

TWENTY-SEVENTH DAY

Tuesday, March 6, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 10:10 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Brother Edward Gomez, Financial Director, Chaminade University, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twenty-Sixth Day.

At 10:14 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.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 29 to 128) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 29, transmitting H.B. No. 3, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 3, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 30, transmitting H.B. No. 14, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 14, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ADDITIONAL SCHOOL CLERICAL POSITIONS," passed First Reading by title and was deferred.

Hse. Com. No. 31, transmitting H.B. No. 18, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 18, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed First Reading by title and was deferred.

Hse. Com. No. 32, transmitting H.B. No. 21, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 21, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed First Reading by title and was deferred.

Hse. Com. No. 33, transmitting H.B. No. 79, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 79, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY

DISCLOSURES," passed First Reading by title and was deferred.

Hse. Com. No. 34, transmitting H.B. No. 94, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 94, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTER PROGRAMS," passed First Reading by title and was deferred.

Hse. Com. No. 35, transmitting H.B. No. 100, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 100, entitled: "A BILL FOR AN ACT RELATING TO AUTISM," passed First Reading by title and was deferred.

Hse. Com. No. 36, transmitting H.B. No. 152, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 152, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was deferred.

Hse. Com. No. 37, transmitting H.B. No. 168, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 168, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed First Reading by title and was deferred.

Hse. Com. No. 38, transmitting H.B. No. 160, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 160, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT CLAIMS," passed First Reading by title and was deferred.

Hse. Com. No. 39, transmitting H.B. No. 210, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 210, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed First Reading by title and was deferred.

Hse. Com. No. 40, transmitting H.B. No. 216, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 216, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed First Reading by title and was deferred.

Hse. Com. No. 41, transmitting H.B. No. 284, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 284, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading by title and was deferred.

Hse. Com. No. 42, transmitting H.B. No. 336, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 336, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION TAX CREDIT," passed First Reading by title and was deferred.

Hse. Com. No. 43, transmitting H.B. No. 382, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 382, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICE," passed First Reading by title and was deferred.

Hse. Com. No. 44, transmitting H.B. No. 408, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 408, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO STUDY THE FEASIBILITY OF ESTABLISHING A TECHNOLOGY-FOCUSED, COMMUNITY-BASED CENTER IN WAIALUA TOWN," passed First Reading by title and was deferred.

Hse. Com. No. 45, transmitting H.B. No. 429, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 429, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BLINDNESS SKILL TRAINING," passed First Reading by title and was deferred.

Hse. Com. No. 46, transmitting H.B. No. 444, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 444, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BURIAL SITES," passed First Reading by title and was deferred.

Hse. Com. No. 47, transmitting H.B. No. 461, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 461, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PARKING PERMIT PROGRAM FOR PERSONS WITH DISABILITIES," passed First Reading by title and was deferred.

Hse. Com. No. 48, transmitting H.B. No. 462, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 462, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ARBITRATION ACT," passed First Reading by title and was deferred.

Hse. Com. No. 49, transmitting H.B. No. 480, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 480, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BUSINESS SPECIALIST POSITIONS," passed First Reading by title and was deferred.

Hse. Com. No. 50, transmitting H.B. No. 487, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 487, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 51, transmitting H.B. No. 498, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 498, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed First Reading by title and was deferred.

Hse. Com. No. 52, transmitting H.B. No. 513, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 513, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed First Reading by title and was deferred.

Hse. Com. No. 53, transmitting H.B. No. 514, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 514, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPUTY ATTORNEYS GENERAL," passed First Reading by title and was deferred.

Hse. Com. No. 54, transmitting H.B. No. 524, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 524, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," passed First Reading by title and was deferred.

Hse. Com. No. 55, transmitting H.B. No. 540, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 540, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 56, transmitting H.B. No. 545, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 545, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," passed First Reading by title and was deferred.

Hse. Com. No. 57, transmitting H.B. No. 546, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 546, entitled: "A BILL FOR AN ACT RELATING TO THE DOWNPAYMENT LOAN PROGRAM," passed First Reading by title and was deferred.

Hse. Com. No. 58, transmitting H.B. No. 549, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 549, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed First Reading by title and was deferred.

Hse. Com. No. 59, transmitting H.B. No. 550, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 550, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 60, transmitting H.B. No. 599, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 599, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed First Reading by title and was deferred.

Hse. Com. No. 61, transmitting H.B. No. 600, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 600, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed First Reading by title and was deferred.

Hse. Com. No. 62, transmitting H.B. No. 611, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 611, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS AT

PUBLIC LIBRARY FACILITIES," passed First Reading by title and was deferred.

Hse. Com. No. 63, transmitting H.B. No. 612, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 612, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIBRARY ENHANCED SERVICES PROGRAM," passed First Reading by title and was deferred.

Hse. Com. No. 64, transmitting H.B. No. 613, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 613, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS," passed First Reading by title and was deferred.

Hse. Com. No. 65, transmitting H.B. No. 628, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 628, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARD ALLOWANCES FOR STUDENTS," passed First Reading by title and was deferred.

Hse. Com. No. 66, transmitting H.B. No. 634, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 634, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE RECOVERY," passed First Reading by title and was deferred.

Hse. Com. No. 67, transmitting H.B. No. 637, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 637, entitled: "A BILL FOR AN ACT RELATING TO OHANA CONFERENCING," passed First Reading by title and was deferred.

Hse. Com. No. 68, transmitting H.B. No. 645, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 645, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF INCOMPETENT PERSONS," passed First Reading by title and was deferred.

Hse. Com. No. 69, transmitting H.B. No. 670, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 670, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed First Reading by title and was deferred.

Hse. Com. No. 70, transmitting H.B. No. 676, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 676, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL AND CAREER INFORMATION," passed First Reading by title and was deferred.

Hse. Com. No. 71, transmitting H.B. No. 697, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 697, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TELECOMMUNICATIONS AND INFORMATION INDUSTRIES ACT," passed First Reading by title and was deferred.

Hse. Com. No. 72, transmitting H.B. No. 699, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 699, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTING," passed First Reading by title and was deferred.

Hse. Com. No. 73, transmitting H.B. No. 709, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 709, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COMPENSATION OF CRIME VICTIMS," passed First Reading by title and was deferred.

Hse. Com. No. 74, transmitting H.B. No. 771, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 771, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed First Reading by title and was deferred.

Hse. Com. No. 75, transmitting H.B. No. 773, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 773, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," passed First Reading by title and was deferred.

Hse. Com. No. 76, transmitting H.B. No. 953, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 953, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed First Reading by title and was deferred.

Hse. Com. No. 77, transmitting H.B. No. 978, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 978, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed First Reading by title and was deferred.

Hse. Com. No. 78, transmitting H.B. No. 986, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 986, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTIFICATION DOCUMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 79, transmitting H.B. No. 993, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 993, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING CHILD ABUSE," passed First Reading by title and was deferred.

Hse. Com. No. 80, transmitting H.B. No. 1001, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1001, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," passed First Reading by title and was deferred.

Hse. Com. No. 81, transmitting H.B. No. 1003, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1003, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed First Reading by title and was deferred.

Hse. Com. No. 82, transmitting H.B. No. 1208, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1208, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed First Reading by title and was deferred.

Hse. Com. No. 83, transmitting H.B. No. 1211, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1211, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed First Reading by title and was deferred.

Hse. Com. No. 84, transmitting H.B. No. 1233, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1233, H.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO YOUTH SERVICES," passed First Reading by title and was deferred.

Hse. Com. No. 85, transmitting H.B. No. 1234, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1234, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUEST," passed First Reading by title and was deferred.

Hse. Com. No. 86, transmitting H.B. No. 1243, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1243, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed First Reading by title and was deferred.

Hse. Com. No. 87, transmitting H.B. No. 1254, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1254, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," passed First Reading by title and was deferred.

Hse. Com. No. 88, transmitting H.B. No. 1255, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1255, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed First Reading by title and was deferred.

Hse. Com. No. 89, transmitting H.B. No. 1345, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1345, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONTENT OF FUELS," passed First Reading by title and was deferred.

Hse. Com. No. 90, transmitting H.B. No. 1399, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1399, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL ATTORNEYS GENERAL," passed First Reading by title and was deferred.

Hse. Com. No. 91, transmitting H.B. No. 1405, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1405, H.D. 1, entitled: "A BILL FOR AN ACT A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed First Reading by title and was deferred.

Hse. Com. No. 92, transmitting H.B. No. 1547, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1547, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," passed First Reading by title and was deferred.

Hse. Com. No. 93, transmitting H.B. No. 1554, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1554, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HYDROGEN RESEARCH AND DEVELOPMENT," passed First Reading by title and was deferred.

Hse. Com. No. 94, transmitting H.B. No. 1668, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1668, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 95, transmitting H.B. No. 1686, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1686, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF REVENUE BONDS FOR INTER-ISLAND MARITIME TRANSPORTATION," passed First Reading by title and was deferred.

Hse. Com. No. 96, transmitting H.B. No. 98, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 98, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH," passed First Reading by title and was deferred.

Hse. Com. No. 97, transmitting H.B. No. 144, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 144, entitled: "A BILL FOR AN ACT RELATING TO KAHŌ'OLAWĒ ISLAND RESERVE," passed First Reading by title and was deferred.

Hse. Com. No. 98, transmitting H.B. No. 159, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 159, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 99, transmitting H.B. No. 186, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 186, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," passed First Reading by title and was deferred.

Hse. Com. No. 100, transmitting H.B. No. 505, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 505, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed First Reading by title and was deferred.

Hse. Com. No. 101, transmitting H.B. No. 508, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 508, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS," passed First Reading by title and was deferred.

Hse. Com. No. 102, transmitting H.B. No. 531, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 531, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," passed First Reading by title and was deferred.

Hse. Com. No. 103, transmitting H.B. No. 539, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 539, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 104, transmitting H.B. No. 543, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 543, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS PROGRAMS," passed First Reading by title and was deferred.

Hse. Com. No. 105, transmitting H.B. No. 563, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 563, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed First Reading by title and was deferred.

Hse. Com. No. 106, transmitting H.B. No. 583, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 583, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed First Reading by title and was deferred.

Hse. Com. No. 107, transmitting H.B. No. 604, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 604, entitled: "A BILL FOR AN ACT RELATING TO HAWAII NATIONAL GUARD TUITION ASSISTANCE," passed First Reading by title and was deferred.

Hse. Com. No. 108, transmitting H.B. No. 693, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 693, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed First Reading by title and was deferred.

Hse. Com. No. 109, transmitting H.B. No. 698, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 698, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed First Reading by title and was deferred.

Hse. Com. No. 110, transmitting H.B. No. 708, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 708, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed First Reading by title and was deferred.

Hse. Com. No. 111, transmitting H.B. No. 728, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 728, entitled: "A BILL FOR AN ACT RELATING TO INCREASING DEVELOPMENT FLEXIBILITY OF PUBLIC LANDS," passed First Reading by title and was deferred.

Hse. Com. No. 112, transmitting H.B. No. 735, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 735, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 113, transmitting H.B. No. 740, H.D. 2, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 740, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed First Reading by title and was deferred.

Hse. Com. No. 114, transmitting H.B. No. 824, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 824, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE OPERATOR EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 115, transmitting H.B. No. 962, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 962, entitled: "A BILL FOR AN ACT RELATING TO A SENTENCING SIMULATION MODEL," passed First Reading by title and was deferred.

Hse. Com. No. 116, transmitting H.B. No. 946, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 946, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 117, transmitting H.B. No. 996, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 996, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 118, transmitting H.B. No. 1028, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1028, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A MODEL UNITED NATIONS PROGRAM FOR HIGH SCHOOL STUDENTS," passed First Reading by title and was deferred.

Hse. Com. No. 119, transmitting H.B. No. 1138, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1138, entitled: "A BILL FOR AN ACT RELATING TO SUBMISSION OF REPORTS TO THE LEGISLATURE," passed First Reading by title and was deferred.

Hse. Com. No. 120, transmitting H.B. No. 1281, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1281, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL," passed First Reading by title and was deferred.

Hse. Com. No. 121, transmitting H.B. No. 1309, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1309, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed First Reading by title and was deferred.

Hse. Com. No. 122, transmitting H.B. No. 1357, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1357, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading by title and was deferred.

Hse. Com. No. 123, transmitting H.B. No. 1411, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1411, entitled: "A BILL FOR AN ACT RELATING TO SECONDARY MARKET SERVICES CORP.—HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 124, transmitting H.B. No. 1556, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1556, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed First Reading by title and was deferred.

Hse. Com. No. 125, transmitting H.B. No. 1587, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1587, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF HOSPITALS," passed First Reading by title and was deferred.

Hse. Com. No. 126, transmitting H.B. No. 1636, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1636, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed First Reading by title and was deferred.

Hse. Com. No. 127, transmitting H.B. No. 1684, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1684, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AND LOCAL TAXATION OF MOBILE TELECOMMUNICATIONS SERVICES," passed First Reading by title and was deferred.

Hse. Com. No. 128, transmitting H.B. No. 688, which passed Third Reading in the House of Representatives on March 2, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 688, entitled: "A BILL FOR AN ACT RELATING TO THE EFFECTIVE DATE OF EXISTING USES UNDER THE WATER CODE," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 21 to 26) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 21 "SENATE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO ASSESS AND DETERMINE WAYS TO REDUCE THE PAPERWORK AND DUPLICATIVE PROCESS REQUIREMENTS RELATED TO EXCEPTIONAL CHILDREN AND FELIX CLASS CHILDREN AND ADOLESCENTS."

Offered by: Senators Chun Oakland, Matsunaga, Hogue, Chumbley, Tam, English, Ige, Kawamoto, Sakamoto, Menor, Kokubun, Nakata, Fukunaga, Slom, Buen, Matsuura.

No. 22 "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DECLARE MARCH 2001 HAWAII WOMEN'S HISTORY MONTH IN THE STATE OF HAWAII."

Offered by: Senators Chun Oakland, Fukunaga, Hanabusa, Buen, Inouye, Kim.

No. 23 "SENATE CONCURRENT RESOLUTION URGING THE FORMATION OF A WORKING GROUP TO DEVELOP A STATEWIDE CERTIFICATION PROGRAM FOR LONG-TERM CARE PROVIDERS."

Offered by: Senators Chun Oakland, Kanno, Ige, Sakamoto, Kim, English, Tam, Slom, Matsuura, Nakata, Taniguchi, Ihara, Kawamoto, Buen, Chumbley, Fukunaga, Kokubun, Hanabusa, Hemmings, Matsunaga, Hogue, Chun, Menor, Inouye.

No. 24 "SENATE CONCURRENT RESOLUTION URGING A STUDY OF OLDER UNDERGROUND PLUMBING SYSTEMS AND WATER SYSTEMS STATEWIDE TO ASSESS HEALTH RISKS."

Offered by: Senators Chun Oakland, Kawamoto, Menor, Kim, Inouye.

No. 25 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO IDENTIFY ALTERNATIVES, INCLUDING HUNTING, TO THE USE OF SNARES, POISONS, AND UNATTENDED TRAPS FOR THE CONTROL OF GAME ANIMAL POPULATIONS."

Offered by: Senators Chun Oakland, Inouye, Matsuura.

No. 26 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII RENAME THE RAINBOW BASEBALL STADIUM TO THE LES MURAKAMI BASEBALL STADIUM."

Offered by: Senators Bunda, Taniguchi, Kokubun, Sakamoto, Chun, Hemmings, Fukunaga, Ihara, Menor, Matsuura, Matsunaga, Inouye, Kim, Tam, Kawamoto, Kanno, English, Hanabusa, Slom, Chun Oakland, Ige, Buen, Nakata, Hogue.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 16 to 21) were read by the Clerk and were deferred:

Senate Resolution

No. 16 "SENATE RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO ASSESS AND DETERMINE WAYS TO REDUCE THE PAPERWORK AND DUPLICATIVE PROCESS REQUIREMENTS

RELATED TO EXCEPTIONAL CHILDREN AND FELIX CLASS CHILDREN AND ADOLESCENTS."

Offered by: Senators Chun Oakland, Matsunaga, Hogue, Chumbley, Tam, English, Ige, Sakamoto, Menor, Kokubun, Nakata, Fukunaga, Slom, Buen, Matsuura.

No. 17 "SENATE RESOLUTION URGING THE GOVERNOR TO DECLARE MARCH 2001 HAWAII WOMEN'S HISTORY MONTH IN THE STATE OF HAWAII."

Offered by: Senators Chun Oakland, Fukunaga, Hanabusa, Buen, Inouye, Kim.

No. 18 "SENATE RESOLUTION URGING THE FORMATION OF A WORKING GROUP TO DEVELOP A STATEWIDE CERTIFICATION PROGRAM FOR LONG-TERM CARE PROVIDERS."

Offered by: Senators Chun Oakland, Kanno, Ige, Sakamoto, Kim, English, Tam, Matsuura, Nakata, Taniguchi, Ihara, Kawamoto, Buen, Fukunaga, Chumbley, Kokubun, Hanabusa, Hemmings, Matsunaga, Hogue, Chun, Menor, Inouye.

No. 19 "SENATE RESOLUTION URGING A STUDY OF OLDER UNDERGROUND PLUMBING SYSTEMS AND WATER SYSTEMS STATEWIDE TO ASSESS HEALTH RISKS."

Offered by: Senators Chun Oakland, Menor, Kim, Inouye.

No. 20 "SENATE RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII RENAME THE RAINBOW BASEBALL STADIUM TO THE LES MURAKAMI BASEBALL STADIUM."

Offered by: Senators Bunda, Taniguchi, Kokubun, Sakamoto, Chun, Fukunaga, Ihara, Tam, Matsuura, Inouye, Kim, Menor, Hemmings, Kanno, English, Hanabusa, Slom, Chun Oakland, Ige, Buen, Nakata, Hogue.

No. 21 "SENATE RESOLUTION REQUIRING ALL UPPER LEVEL REPRESENTATIVES FROM THE OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF EDUCATION, AND DEPARTMENT OF HEALTH TO SPEND ONE DAY OBSERVING FELIX STUDENTS AND PROGRAMS."

Offered by: Senator Matsuura.

STANDING COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1014) recommending that the Senate advise and consent to the nomination of CHARLES M. KATSUYOSHI as Administrator, State Procurement Office, in accordance with Gov. Msg. No. 119.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1014 and Gov. Msg. No. 119 was deferred until Thursday, March 8, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1015) recommending that the Senate advise and consent to the nominations of KRISTINE M. FOSTER, BERT Y. MATSUOKA, WENDELL T. MURAKAWA and BARBARA

A. YAMASHITA to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, in accordance with Gov. Msg. No. 158.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1015 and Gov. Msg. No. 158 was deferred until Thursday, March 8, 2001.

ORDER OF THE DAY

THIRD READING

S.B. No. 984:

On motion by Senator Buen, seconded by Senator Chun and carried, S.B. No. 984, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 986, S.D. 1:

On motion by Senator Buen, seconded by Senator Chun and carried, S.B. No. 986, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 448:

On motion by Senator Nakata, seconded by Senator Ihara and carried, S.B. No. 448, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1590:

On motion by Senator Kim, seconded by Senator Kawamoto and carried, S.B. No. 1590, entitled: "A BILL FOR AN ACT RELATING TO INSPECTIONS BY THE COUNTY FIRE CHIEF OR THE CHIEF'S DESIGNEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 750:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, S.B. No. 750, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1171:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, S.B. No. 1171, entitled: "A BILL FOR AN ACT RELATING TO REPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, S.B. No. 1397, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1453:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, S.B. No. 1453, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1624:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, S.B. No. 1624, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1135:

On motion by Senator Inouye, seconded by Senator Chun Oakland and carried, S.B. No. 1135, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1167:

On motion by Senator Inouye, seconded by Senator Chun Oakland and carried, S.B. No. 1167, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1173:

On motion by Senator Inouye, seconded by Senator Chun Oakland and carried, S.B. No. 1173, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 603 (S.B. No. 1203, S.D. 1):

On motion by Senator Inouye, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 603 was adopted and S.B. No. 1203, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCREASING DEVELOPMENT FLEXIBILITY OF PUBLIC LANDS," having been read

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

Ayes, 25. Noes, none.

S.B. No. 1133, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Buen and carried, S.B. No. 1133, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1175:

On motion by Senator Matsuura, seconded by Senator Buen and carried, S.B. No. 1175, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF POISONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1062, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1062, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVERSION OF PROFESSIONAL AND VOCATIONAL LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1063, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1063, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1065:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1065, entitled: "A BILL FOR AN ACT RELATING TO ARCHITECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1069, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1069, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1071:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1071, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read

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

Ayes, 25. Noes, none.

S.B. No. 1074, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1074, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTIONS FOR DEPOSITORY INSTITUTION SALES OF INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1078, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1078, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1079, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1079, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY PARTNERSHIPS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1128, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1128, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT INSURANCE BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 618 (S.B. No. 48, S.D. 1):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 618 was adopted and S.B. No. 48, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 619 (S.B. No. 173, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 619 was adopted and S.B. No. 173, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 623 (S.B. No. 178, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 623 was adopted and S.B. No. 178, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 624 (S.B. No. 180, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 624 was adopted and S.B. No. 180, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 625 (S.B. No. 210, S.D. 1):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 625 was adopted and S.B. No. 210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 626 (S.B. No. 1019, S.D. 1):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 626 was adopted and S.B. No. 1019, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 627 (S.B. No. 1113):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 627 was adopted and S.B. No. 1113, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 628 (S.B. No. 1119, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 628 was adopted and S.B. No. 1119, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 630 (S.B. No. 1129):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 630 was adopted and S.B. No. 1129, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," having been

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

Ayes, 25. Noes, none.

S.B. No. 623, S.D. 1:

On motion by Senator Buen, seconded by Senator Inouye and carried, S.B. No. 623, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1138, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Buen and carried, S.B. No. 1138, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE NEWBORN HEARING SCREENING PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1026, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1026, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1061, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1061, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1332, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1332, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 641 (S.B. No. 1015, S.D. 1):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 641 was adopted and S.B. No. 1015, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 642 (S.B. No. 1064):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 642 was adopted and S.B. No. 1064, entitled: "A BILL FOR AN ACT RELATING TO RENEWAL REQUIREMENTS OF THE BOARD OF MEDICAL EXAMINERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1200, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, S.B. No. 1200, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRANSPORTATION PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 644 (S.B. No. 1162, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 644 was adopted and S.B. No. 1162, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC NOTICE REQUIREMENTS FOR PUBLIC LAND DISPOSITIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1047:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 1047, entitled: "A BILL FOR AN ACT RELATING TO THE SHORT-TERM INVESTMENT OF STATE MONEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1050, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 1050, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1192:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 1192, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 652 (S.B. No. 530, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 652 was adopted and S.B. No. 530, S.D. 2, entitled: "A BILL FOR AN ACT

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 655 (S.B. No. 1081):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 655 was adopted and S.B. No. 1081, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 657 (S.B. No. 1087):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 657 was adopted and S.B. No. 1087, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS AT PUBLIC LIBRARY FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 658 (S.B. No. 1089):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 658 was adopted and S.B. No. 1089, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 661 (S.B. No. 1315, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 661 was adopted and S.B. No. 1315, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 662 (S.B. No. 1361):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 662 was adopted and S.B. No. 1361, entitled: "A BILL FOR AN ACT RELATING TO THE VOLUNTEER INCENTIVE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 667 (S.B. No. 944, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 667 was adopted and S.B. No. 944, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 668 (S.B. No. 118, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 668 was adopted and S.B. No. 118, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CANCER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 673 (S.B. No. 1535, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 673 was adopted and S.B. No. 1535, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 676 (S.B. No. 1164, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 676 was adopted and S.B. No. 1164, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FOREST STEWARDSHIP PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 677 (S.B. No. 1262):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 677 was adopted and S.B. No. 1262, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 678 (S.B. No. 1561, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 678 was adopted and S.B. No. 1561, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 685 (S.B. No. 841):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 685 was adopted and S.B. No. 841, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 686 (S.B. No. 99):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 686 was adopted and S.B.

No. 99, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 688 (S.B. No. 706, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 688 was adopted and S.B. No. 706, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 690 (S.B. No. 797):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 690 was adopted and S.B. No. 797, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 693 (S.B. No. 209, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 693 was adopted and S.B. No. 209, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 695 (S.B. No. 212, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 695 was adopted and S.B. No. 212, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY INSTRUCTION PERMIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 696 (S.B. No. 932, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 696 was adopted and S.B. No. 932, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 697 (S.B. No. 1317):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 697 was adopted and S.B. No. 1317, entitled: "A BILL FOR AN ACT RELATING TO THE FILING DATE OF ANNUAL FINANCIAL INTERESTS DISCLOSURE STATEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 701 (S.B. No. 1165, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 701 was adopted and S.B. No. 1165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 703 (S.B. No. 1168):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 703 was adopted and S.B. No. 1168, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 704 (S.B. No. 1099):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 704 was adopted and S.B. No. 1099, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 705 (S.B. No. 1101):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 705 was adopted and S.B. No. 1101, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1001:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1001, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS BY MAIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1007:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1007, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1454:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1454, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," having been read

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

Ayes, 25. Noes, none.

S.B. No. 1456:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1456, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1509:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1509, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1512:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1512, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 716 (S.B. No. 221, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 716 was adopted and S.B. No. 221, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 717 (S.B. No. 369, S.D. 3):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 717 was adopted and S.B. No. 369, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 718 (S.B. No. 1021, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 718 was adopted and S.B. No. 1021, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 720 (S.B. No. 1195, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 720 was adopted and S.B. No. 1195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXPAYER COMMUNICATION CONFIDENTIALITY PRIVILEGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 723 (S.B. No. 525, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 723 was adopted and S.B. No. 525, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEXTBOOKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 724 (S.B. No. 1090, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 724 was adopted and S.B. No. 1090, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 725 (S.B. No. 1205, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 725 was adopted and S.B. No. 1205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 727 (S.B. No. 1385):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 727 was adopted and S.B. No. 1385, entitled: "A BILL FOR AN ACT RELATING TO THE SALARY STRUCTURE OF EDUCATIONAL OFFICERS IN THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 730 (S.B. No. 1108, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 730 was adopted and S.B. No. 1108, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FUNERAL ASSISTANCE PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 731 (S.B. No. 98):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 731 was adopted and S.B. No. 98, entitled: "A BILL FOR AN ACT RELATING

TO LEGAL SERVICES FOR THE INDIGENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 733 (S.B. No. 106, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 733 was adopted and S.B. No. 106, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 736 (S.B. No. 1365, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 736 was adopted and S.B. No. 1365, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 739 (S.B. No. 24, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 739 was adopted and S.B. No. 24, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 742 (S.B. No. 1040, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 742 was adopted and S.B. No. 1040, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 743 (S.B. No. 1145):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 743 was adopted and S.B. No. 1145, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 744 (S.B. No. 72, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 744 was adopted and S.B. No. 72, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHŌ'OLAWÉ ISLAND RESERVE COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 745 (S.B. No. 107):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 745 was adopted and S.B. No. 107, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 746 (S.B. No. 1356, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 746 was adopted and S.B. No. 1356, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RESIDENTS OF MAUNALAHUA SUBDIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 747 (S.B. No. 205, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 747 was adopted and S.B. No. 205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSE PLATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 748 (S.B. No. 206, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 748 was adopted and S.B. No. 206, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WHARFAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 751 (S.B. No. 896):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 751 was adopted and S.B. No. 896, entitled: "A BILL FOR AN ACT RELATING TO COUNTY CONSTRUCTION PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 752 (S.B. No. 1010):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 752 was adopted and S.B. No. 1010, entitled: "A BILL FOR AN ACT RELATING TO FUNCTIONAL PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 755 (S.B. No. 41, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 755 was adopted and S.B. No. 41, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 756 (S.B. No. 606, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 756 was adopted and S.B. No. 606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLED WATER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 759 (S.B. No. 1198, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 759 was adopted and S.B. No. 1198, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 762 (S.B. No. 453, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 762 was adopted and S.B. No. 453, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 764 (S.B. No. 1126, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 764 was adopted and S.B. No. 1126, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 766 (S.B. No. 1530, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 766 was adopted and S.B. No. 1530, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 767 (S.B. No. 264, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 767 was adopted and S.B. No. 264, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATION FOR TAX EXEMPTION,"

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 770 (S.B. No. 382, S.D. 3):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 770 was adopted and S.B. No. 382, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 771 (S.B. No. 1088, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 771 was adopted and S.B. No. 1088, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIBRARY ENHANCED SERVICES PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 772 (S.B. No. 1213, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 772 was adopted and S.B. No. 1213, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT AND CONTINUATION OF PROFESSIONAL DEVELOPMENT SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 774 (S.B. No. 638, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 774 was adopted and S.B. No. 638, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MOLOKAI IRRIGATION SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 775 (S.B. No. 1227, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 775 was adopted and S.B. No. 1227, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR REPAIRS, MAINTENANCE, AND IMPROVEMENTS TO THE MOLOKAI IRRIGATION SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 776 (S.B. No. 982):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 776 was adopted and S.B. No. 982, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 777 (S.B. No. 1400, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 777 was adopted and S.B. No. 1400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 779 (S.B. No. 752, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 779 was adopted and S.B. No. 752, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BOATING FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 780 (S.B. No. 876, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 780 was adopted and S.B. No. 876, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL FACILITY REVENUE BONDS FOR INTERISLAND MARITIME TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 783 (S.B. No. 1042):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 783 was adopted and S.B. No. 1042, entitled: "A BILL FOR AN ACT RELATING TO REORGANIZATION OF STATE GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 785 (S.B. No. 1406):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 785 was adopted and S.B. No. 1406, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 788 (S.B. No. 1036, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 788 was adopted and S.B. No. 1036, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 789 (S.B. No. 1039):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 789 was adopted and S.B. No. 1039, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 790 (S.B. No. 1048, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 790 was adopted and S.B. No. 1048, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 793 (S.B. No. 1146):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 793 was adopted and S.B. No. 1146, entitled: "A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 794 (S.B. No. 1151):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 794 was adopted and S.B. No. 1151, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL AND CAREER INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 797 (S.B. No. 498, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 797 was adopted and S.B. No. 498, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NANAKULI HOMESTEAD CEMETERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 813:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 813, entitled: "A BILL FOR AN ACT RELATING TO REPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 589, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsuura and carried, S.B. No. 589, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1075, S.D. 1:

On motion by Senator Menor, seconded by Senator Kanno and carried, S.B. No. 1075, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1349, S.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 809 (S.B. No. 97):

On motion by Senator Menor, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 809 was adopted and S.B. No. 97, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING FRAUD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 811 (S.B. No. 207):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 811 was adopted and S.B. No. 207, entitled: "A BILL FOR AN ACT RELATING TO INTERISLAND VEHICLE TRANSFERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 812 (S.B. No. 263):

On motion by Senator Menor, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 812 was adopted and S.B. No. 263, entitled: "A BILL FOR AN ACT RELATING TO UNLICENSED CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 813 (S.B. No. 1299):

On motion by Senator Kim, seconded by Senator English and carried, Stand. Com. Rep. No. 813 was adopted and S.B. No. 1299, entitled: "A BILL FOR AN ACT RELATING TO WATER SUPPLY BOARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 814 (S.B. No. 950, S.D. 1):

On motion by Senator Inouye, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 814 was adopted and S.B. No. 950, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DIAMOND HEAD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1163:

On motion by Senator Inouye, seconded by Senator Chun Oakland and carried, S.B. No. 1163, entitled: "A BILL FOR AN ACT RELATING TO THE EFFECTIVE DATE OF EXISTING USES UNDER THE WATER CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 818 (S.B. No. 400, S.D. 2):

On motion by Senator Matsuura, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 818 was adopted and S.B. No. 400, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ELDERLY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 820 (S.B. No. 1077, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 820 was adopted and S.B. No. 1077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRADEMARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 821 (S.B. No. 138, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 821 was adopted and S.B. No. 138, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 822 (S.B. No. 1120, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 822 was adopted and S.B. No. 1120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF INCOMPETENT PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 823 (S.B. No. 1178, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 823 was adopted and S.B. No. 1178, S.D. 2, entitled: "A BILL FOR AN ACT

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 824 (S.B. No. 423, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 824 was adopted and S.B. No. 423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PROCEEDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 825 (S.B. No. 424, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 825 was adopted and S.B. No. 424, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 827 (S.B. No. 1131, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 827 was adopted and S.B. No. 1131, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1508, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1508, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1513, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1513, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BURGLARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1601, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1601, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 169, S.D. 1:

On motion by Senator Menor, seconded by Senator Kanno and carried, S.B. No. 169, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 185, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Inouye and carried, S.B. No. 185, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 213, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Kim and carried, S.B. No. 213, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSE RENEWAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 847:

On motion by Senator Kawamoto, seconded by Senator Nakata and carried, S.B. No. 847, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 887, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Tam and carried, S.B. No. 887, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1593, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Kim and carried, S.B. No. 1593, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 854, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 854, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1191, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 1191, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARD DEDUCTION FOR INDIVIDUAL INCOME TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1193, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 1193, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX ON NONPROFIT ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 853 (S.B. No. 1264, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 853 was adopted and S.B. No. 1264, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 855 (S.B. No. 1018, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 855 was adopted and S.B. No. 1018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEE SIMPLE RESIDENTIAL REVOLVING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 858 (S.B. No. 621, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 858 was adopted and S.B. No. 621, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 860 (S.B. No. 132, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 860 was adopted and S.B. No. 132, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PEER EDUCATION PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 861 (S.B. No. 1206, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 861 was adopted and S.B. No. 1206, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 864 (S.B. No. 105, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 864 was adopted and S.B. No. 105, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 868 (S.B. No. 911, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 868 was adopted and S.B. No. 911, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUEST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 869 (S.B. No. 1111, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 869 was adopted and S.B. No. 1111, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REIMBURSEMENT FOR NONINSTITUTIONAL PROVIDERS OF MEDICAL CARE FOR SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 871 (S.B. No. 704, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 871 was adopted and S.B. No. 704, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 873 (S.B. No. 1460, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 873 was adopted and S.B. No. 1460, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 876 (S.B. No. 499, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 876 was adopted and S.B. No. 499, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEAVE SHARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 879 (S.B. No. 1034, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 879 was adopted and S.B. No. 1034, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 882 (S.B. No. 1046, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 882 was adopted and S.B. No. 1046, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 884 (S.B. No. 1377, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 884 was adopted and S.B. No. 1377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 885 (S.B. No. 1382):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 885 was adopted and S.B. No. 1382, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 890 (S.B. No. 1220):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 890 was adopted and S.B. No. 1220, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 892 (S.B. No. 120, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 892 was adopted and S.B. No. 120, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 119, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 119, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 897 (S.B. No. 840, S.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 897 was adopted and S.B. No. 840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 898 (S.B. No. 1059, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 898 was adopted and S.B. No. 1059, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 899 (S.B. No. 1076, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 899 was adopted and S.B. No. 1076, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 901 (S.B. No. 441):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 901 was adopted and S.B. No. 441, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOME LANDS COMMISSION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 902 (S.B. No. 495, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 902 was adopted and S.B. No. 495, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 906 (S.B. No. 905):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 906 was adopted and S.B. No. 905, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF THE LOBBYIST LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 907 (S.B. No. 1103):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 907 was adopted and S.B. No. 1103, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARD ALLOWANCES FOR STUDENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 908 (S.B. No. 1208, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 908 was adopted and S.B. No. 1208, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 909 (S.B. No. 1104, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 909 was adopted and S.B. No. 1104, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORITY OF FOSTER PARENTS TO PROVIDE CONSENTS FOR THE FOSTER CHILD'S EDUCATIONAL AND RECREATIONAL NEEDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 910 (S.B. No. 1109):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 910 was adopted and S.B. No. 1109, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE RECOVERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 911 (S.B. No. 1110, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 911 was adopted and S.B. No. 1110, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 912 (S.B. No. 877, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 912 was adopted and S.B. No. 877, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE AGRICULTURAL WATER DISTRIBUTION SYSTEM, UPCOUNTRY KULA, MAUI WATERSHED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 914 (S.B. No. 1060, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 914 was adopted and S.B. No. 1060, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 916 (S.B. No. 670, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 916 was adopted and S.B. No. 670, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE STUDENT COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 917 (S.B. No. 821, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 917 was adopted and S.B. No. 821, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LAPTOPS FOR LEARNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 918 (S.B. No. 865, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 918 was adopted and S.B. No. 865, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 923 (S.B. No. 751, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 923 was adopted and S.B. No. 751, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 927 (S.B. No. 257, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 927 was adopted and S.B. No. 257, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RETURN OF PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 928 (S.B. No. 1105, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 928 was adopted and S.B. No. 1105, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION ON THE NATURAL PARENTS OF THE ADOPTED MINOR CHILD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 929 (S.B. No. 1123, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 929 was adopted and S.B. No. 1123, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 930 (S.B. No. 1276, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 930 was adopted and S.B. No. 1276, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CYBERSQUATTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 931 (S.B. No. 1320, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 931 was adopted and S.B. No. 1320, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 933 (S.B. No. 637, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 933 was adopted and S.B. No. 637, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 935 (S.B. No. 1554, S.D. 2):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 935 was adopted and S.B. No. 1554, S.D. 2, entitled: "A BILL FOR AN ACT A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 725, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 725, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 780, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 780, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE HAWAII CONSTITUTION, TO ADD A SECTION ON CRIME VICTIMS' RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1229, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1229, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 943 (S.B. No. 545, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 943 was adopted and S.B. No. 545, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PACON INTERNATIONAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 944 (S.B. No. 648, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 944 was adopted and S.B. No. 648, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 949 (S.B. No. 1035, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 949 was adopted and S.B. No. 1035, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 950 (S.B. No. 1115, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 950 was adopted and S.B. No. 1115, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 952 (S.B. No. 549, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 952 was adopted and S.B. No. 549, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 955 (S.B. No. 755, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 955 was adopted and S.B. No. 755, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 956 (S.B. No. 1210, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 956 was adopted and S.B. No. 1210, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 959 (S.B. No. 807, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 959 was adopted and S.B. No. 807, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BEACH RESTORATION AND BEAUTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 960 (S.B. No. 1054, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 960 was adopted and S.B. No. 1054, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 965 (S.B. No. 774, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 965 was adopted and S.B. No. 774, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1452, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1452, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO LAND COURT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1510:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1510, entitled: “A BILL FOR AN ACT RELATING TO GAMBLING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1511:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1511, entitled: “A BILL FOR AN ACT RELATING TO SENTENCING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1518, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1518, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SENTENCING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1523:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1523, entitled: “A BILL FOR AN ACT RELATING TO RESISTING ARREST,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1604:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1604, entitled: “A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 974 (S.B. No. 469, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 974 was adopted and S.B. No. 469, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PARKING FOR PERSONS WITH DISABILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 977 (S.B. No. 926, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 977 was adopted and S.B. No. 926, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 980 (S.B. No. 1567, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 980 was adopted and S.B. No. 1567, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SCHOOL COMPLEXES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 981 (S.B. No. 630, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 981 was adopted and S.B. No. 630, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 983 (S.B. No. 1112):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 983 was adopted and S.B. No. 1112, entitled: “A BILL FOR AN ACT RELATING TO OHANA CONFERENCING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 597, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 597, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 996:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 996, entitled: “A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 10, OF THE HAWAII CONSTITUTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1430:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1430, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER

OF THE SENATE OR HOUSE OF REPRESENTATIVES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1555:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1555, entitled: “A BILL FOR AN ACT RELATING TO ACT 316, SESSION LAWS OF HAWAII 1993, AS AMENDED BY ACT 157, SESSION LAWS OF HAWAII 1995,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 990 (S.B. No. 124, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 990 was adopted and S.B. No. 124, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 992 (S.B. No. 836, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 992 was adopted and S.B. No. 836, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ENFORCEMENT OF PARKING FOR PERSONS WITH DISABILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 993 (S.B. No. 552, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 993 was adopted and S.B. No. 552, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A KOREAN WAR MUSEUM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 994 (S.B. No. 1405, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 994 was adopted and S.B. No. 1405, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR HI-TECH HAWAII, INC.,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 997 (S.B. No. 633):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 997 was adopted and S.B. No. 633, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR THE HAWAII FORESTRY AND COMMUNITIES

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 998 (S.B. No. 1401, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 998 was adopted and S.B. No. 1401, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ALA WAI WATERSHED,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1000 (S.B. No. 1414, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1000 was adopted and S.B. No. 1414, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR UNIFORM LAWS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1001 (S.B. No. 1540, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1001 was adopted and S.B. No. 1540, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH A HONOLULU CITY LIGHTS LOOKOUT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1002 (S.B. No. 654, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1002 was adopted and S.B. No. 654, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MEDICAID,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1003 (S.B. No. 1455, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 1003 was adopted and S.B. No. 1455, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE CHILDREN’S ADVOCACY PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1006 (S.B. No. 190, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1006 was adopted and S.B. No. 190, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COUNTIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 683, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 683, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 997:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 997, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1185, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1185, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1571, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1571, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ARBITRATION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

RECONSIDERATION OF ACTION TAKEN

S.B. No. 1575, S.D. 1:

Senator Kawamoto moved that the Senate reconsider its action taken on March 1, 2001, in passing S.B. No. 1575, S.D. 1, on Second Reading, seconded by Senator Fukunaga and carried.

Senator Kawamoto then offered the following amendment (Floor Amendment No. 1) to S.B. No. 1575, S.D. 1:

SECTION 1. Senate Bill No. 1575, S.D. 1, is amended by correcting the title to read as it read in S.B. No. 1575 as originally introduced as follows:

"A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE."

Senator Kawamoto moved that Floor Amendment No. 1 be adopted, seconded by Senator Fukunaga.

Senator Kawamoto explained:

"Mr. President, the floor amendment is to correct a drafting error which missed placing the word 'the' in the title."

Senator Slom rose to speak on the amendment as follows:

"Mr. President, I rise to speak on the amendment with reservations.

"I noticed that the only change that was made was on the 'the' but there still is a problem with the bill and the amendments, and that has to do with we're shifting responsibility to the pedestrians on this bill. We're requiring the pedestrian to do a lot of additional things including hand signals and how the pedestrian is seen, rather than putting the full responsibility on the driver.

"Thank you, Mr. President."

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

"Mr. President, I rise to speak in favor of the amendment and the bill.

"We understand that 85 percent of the pedestrians being hit today are people in the crosswalk. We understand the fact remains that we need to educate both the driver and the pedestrian. We need to make the responsibility of walking in the crosswalk a responsibility of the driver and the pedestrian. This bill provides an opportunity to follow what the Canadians do – they allow the responsibility of having eye contact with the driver and by providing, regardless of it being hands or legs or whatever, that you need to put it forward to show that you know you're going to cross a crosswalk at that instant. We remind the pedestrian that he has a responsibility, also, in the crosswalk to look around.

"Therefore, Mr. President, I urge my colleagues to vote 'aye' on this bill."

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

"Mr. President, I know too many pedestrians who have been right by being in the crosswalk, but they've been dead right. Hopefully this bill will be pursued.

"I'm voting with reservations because I'm concerned that it puts too much of a burden on the driver and not enough on the pedestrian who ends up being the one that gets killed.

"Thank you, Mr. President."

At 10:20 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:22 o'clock a.m.

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

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, S.B. No. 1575, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 8, 2001.

THIRD READING

Stand. Com. Rep. No. 753 (S.B. No. 1013, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 753 be received and placed on file, seconded by Senator Hanabusa and carried.

Senator Taniguchi then moved that S.B. No. 1013, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 2) to S.B. No. 1013, S.D. 2:

SECTION 1. Senate Bill No. 1013, S.D. 2, is amended by amending section 1 by deleting the amount of \$150,000,000 and replacing it with the sum of \$0.

SECTION 2. Senate Bill No. 1013, S.D. 2, is amended by amending section 2 by deleting the amount of \$150,000,000 and replacing it with the sum of \$0.

Senator Taniguchi moved that Floor Amendment No. 2 be adopted, seconded by Senator Hanabusa.

Senator Taniguchi explained:

“Mr. President, we’re just going to blank out the \$150 million ceiling in the bill.”

At 10:24 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:25 o’clock a.m.

Senator Taniguchi continued:

“Mr. President, we are blanking this amount out to encourage further discussion.”

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

By unanimous consent, S.B. No. 1013, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY,” was placed on the calendar for Third Reading on Thursday, March 8, 2001.

Stand. Com. Rep. No. 801 (S.B. No. 1534, S.D. 1):

By unanimous consent, the amendments to S.B. No. 1534 proposed in S.D. 1 were withdrawn and Stand. Com. Rep. No. 801 was received and placed on file.

Senator Taniguchi noted:

“Mr. President, we are going back to the first initial draft of the original bill. There’s some concern about the far-reaching effects of S.D. 1, so we are proposing to go back to the original version.”

At 10:27 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:30 o’clock a.m.

By unanimous consent, S.B. No. 1534, entitled: “A BILL FOR AN ACT RELATING TO LONG-TERM CARE,” was placed on the calendar for Third Reading on Thursday, March 8, 2001.

Stand. Com. Rep. No. 889 (S.B. No. 1033, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 889 be received and placed on file, seconded by Senator Hanabusa and carried.

Senator Taniguchi moved that S.B. No. 1033, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 3) to S.B. No. 1033, S.D. 2:

SECTION 1. Senate Bill No. 1033, S.D. 2, is amended by substituting \$0 for \$2,000,000 in every place it appears in Section 1 of the bill.

Senator Taniguchi moved that Floor Amendment No. 3 be adopted, seconded by Senator Hanabusa.

Senator Taniguchi noted:

“Mr. President, in decision-making we had blanked out the amounts. Even though we may be supportive of the GO bond authorization, I believe we need to conform the bill to the decision made at the hearing.”

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

By unanimous consent, S.B. No. 1033, S.D. 3, entitled: “A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE BERNICE PAUAAHI BISHOP MUSEUM, OAHU,” was placed on the calendar for Third Reading on Thursday, March 8, 2001.

RECONSIDERATION OF ACTION TAKEN

S.B. No. 791, S.D. 1:

Senator Taniguchi moved that the Senate reconsider its action taken on March 2, 2001, in passing S.B. No. 791, S.D. 1, on Second Reading, seconded by Senator Hanabusa.

Senator Hemmings rose and said:

“Mr. President, with all due respect to the good Senator from Manoa, we support the amendment and delaying decision-making on this for 48 hours. Nevertheless, there are those who want to find the money for the teacher’s pay raise by cutting the waste and inefficiency and misappropriation of prior monies. So there are other ways to do it besides taking away tax benefits.

“Thank you, Mr. President.”

The motion was then put by the Chair and carried.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 4) to S.B. No. 791, S.D. 1:

SECTION 1. Senate Bill No. 791, S.D. 1, is amended by correcting the title to read as it read in S.B. No. 791 as originally introduced as follows:

“A BILL FOR AN ACT RELATING TO TAXATION.”

Senator Taniguchi moved that Floor Amendment No. 4 be adopted, seconded by Senator Hanabusa.

Senator Taniguchi noted:

“Mr. President, there’s a technical error in the title of the bill. We’re just correcting that.”

The motion to adopt Floor Amendment No. 4 was put by the Chair and carried.

At 10:34 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:35 o'clock a.m.

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, S.B. No. 791, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 8, 2001.

THIRD READING

Stand. Com. Rep. No. 926 (S.B. No. 1170, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 926 and S.B. No. 1170, S.D. 2, was deferred to the end of the calendar.

S.B. No. 1500:

Senator Tam moved that S.B. No. 1500, having been read throughout, pass Third Reading, seconded by Senator Ige.

Senator Slom rose in support of the measure with reservations and stated:

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

"This has been a problem that the Legislature, and particularly the Senate, has been trying to deal with for the last several years. It involves two things – the original will that created Irwin Memorial Park in the downtown Honolulu waterfront area, and also promises made to tenants at Aloha Tower Marketplace by, initially, the State of Hawaii regarding parking.

"There have been constant attempts, first through eminent domain and then by other means, to try to take back the park and pave it over into parking. The tenants are very unhappy at Aloha Tower Marketplace because they never got the parking that they were promised by the State. There's no alternative plans for parking at this moment, but in terms of good economic and environmental sense and also in honoring the will, we must maintain Irwin Park because that was the original purpose for that land, so I speak with reservations.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 1500, entitled: "A BILL FOR AN ACT RELATING TO PRESERVING AND MAINTAINING HISTORIC IRWIN MEMORIAL PARK AS A LANDSCAPED STREET-LEVEL OPEN SPACE GATEWAY TO THE HONOLULU WATERFRONT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 625, S.D. 1:

Senator Kawamoto moved that S.B. No. 625, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Kanno stated:

"Mr. President, I'd like to request that the record reflect that the voting sheet, as decked, was not accurate of the vote at the hearing. The voting sheet indicates four 'no' votes for myself and Senators Menor, Tam, and Taniguchi. The four of us should have been marked as excused.

"Thank you."

Senator Hemmings rose for a conflict ruling as follows:

"Mr. President, I need an opinion on a conflict of interest – I'm a surfer."

The Chair ruled the Senator Hemmings was not in conflict.

Senator Hemmings continued:

"Mr. President, I'm concerned about this bill not on what it's doing, but what the potential may pose for the Maalaea Harbor – probably one of Hawaii's greatest surfing resources. It has a tremendous impact on us all, economically, and that can be seen in Paia, where it's the windsurfing capital of the world, or in Haleiwa, which is recognized as the surfing capital of the world. Maalaea is a very famous surfing break for the world of surfing. Those resources are very limited to the reefs of these Hawaiian Islands, and this harbor poses a threat to eliminate that surf site.

"So I wish to go on record with favoring the ferry system, but not favoring it at the expense of destroying a tremendous natural resource as a surfing site.

"Thank you, Mr. President."

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

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

"Mr. President, your Committee on Transportation, Military Affairs, and Government Operations heard the bill, heard the discussion, and we are just trying to provide, again, another alternative to transportation – the ferry system. These are some of the incentives that were requested upon our Committee.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 748:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, S.B. No. 748, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE OPERATOR EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Menor).

S.B. No. 1202, S.D. 1:

Senator Kawamoto moved that S.B. No. 1202, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

The motion was put by the Chair and carried, S.B. No. 1202, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Chumbley, Chun, English, Ihara, Inouye, Kokubun).

S.B. No. 1389:

Senator Kawamoto moved that S.B. No. 1389, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Hemmings rose to speak in opposition to the measure and stated:

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

“I’ll make it brief, Mr. President. This increases anywhere from \$35 or up, the cost for towing a car, and I think it’s unwarranted since the consumers are already beleaguered by high costs in Hawaii. So I speak against the bill and will be voting ‘no.’”

The motion was put by the Chair and carried, S.B. No. 1389, entitled: “A BILL FOR AN ACT RELATING TO TOWING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Kanno).

Stand. Com. Rep. No. 604 (S.B. No. 1084, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 604 be adopted and S.B. No. 1084, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

“Mr. President, I rise to speak with strong reservations.

“Obviously, we’ve all been talking about Felix for many years. I know the esteemed Senator from Salt Lake has even gotten himself a model, which he has put together and has appropriately put on his desk – the Rubik’s cube – which somehow has been solved, and I know that Felix has not been solved.

“If I could read into the record a few items here . . . three items in particular – one, that the funding for the bureaucracy of Felix is made so without accountability; also, the ‘emergency’ need of this appropriation is fueled by the contempt order filed against the State last year and also by modified versions of the consent decree; and also, by the inclusion of all Felix costs in Comprehensive School Support Services, otherwise known as EDN 150.

“On the first point, the DOE has stated that their priority is to comply with the federal consent decree for Felix v. Cayetano. However, admittedly, the department’s priority is not to ensure that eligible children of special education services under the IDEA and Section 504 are benefiting from the services the department has developed and put in place. The DOE has not developed measurable outcomes, nor tracked the success or failure of specific treatments utilized by IEP teams. This Legislature continues to appropriate funds without holding departments accountable and demanding successful results.

“Secondly, the scope of services mandated by the consent decree was broadened by the change in definition of children – a very broad change. In fact, in the Status Conference Report filed with the US District Court on February 13, 2001, it says on

page 4, ‘Stipulation and Order Modifying Consent Decree, amending “Plaintiff class” to include “all children and adolescents with disabilities residing in Hawaii, from birth to 20 years of age, who are eligible for and in need of education and mental health services.”’ Hence, by opening up services to virtually every child in Hawaii, having no accountability, and over-identification of Felix and special education eligible children, which is admittedly done by the DOE, the State has effectively opened a Pandora’s Box of funding for the DOE, DOH, and DHS regarding Felix.

“Finally, with regards to EDN 150, which was established by this Legislative body last Session, it has become the warehouse for the Department of Education’s Comprehensive School Support Services Program. The DOE is now saying that all school based support services will be covered in this program. They have not delineated out Felix costs. That means services that are not Felix are included in this and services that are Felix are included in this. So, monies get appropriated to a program ‘in the name of Felix’ but they may not necessarily be spent on Felix. I think we’ve seen some items in regards to that – for example, A-plus and other programs.

“I realize that we must spend money for Felix. But, Mr. President, are we doing so wisely? I vote ‘yes,’ but with very strong reservations. Thank you.”

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

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

“Mr. President, some of the comments from the Senator from Kaneohe are well taken. He and others, as well as the Auditor, have questioned some of the things we need to do. Further down in our agenda are two measures that, in part, respond to some of these concerns, but let me discuss them now since the issue is at hand.

“The first measure is Stand. Com. Rep. No. 919/S.B. No. 1303 and the second measure is Stand. Com. Rep. No. 921/S.B. No. 957. Mr. President, these measures are our effort to support the Felix response plan. These measures direct the Department of Education to formulate clear and concise guidelines that facilitate the recommendation of appropriate services to Felix Class children. It makes clear that formulating an operational definition guideline is not to be misconstrued as an attempt to limit the State’s responsibility to fund and support appropriate services.

“A tremendous amount of time, energy and resources has been and continues to be expended by the State to comply with servicing our learning disabled children. However, there still exists confusion by educators, parents and service providers about which children are eligible for State support under Felix compliance, as has been pointed out, and more importantly what services best provide for the educational needs of the children. This measure (the first measure of the two I mentioned) seeks to address those concerns as well as those expressed in the auditor’s report, without distracting from compliance efforts ordered by the court.

“Your Education and Ways and Means Committees along with the joint Felix task force have also looked for ways to support and enhance the transfer of services to a school based system that will provide cost efficiencies and improve outcomes for our students. Therefore, we will be asking for your support of S.B. No. 957.

“S.B. No. 957 recognizes that the Comprehensive Student Support System, as was mentioned, that currently operates in

our public schools is designed to identify and meet the many and varied needs of our students. These needs can vary from short term behavioral interventions, to special curriculum for gifted and talented children, challenged or at risk students.

"This comprehensive system is also designed to encompass IDEA, 504, and Felix services. It also provides the best opportunity for early identification and intervention. This will of course provide major cost savings to the system – early identification and intervention. And most importantly, it can totally change a child's life and educational potentials.

"The measure requires the Department of Education, through CSSS, to adopt best practices, disclose potential conflicts of interest in the IEP process, and monitor services ordered through IEPs to ensure that services rendered are indeed resulting in improved educational achievement.

"Finally, the measure provides monitoring and assessments by the joint legislative taskforce that you and the Speaker have set up, Mr. President, to assure that our learning disabled children are being serviced more expeditiously and services are effective and cost efficient, and that we are accountable to all taxpayers.

"So I believe some of the Senator from Kaneohe's concerns will be addressed in the measures to come, and hopefully we can indeed resolve all the questions that are out there.

"Thank you, Mr. President."

Senator Hemmings rose to speak on the measure as follows:

"Mr. President, I want to address the larger issue. Since this is, more or less, the halfway point in the legislative process, I hope we . . .

Senator Chumbley interjected:

"Mr. President, is the speaker speaking for or against the measure?"

Senator Hemmings responded:

"I'm speaking for the measure, with reservations . . . actually, no, I'll change my mind since you brought it up – I'll vote 'no,' thank you. I'm going to vote 'no' because I know this will come back to us in the last waning days of the Legislature.

"In my 'no' vote, I hope I'm opening some minds. We have a systemic problem here in Hawaii. I don't want to play the blame game, but there is something called responsibility. Why is the State of Hawaii in such dire straits? We might ask ourselves that question, because before you can cure any disease, you must diagnose it.

"There are solutions that are much more cost effective and will solve the problems with the system, rather than just piecemeal – putting band-aids over some of the symptoms. For instance, we have a congressional delegation that is very proud of bringing guns and bombs to Hawaii with military spending. Ironically, something I, as a Republican, support. I believe there is peace in strength. I'm glad they do that, but they have failed miserably, absolutely miserably, in bringing funds here to Hawaii to support up to 40 percent of the cost of the Felix mandates. We only get 8 percent of the possible 40 percent funding we should get.

"So what's the solution? Not have emergency funding and throw more money at the problem as we've done with every

other problem in the recent history of the State of Hawaii. The solution is maybe introduce a resolution in this chamber and a concurrent one in the House chamber to ask our congressional delegation to start maybe seeing if our congressional delegation can get some of that Washington money to Hawaii to help us with this very serious problem.

"Item number two – I've been told by many people, including principals and experts in the area that the Ezra consent decree is one of the worst in the country, that we are having to comply with way more than is mandated by the law, simply because the Attorney General and the minions up there signed off on a bad consent decree. And with all due respect of Federal Judge Ezra, who is, I believe, a good St. Louis boy which means he has good roots, he's not the last word in all of this. Solution? Why don't we look at revisiting the consent decree through the legal process with some lawyers who are prepared to address this more professionally and see if we can't get it amended? I think Judge Ezra, if he was presented a good plan and was lobbied, may change his mind. But it's something that we should consider, rather than just once again throwing taxpayer's money at it.

"I'm going to say a word that probably scares most of the Democrats tremendously, and that's the word voucher. We have a de facto voucher system going on right now in the education system, and that's where smart parents come to the school and bring a lawyer in some instances, as has happened in my district with several of my schools, and threaten the principal and threaten the system, and the AG's Office knows what we all know – you can't afford to litigate, so the state settles. So we have a voucher system going on in the public education system where principals and teachers are signing off on their responsibility and many children are being sent to very expensive private schools at the expense of the taxpayers.

"Do we want emergency funding to settle this problem? The solution, Mr. President, that we should consider before the end of the Session is to further consider a tuition tax credit for children eligible for Felix consent decree assistance so that the many different institutions in the private sector, and some of which will be created to meet the demand, can address these very complex problems. A system that asks our public education system to be all things to all people, including mental health services, is absolutely ludicrous in concept. A tuition tax credit would allow the parents a choice in the marketplace of opportunities and could potentially save the State a huge amount of money.

"Also, in listening to President Bush talk to the national governors, he recognized that the federal government oftentimes creates mandates for states that are unfair. And I do believe that a solution there is to revisit the entire law at the national level and see if we can fine tune it since it was passed many years ago. We all want to make sure that the children of our nation have equal opportunity and no child is left behind. But do we want to do so in a fair way that the vast majority of children that need the normal education are suffering because resources are being wasted on the poor implementation of the IDEA law?

"So, Mr. President, speaking against this bill, I'm asking this chamber and this Legislature to look at alternatives to fix this system, rather than just throwing taxpayer's money at it year in and year out.

"Thank you for your indulgence, Mr. President."

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

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

"I want to echo some of the comments made by my colleagues, but I want to make it absolutely clear that in the four previous years that I've been here, I've voted for all of the appropriations for Felix/Cayetano. I know that we have a moral as well as a legal obligation to take care of the children, but we also have a moral and legal obligation to take care of the resources of the taxpayers, and we have not done that.

"As my colleague from Kailua said, we have been throwing money after the problem but we have not held people accountable. And that's part of the problem.

"This is an emergency piece of legislation, one of more than a dozen that we're going to be considering today. It's only an emergency because people have not held to their responsibility and we have not held them accountable. All we've done is appropriated more money.

"This bill, it's my understanding, will exceed the general fund appropriation ceiling for fiscal year 2001. That's one of the problems with it. The confusion that the good Senator from Moanalua mentioned, the confusion that's shared by parents and teachers and so forth, is confusion that they didn't create that we've created and we allow to continue. So at some point, we have to draw the line and say 'look, we're going to meet our responsibilities but we've got to hold people accountable.'

"I appreciate some of the things that have been done, but I remember the admonitions by the two University of Pennsylvania consultants that were hired by our State Auditor Marion Higa. And what they said was, 'the problem with our participation is that: (1) there's no business plan; and (2) there's no definition for what a Felix child is.' Now, in any business parlance, and if it were your own money, you would have that business plan and that definition first before you went ahead and appropriated more money. And that's what I want to see. I want to see the priorities established before we continue to spend money.

"Also, as the Senator from Kailua/Waimanalo mentioned, we have had alternatives on the table. They have been presented by the consultants, they've been presented by the Minority, they've been presented by other Majority members and we have not seriously considered them. The only thing that I saw happen with the suggestions from the consultants from the University of Pennsylvania is that the Attorney General, the Department of Health and Department of Education all circled the wagons to protect their particular interests and their domain, rather than saying let's really find a solution.

"So if we're interested in the children, if we're interested in solving this problem, let's do it and do it in a way that guarantees that we have a business plan and the definitions first before we have anymore emergency appropriations.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 604 was adopted and S.B. No. 1084, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

S.B. No. 1487, S.D. 1:

Senator Kim moved that S.B. No. 1487, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

Senator Chumbley rose in support of the measure with reservations and stated:

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

"Mr. President, during caucus there were two items that came up on this measure. The first one is the ambiguities in the issue of the specific sums and how it applies. It is my belief that this needs to be clarified in the future hearings on this bill. I understand that the Chair of the TIA Committee is in fact going to do that so it's clear that it is a predetermined amount of money.

"Second, Mr. President, what's good for the goose is good for the gander and this should apply to all state agencies also.

"Thank you."

Senator Ihara rose and said:

"Mr. President, I have reservations on this bill as well."

Senators English and Ige also requested their votes be cast "aye, with reservations," and the Chair so ordered

The motion was put by the Chair and carried, S.B. No. 1487, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 939, S.D. 1:

Senator Menor moved that S.B. No. 939, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Hogue rose in support of the measure with reservations and stated:

"Mr. President, this bill has to do with subrogation and third party tortfeasors. I rise in support of this measure with reservations. I know that if anybody called me a third party tortfeasor we'd probably go out and beef in the backyard.

"But in any case, there was testimony before the Committee which indicated that this bill could drive up premiums, and I'm sure that we do not want that. We already live in one of the most expensive states in the entire world and we do not want it to be any more expensive than that. So I rise in support of this measure with very, very strong reservations, Mr. President."

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

The motion was put by the Chair and carried, S.B. No. 939, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 620 (S.B. No. 174):

Senator Menor moved that Stand. Com. Rep. No. 620 be adopted and S.B. No. 174, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Hogue rose to speak in favor of the measure with reservations and said:

“Mr. President, I rise to speak in favor of this bill with reservations.

“Currently, if a time-share unit located in Hawaii is sold out of state, the seller must give the buyer time to change his or her mind and cancel the sale. In fact, right now, essentially, it’s seven days. The seller also must give the buyer copies of disclosure statements for both Hawaii and for the state in which the sale is made. Each state has different rules about this, so currently the seller gets copies of the disclosures from both states, and gets the more liberal of the two cancellation periods.

“This bill seeks to apply the rules for the state in which the sale of the time-share was made, and ignore Hawaii’s consumer-friendly rules and disclosures.

“During the Committee hearing in Consumer Protection, we were not given copies of the disclosures for other states, so we couldn’t compare them with the ones from Hawaii and make an informed decision. I suggest we ask DCCA to get copies of these disclosures and present them to the next committee that hears this bill so that we can at least compare them to Hawaii’s.

“I don’t think that we’re making an informed decision, therefore, I voice my support with strong reservations.

“Thank you.”

Senators Taniguchi, Chumbley, Hemmings, Fukunaga, Hanabusa, Ihara and Chun Oakland then requested their votes be cast “aye, with reservations,” and the Chair so ordered

The motion was put by the Chair and carried, Stand. Com. Rep. No. 620 was adopted and S.B. No. 174, entitled: “A BILL FOR AN ACT RELATING TO TIME SHARING PLANS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ige).

Stand. Com. Rep. No. 621 (S.B. No. 175, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 621 was adopted and S.B. No. 175, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TIME SHARING PLANS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 622 (S.B. No. 176):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 622 was adopted and S.B. No. 176, entitled: “A BILL FOR AN ACT RELATING TO TIME SHARING PLANS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ige).

Stand. Com. Rep. No. 629 (S.B. No. 1121):

Senator Menor moved that Stand. Com. Rep. No. 629 be adopted and S.B. No. 1121, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Hemmings rose to speak against the measure as follows:

“Mr. President, I rise to speak against the bill.

“This is similar to the bill passed in the ‘80s, when I was in this Legislature in the other chamber, that allowed needle exchange. One question that always perplexes me that I’ve never gotten a good answer for is, If the State is exchanging needles and also providing the sale of syringes now for the use of drugs, where do the people using the drugs get the drugs? That’s a question that I think has great implications, especially in the criminal side of law.

“I believe this bill is doing nothing more than making the State an enabler – enabling people to take drugs easier rather than addressing their very serious problem.

“Thank you, Mr. President. I will be voting ‘no.’”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 629 was adopted and S.B. No. 1121, entitled: “A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

S.B. No. 123, S.D. 1:

On motion by Senator Menor, seconded by Senator Taniguchi and carried, S.B. No. 123, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1333, S.D. 1:

Senator Menor moved that S.B. No. 1333, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Hogue rose to speak in opposition to the measure and stated:

“Mr. President, I rise to speak in opposition of this bill.

“Currently, financial Service Loan Companies often recruit their customers from the poorest and most financially strapped people in Hawaii, people who often desperately need the money for basic necessities like food or rent. Oftentimes they will charge just absolutely huge interest rates, sometimes what essentially goes up to like 29 or 31 percent annual percentage rates. This bill seeks to tack on new fees that would raise these APRs to absolutely unconscionable levels by springing an additional \$75 fee on consumers just before the loan closes. For example, if a customer applies for a \$500 loan paid back over one year, suddenly the already high 29 percent APR jumps to a 68 percent APR with this \$75 fee.

“Mr. President, I think we can do better than this. I rise in opposition. Thank you.”

Senator Chun rose in support of the measure with reservations and stated:

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

"Mr. President, this bill also allows the charging of prepayment penalty for variable rate or open-end loans. I don't see any reason or support as to why a consumer should be charged a prepayment penalty for open-ended loans. Basically, that's your charge cards, Mr. President. Absent any kind of showing as to why that is required or why we should allow our consumers to be subject to that kind of charge, I feel that this bill could be improved on.

"However, there are other portions of the bill that I believe are worthy of consideration and we should go on and discuss these matters further, so I will support the bill with reservations.

"Thank you, Mr. President."

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

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

"The banks and financial institutions I think have done a good job by themselves raising their own fees without the support and advocacy of the Legislature. Just like the defective date of 2050 in this bill, I think additional fees are defective as well."

Senators Inouye, Ige and Ihara then requested their votes be cast "aye, with reservations," and the Chair so ordered

The motion was put by the Chair and carried, S.B. No. 1333, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Taniguchi).

At 11:07 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:08 o'clock a.m.

Stand. Com. Rep. No. 639 (S.B. No. 29, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 639 be adopted and S.B. No. 29, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Hanabusa rose to speak in opposition to the measure and stated:

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

"Mr. President, it's not an easy thing to do because I happen to know the gentleman who I believe this bill was specifically drafted for. I've known him since he was a law clerk and it has nothing to do with his capabilities or his abilities to perform the job.

"What my opposition is to Stand. Com. Rep. No. 639/S.B. No. 29 is that it is against everything that we have said we are going to do in terms of civil service reform and collective bargaining. This is a civil service position, colleagues, and what they want to do is to ensure that he gets paid a certain rate,

so they've come to us, the Legislature, to make an exception for one individual. I believe that such an action is contrary to what we have been badgered with for the past two years as to what is civil service reform. To have administration basically come forward and to say they now want us to make the exception, they want us to include in a statute that a particular individual will be paid no less than 95 percent, being that this individual is also a civil servant, they would be entitled to probably any kind of statutory types of increases that we may give people who hold civil service positions commensurate to the units that they supervise.

"I believe this is very bad policy, and as much as he is a friend, I cannot vote in favor of this measure.

"Thank you, Mr. President."

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

"Mr. President, I rise to speak briefly in favor of Stand. Com. Rep. No. 639, S.B. No. 29, S.D. 2.

"As you know, Mr. President, one of the reasons why this bill was introduced was to correct an inequitable and unfair situation involving the hiring of the current deputy insurance commissioner, Gordon Ito. I believe this bill should be passed, and if it is not passed, I believe that certain negative ramifications could result.

"First of all, if we do not pass this bill, the insurance commissioner has clearly indicated that the deputy commissioner would take a severe pay cut, which I think would be unfair and inequitable. But he also pointed out that the failure to enact this bill into law could negatively impact the administrative operations of the insurance division. He stated that if this bill were not to be adopted, that one way to remedy this situation would be to have Mr. Ito, the current deputy insurance commissioner, resign and re-advertise the position at the preferred salary.

"Mr. President, at the time Mr. Ito was selected for the position, the division had been without a chief deputy insurance commissioner for seven months. So, should Mr. Ito have to result to this procedure, the division will once more be without a chief deputy for a length of time, and again, that could have negative impacts on the operations of the division.

"However, notwithstanding the justifications that I've just mentioned, I would like to assure all of my colleagues in the Senate that this bill definitely remains a work in progress. I've already consulted with the insurance commissioner and we intend to work closely together to try to get the House to make amendments to the bill to try to address the concerns that have been expressed by some of my colleagues. For example, one of the concerns that's been expressed is that the bill, as presently worded, would require that the salary of the chief deputy commissioner would be no less than 95 percent of the maximum salary of the commissioner. This concern can be easily resolved by inserting language or an amendment into the bill to specify that the deputy commissioner salary would be up to 95 percent of the commissioner's salary.

"Another concern that's been raised is that the bill would set a precedent by having a departmental administrator's salary set by statute. I would like to point out that in previous sessions, the Legislature has enacted laws establishing and delineating the salaries of state employees. Examples of these are the salary of the insurance commissioner set by the director of commerce and consumer affairs; salary of the captive insurance administrator set at 95 percent of the insurance commissioner's

salary; salaries of department heads set by statute; deputies' or assistants' to department heads salaries set by statute; ombudsman's salary set by statute; ombudsman's first assistant salary set by statute; the executive director of housing finance and development corporation salary set by statute; and there are other instances where this has occurred.

"Nevertheless, notwithstanding the clear existence of precedent statutorily under Hawaii law, I am very sensitive to the concerns that the enactment of this bill may be setting a precedent that we may not want to establish in the future. In that regard, one possible amendment that we could make as this bill works its way through the process would be to clarify that the salary level would be set in an act and not by way of an amendment to a statutory provision.

"So again, my colleagues, this is a bill that's still a work in progress, and I respectfully request that we keep it alive for further consideration and move it over to the House.

"Thank you."

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

"Mr. President, after listening to both arguments, I'm going to be supporting the Senate Vice President from the beautiful island area of Waianae in opposition to this bill.

"The threats from the insurance commissioner notwithstanding, I think the real issue here is civil service and collective bargaining reform. And if in fact we are serious about having civil service and collective bargaining reform, this bill does not belong here. And it has nothing to do with the individual; it should not be personalized. It should be the process. We're always talking about the process, but we haven't done it.

"As far as work in progress, we're asked to vote on bills today that we are told are works in progress with defective dates and zero amounts and everything else. If we give our support, our unflinching support to these things and then we find out that the work in progress has no sidewalk and a leaky roof and everything else, then we have given our support to something which will be recorded for the future.

"So I'm going on record in opposition to this bill. Thank you, Mr. President."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I, too, would like to go on record as voting 'no' on this bill and speak against it.

"The good Senator from the central plain of Oahu recognizes that this bill is a bill in need of work. He concedes that it needs to be amended. We have the opportunity to do it. Let's do it. Let's not pass defective legislation on with the hopes that sometime in the future we'll fix it. It's our responsibility to pass on the best legislation possible. We have the opportunity to do it. Let's do it."

Senator Ige rose to speak against the measure as follows:

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

"My concern is really the process on this measure. The contents of this bill were not properly noticed and there was no opportunity for the public to comment on the bill as drafted. Therefore, I'll be voting 'no.'"

Senator Chun rose to speak in opposition to the measure and stated:

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

"I also agree with the statement made by the honorable Senator from Waianae. I appreciate the concern of the CPH Chair about needing a vehicle and letting this matter continue on. I believe we have sufficient vehicles already in process that talk about civil service. We have sufficient vehicles that talk about insurance. We have enough vehicles out there in order for us to address this question at a later time. If and when that happens, I am confident that the CPH Chair and his counterpart in the House will take into consideration the concerns raised by the members here on this floor today.

"If we are looking for a vehicle, and I agree that is necessary, we already have them. We don't need this bill, and I encourage all my colleagues to vote against this bill."

Senator Inouye rose to speak in opposition to the measure and stated:

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

"Please register the remarks from my colleague of the twenty-first district as if it were my own into the Journal please. Thank you."

The Chair so ordered.

Senators Matsunaga, Chumbley, Kim and Matsuura requested their votes be cast "aye, with reservations," and the Chair so ordered

The motion was put by the Chair, Stand. Com. Rep. No. 639 failed to be adopted and S.B. No. 29, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 11. Noes 14 (Buen, Chun, Chun Oakland, English, Hanabusa, Hemmings, Hogue, Ige, Ihara, Inouye, Kokubun, Nakata, Slom, Tam).

Stand. Com. Rep. No. 640 (S.B. No. 937):

Senator Menor moved that Stand. Com. Rep. No. 640 be adopted and S.B. No. 937, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Hogue rose in favor of the measure with reservations and stated:

"Mr. President, I'm rising to speak in favor of this bill with reservations.

"This bill is somewhat of a step in the right direction, but it really is a manini step and was brought up in testimony before the Commerce, Consumer Protection and Housing Committee that perhaps we should take a giant step forward and do what is called 'no pay, no play.' What that means is that someone who recklessly drives without any auto insurance couldn't collect auto insurance from anyone else. So I rise with reservations.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 640 was adopted and S.B. No. 937, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE

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

Ayes, 25. Noes, none.

S.B. No. 699:

Senator Taniguchi moved that S.B. No. 699, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

“Mr. President, being a Republican and representing the Koolaupoko district of Kailua and Waimanalo, I rise to speak in favor of this bill with reservations. I’m going to take the President’s and this Senate body’s time in addressing this issue because I think it addresses a much larger problem.

“In order for us to understand the state of our economy and the dire straits we’re in in government, we have to understand where that problem came from. Back in the early ’80s there was a national reform of tax laws. The federal government cut taxes and cut the brackets dramatically. The big lie in the ensuing years is that the national deficit, Mr. President, was created by the Reagan tax cuts. And that is a lie because government in the Reagan years doubled the total amount of revenue collected on a yearly basis because tax cuts spawned a greater and bigger economy that produced more revenue.

“But what we did here in Hawaii in re-codifying our tax laws is we made some small adjustments but we did not reduce the rate of taxation and we did not reduce the brackets. So even the poor were paying in the top bracket of taxes and it created a tremendous windfall that at one point the Council of Revenues announced that we would have a \$600 million surplus. The then Governor decided that money could best be spent on ‘programs’ to help the people. There were those of us in the House of Representatives at that time that thought the money should be refunded not the usual customary dollar, but at a much larger rate. Fortunately, that idea prevailed and that year \$125 was given to each taxpayer on a tax return. A family of four of course got a \$500 rebate.

“The point is, in the ensuing years, what the prior administration did was build a huge, huge government bureaucracy. It really is the fourth branch of government and it’s a bureaucracy that we wrestle with everyday – the bureaucracy that consumes money and oftentimes doesn’t get things done.

“In addressing this bill, I’m sorry that it is a dollar. I’m sorry that it will probably remain a dollar because what we’re really talking about is the overpayment of the bills the government pays to get things done when so much money is wasted on a bureaucracy.

“Once again, Mr. President, there is a solution and that’s to reduce the state workforce. I would ask the question rhetorically, After doubling spending on state budgets from 1990-2001 because the budget has doubled, what’s gotten twice as better? What’s gotten better? I challenge the Majority Party who’s been at the helm of the state here, who’s been spending taxpayer’s money, to please tell me – please. We have one of the worst economies in the nation, while 49 states were wallowing in prosperity, and we’re getting the trickle down because of maybe some increased tourism. What has gotten better in the State of Hawaii for doubling in spending?

“I’m saying we have to fix the system. If we can go from approximately 45,000 public employees to well over 60,000 in four short years, why can’t we reduce that workforce through attrition? Now is the time for us to start thinking about serious solutions to these serious problems once again, rather than just throwing taxpayer’s money at it. The taxpayers deserve efficiency and they certainly deserve more than a one dollar refund for their hard-earned money that government has confiscated from them.

“Thank you, Mr. President.”

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

The motion was put by the Chair and carried, S.B. No. 699, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 735, S.D. 1:

Senator Taniguchi moved that S.B. No. 735, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

“Mr. President, I rise to speak against this.

“Mr. President, in Committee I asked the people that were asking for this whopping increase of \$10 million what the reason was and they gave the answer that oftentimes is given by the bureaucracy in state government. It was a very generic ‘cause the prices have gone up.’ I don’t know how any responsible project can go from a \$15 million budget to a \$25 million budget. And since it is special revenue bonds, they will not be paying tax on the interest. I hasten to say that we should be very cautious when handing out these bonds, therefore, I’m voting ‘no.’”

Senator Hogue requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 735, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR AN INTERGENERATIONAL CARE CENTER AT EWA VILLAGES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

At 11:25 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:38 o’clock a.m.

S.B. No. 1049, S.D. 1:

Senator Taniguchi moved that S.B. No. 1049, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in support of the measure with reservations and stated:

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

"I'm all in favor of the lapsing of unused bills, and I notice that the amount is almost \$162 million. But that brings up a point, and that is that we're going to be discussing today a lot of these so-called special purpose revenue bonds, and many of them should not be authorized in the first place. If we're really not serious about it and if we really have not asked the proper questions in Committee in terms of the viability of the project, then they should not be authorized in the first place.

"So while I certainly suggest that we repeal these bills, I think we should keep that in mind when we vote on all the other ones coming up. Thank you."

The motion was put by the Chair and carried, S.B. No. 1049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF OUTSTANDING AUTHORIZED BUT UNISSUED SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1180, S.D. 1:

Senator Taniguchi moved that S.B. No. 1180, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I just wish the Clerk to record my affirmative vote 'with reservations.'"

The Chair so ordered.

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

The motion was put by the Chair and carried, S.B. No. 1180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIME VICTIM COMPENSATION SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 653 (S.B. No. 584, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 653 be adopted and S.B. No. 584, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, with deference to the good Senator from Maui, I rise to speak against this bill.

"Mr. President, this bill once again speaks to the larger issue of no systemic reform. What this is going to result in is bringing retired teachers out of retirement and basically paying twice for the same job to be done.

"I think a much better solution to this problem is to solve the larger problem with the living environment in Hawaii and the cost of living in Hawaii which is the deterrent to the availability of teachers and also to giving the teachers a pay raise they much deserve. And this, of course, includes making the difficult decisions that we've failed to make in the past of setting our

priorities and who should get paid more, who should get paid less and who, quite frankly, should not be working for the State of Hawaii.

"So with this in mind, I'm voting 'no.' I think there is a more fiscally responsible way to address this problem as with many others. Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 653 was adopted and S.B. No. 584, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF EDUCATION PERSONNEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 654 (S.B. No. 823, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 654 be adopted and S.B. No. 823, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak in favor of the measure with reservations as follows:

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

"This is a well-intended bill that provides immunity to the so-called front-liners – the school administrators and other school employees involved in the Felix IEP process. Essentially, what it says is that only the State DOE or the DOH can be sued, not the employee, unless there is willful neglect on the part of that person. This is important because many front-line educators feel intimidated by the threat of legal action and I agree that somehow they must be protected.

"However, this is a slippery slope. Total immunity from liability for some but not all providers of Felix or special education services is discriminatory and unfair. Immunity also removes significant accountability from DOE and DOH and employees involved in the process. And, as the committee report also correctly points out, this immunity does not protect employees against federal claims.

"So, Mr. President, please record my vote as support with reservations. Thank you."

Senator Chumbley rose to speak in opposition to the measure and stated:

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

"This bill confers a 'special protection' to a subclass of state employees (i.e.: teachers who work with Felix kids) and creates unfair and unequal treatment of similarly situated persons under the law. Simply said, it's bad public policy to single out 'special ed. teachers' for 'special protection' and not other teachers or other state employees.

"The situation that is sought to be remedied under this bill cannot be achieved through legislation but rather through a very thorough understanding and explanation of the problems associated with their obligations and the protections by the Department of Education and the Attorney General's Office. Let's look at those two departments and get them to do a better job at what they're supposed to be doing.

"It's just bad public policy to create additional layers of conferring state immunity from liability on a piecemeal basis. This is bad public policy.

"Thank you."

Senator English rose to speak in opposition to the measure and stated:

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

"Mr. President, I voted 'no' on this bill in all the Committees. My reason is that we already have immunity for government workers. This creates bad precedent for us in that we will be doing it on an ad-hoc basis granting immunity to different classes of workers, because it already exists if they're performing in the scope of their duties. This may be read to say that we are granting immunity for work done outside of the scope of duties.

"It's a slippery slope, as has been pointed out, and I opposed it from the beginning.

"Thank you, Mr. President."

Senator Hemmings rose to speak in favor of the measure with reservations and said:

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

"This bill has to be looked at from another perspective, and that perspective I don't think has been discussed on the floor yet. Why is this bill needed? Simply because of tort and liability insurance extortion that goes on in our public school system where parents are coming to meetings regarding their children's needs and threatening the school and also the principals and teachers with a law suit. Quite frankly, in talking to the teachers and principals in my district, they feel threatened. This is addressing a real concern.

"But I do agree with the prior speakers that there is no uniformity to it. Really what they're saying is the plaintiff attorneys in A.T.L.A. (American Trial Lawyers Association) and organizations like that that are very well represented in lobbying this Legislature, have done a good job of preventing all the people of Hawaii from getting meaningful tort and liability insurance reform that we are trying to accord just the teachers in this situation.

"I address this bill with reservations because it is a principle that should be extended throughout our law system to protect innocent people from frivolous lawsuits. Oftentimes the State is settling without any protection from the AG's Office simply because they know what the trial lawyers know – that they can bring a lawsuit in the State of Hawaii, and the defendant, anywhere in a suit like this, cannot afford the time nor the money to defend themselves so it's cheaper to settle the claim and pay to have, once again, children go to private schools at the very big expense of the taxpayers.

"Good bill, but it needs to be expanded to include all of us who are threatened by wrongful lawsuits.

"Thank you, Mr. President."

Senator Chun rose in support of the measure and said:

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

"Mr. President, I would disagree with some of the speakers here today. There is no immunity for teachers or other workers

who are working specifically with the special ed. students under the Felix class students. There is no immunity out there. The fact of the matter is that people, teachers, counselors, IEP workers, they are getting sued. And they are not being defended by the State. That is the simple truth of what's going on over there.

"Because of that fact, because the employees are getting sued, because they're not getting defended by the State, teachers are afraid – afraid to stand up for what they think is right in the IEP process. They're afraid to do what is right when it comes to educating the students properly. They're afraid of doing right when it comes in terms of really making sure that all children are educated properly. This fear is what's driving the educational system. This fear is what's driving the cost of the Felix way beyond what all of us imagined. We need to address that and we need to address it quickly.

"Do I believe that this is setting up a special class? Yes, I believe. I believe that all employees should be covered. I believe that all employees should not be in fear of lawsuits just because they're doing their job. I believe the Attorney General's Office should do a better job of educating them and of giving them assurance that they will be defended if a lawsuit is filed against them. Yes, I believe, as one of the Senators mentioned today, that we need to get our departments to do their job, but, unfortunately, I