Hanabusa was declared elected as Vice President of the Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001.

#### SENATE RESOLUTION

The following resolution (S.R. No. 1) was read by the Temporary Clerk and was disposed of as follows:

S.R. No. 1, providing for the election of Paul T. Kawaguchi for Clerk of the Senate, Carol T. Taniguchi for Assistant Clerk of the Senate, Bienvenido C. Villaflores for Sergeant-at-Arms of the Senate, and Abraham Pacheco for Assistant Sergeant-at-Arms of the Senate, Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, was offered by Senators Kawamoto, Chun and Slom.

On motion by Senator Kawamoto, seconded by Senator Matsunaga and carried, S.R. No. 1 was adopted.

The President thereupon administered the oath of office to the newly elected Clerk, Assistant Clerk, Sergeant-at-Arms and Assistant Sergeant-at-Arms of the Senate.

#### SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 1) was read by the Clerk and was disposed of as follows:

S.C.R. No. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION FOR THE STATE OF THE JUDICIARY ADDRESS," was offered by Senator Kanno.

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.C.R. No. 1 was adopted.

At 11:28 o'clock a.m., the Senate stood in recess subject to the call of the Chair. Kahuku High School's "Vocal Motion" and Auntie Genoa Keawe then entertained the members of the Senate and their guests.

The Senate reconvened at 12:05 o'clock p.m.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator English, seconded by Senator Hemmings and carried unanimously, the Clerk was authorized

to receive bills for introduction prior to 4:30 o'clock p.m. In consequence thereof and subsequent to its recessing at 12:06 o'clock p.m., the following bills passed First Reading by title and were deferred:

#### Senate Bill

No. 1 "A BILL FOR AN ACT RELATING TO LIABILITY."

Introduced by: Senator Kim.

No. 2 "A BILL FOR AN ACT RELATING TO LODGING OR TENEMENT HOUSES, HOTELS, AND BORADINGHOUSES."

Introduced by: Senator Kim.

No. 3 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Matsuura.

No. 4 "A BILL FOR AN ACT RELATING TO PRIVATE PROPERTY RIGHTS."

Introduced by: Senator Matsuura.

No. 5 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Matsuura.

No. 6 "A BILL FOR AN ACT RELATING TO MEDICAL CARE FOR MINORS."

Introduced by: Senator Matsuura.

No. 7 "A BILL FOR AN ACT RELATING TO RIGHTS OF PARENTS AND GUARDIANS."

Introduced by: Senators Matsuura, Sakamoto.

No. 8 "A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT."

Introduced by: Senator Inouye.

No. 9 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Senator Inouye.

No. 10 "A BILL FOR AN ACT RELATING TO RECYLCED WATER."

Introduced by: Senator Inouye.

No. 11 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

Introduced by: Senator Inouye.

No. 12 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE LOWER HAMAKUA DITCH."

Introduced by: Senator Inouye.

No. 13 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIKOLOA AFTER SCHOOL LEARNING CENTER."

Introduced by: Senator Inouye.

No. 14 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR A UNICAMERAL LEGISLATURE."

Introduced by: Senator Nakata.

No. 15 "A BILL FOR AN ACT RELATING TO PRISONS."

Introduced by: Senator Nakata.

No. 16 "A BILL FOR AN ACT RELATING TO MEDICAL FEE SCHEDULES."

Introduced by: Senator Nakata.

No. 17 "A BILL FOR AN ACT RELATING TO COMMUNITY WATER FLUORIDATION."

Introduced by: Senator Nakata.

No. 18 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES."

Introduced by: Senator Nakata.

No. 19 "A BILL FOR AN ACT RELATING TO ALTERNATE ENERGY."

Introduced by: Senator Nakata.

No. 20 "A BILL FOR AN ACT RELATING TO THE QUEST MEDICAL ASSISTANCE PROGRAM."

Introduced by: Senator Nakata.

No. 21 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANT AND NONDOMESTIC ANIMAL QUARANTINE PROGRAM."

Introduced by: Senator Nakata.

No. 22 "A BILL FOR AN ACT RELATING TO THE MINIMUM WAGE."

Introduced by: Senator Nakata.

No. 23 "A BILL FOR AN ACT RELATING TO DISASTER RELIEF."

Introduced by: Senator Nakata.

No. 24 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senator Nakata.

No. 25 "A BILL FOR AN ACT RELATING TO THE NATIONAL WORLD WAR II MEMORIAL."

Introduced by: Senator Slom.

No. 26 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Slom.

No. 27 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO REQUIRE THE CONSERVATION AND PROTECTION OF OPEN LANDS."

Introduced by: Senators Chun, Kokubun.

No. 28 "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS."

Introduced by: Senators Chun, Kanno.

No. 29 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senators Matsuura, Hogue, Kokubun, Chun Oakland, Buen.

No. 30 "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS."

Introduced by: Senator Matsuura.

No. 31 "A BILL FOR AN ACT RELATING TO EDUCATIONAL EXPENSES."

Introduced by: Senators Matsuura, Hogue.

No. 32 "A BILL FOR AN ACT RELATING TO EDUCATIONAL EXPENSES."

Introduced by: Senators Matsuura, Hogue.

No. 33 "A BILL FOR AN ACT RELATING TO JURORS."

Introduced by: Senators Matsuura, Kokubun, Kanno.

No. 34 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Senator Matsuura.

No. 35 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION."

Introduced by: Senators Matsuura, Kokubun, Kim, Chun.

No. 36 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE XVII OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO THE COUNTING OF VOTES."

Introduced by: Senator Matsuura.

No. 37 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Matsuura, Buen, Chun.

No. 38 "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION."

Introduced by: Senators Matsuura, Kokubun, Kim, Chun.

No. 39 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Senators Matsuura, Kokubun.

No. 40 "A BILL FOR AN ACT RELATING TO AGRICULTURAL DISTRICT LANDS."

Introduced by: Senators Matsuura, Kokubun, Buen.

No. 41 "A BILL FOR AN ACT RELATING TO CONSERVATION."

Introduced by: Senators Matsuura, Kokubun, Hanabusa, Nakata, Buen, Chun, Taniguchi.

No. 42 "A BILL FOR AN ACT RELATING TO CONSERVATION."

Introduced by: Senators Matsuura, Hanabusa, Kokubun, Nakata, Buen, Chun, Taniguchi.

No. 43 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Matsuura, Hanabusa, Taniguchi, Kokubun, Nakata.

No. 44 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senators Matsuura, Slom, Kim.

No. 45 "A BILL FOR AN ACT RELATING TO FARMING."

Introduced by: Senators Matsuura, Kokubun, Buen.

No. 46 "A BILL FOR AN ACT RELATING TO CONSENT."

Introduced by: Senators Matsuura, Chun, Slom, Sakamoto, Kokubun, Buen, Menor.

No. 47 "A BILL FOR AN ACT RELATING TO CONSENT."

Introduced by: Senators Matsuura, Sakamoto, Chun, Kawamoto, Buen.

No. 48 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Senators Matsuura, Kokubun.

No. 49 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE GOOD BEGINNINGS ALLIANCE."

Introduced by: Senators Matsuura, Chun, Oakland, Chumbley, Kanno, Fukunaga, Chun, Hogue.

No. 50 "A BILL FOR AN ACT RELATING TO COUNTY LIABILITY."

Introduced by: Senators Matsuura, Chun, Kokubun, Kim.

No. 51 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Senators Matsuura, Slom, Sakamoto, Buen, Kanno, Chun.

No. 52 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Matsuura, Buen.

No. 53 "A BILL FOR AN ACT RELATING TO THE QUEST MEDICAL ASSISTANCE PROGRAM."

Introduced by: Senator Matsuura.

No. 54 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senator Matsuura.

No. 55 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senator Matsuura.

No. 56 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senator Matsuura.

No. 57 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Senator Matsuura.

No. 58 "A BILL FOR AN ACT RELATING TO RESIDENCY REQUIREMENT FOR STATE AND COUNTY EMPLOYEES."

Introduced by: Senator Chun.

No. 59 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senator Matsuura.

No. 60 "A BILL FOR AN ACT RELATING TO OCEAN LEASING."

Introduced by: Senator Matsuura.

No. 61 "A BILL FOR AN ACT RELATING TO NEEDLESTICK INJURY PREVENTION."

Introduced by: Senator Matsuura.

No. 62 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."

Introduced by: Senator Matsuura.

No. 63 "A BILL FOR AN ACT RELATING TO NURSES."

Introduced by: Senator Kanno.

No. 64 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Senators Kanno, Matsuura.

No. 65 "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE."

Introduced by: Senators Kanno, Matsuura.

No. 66 "A BILL FOR AN ACT RELATING TO AWARDING CUSTODY AND VISITATION."



Introduced by: Senators Kanno, Matsuura.

No. 67 "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS."

Introduced by: Senators Kanno, Matsuura.

No. 68 "A BILL FOR AN ACT RELATING TO COURTS."

Introduced by: Senators Kanno, Matsuura.

No. 69 "A BILL FOR AN ACT RELATING TO PROTECTIVE ORDER."

Introduced by: Senators Kanno, Matsuura.

No. 70 "A BILL FOR AN ACT RELATING TO THE HAWAII WHISTLEBLOWERS' PROTECTION ACT."

Introduced by: Senator Kanno.

No. 71 "A BILL FOR AN ACT RELATING TO PERSONAL SERVICES CONTRACTS."

Introduced by: Senators Chun, Sakamoto.

No. 72 "A BILL FOR AN ACT RELATING TO THE KAHOLAWE ISLAND RESERVE COMMISSION."

Introduced by: Senators Chun, Buen, Kawamoto.

No. 73 "A BILL FOR AN ACT RELATING TO STATE AND COUNTY IMMUNITY FROM LIABILITY."

Introduced by: Senators Chun, Chumley, English, Buen, Kokubun, Matsuura, Inouye.

#### ADJOURNMENT

At 4:30 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Thursday, January 18, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate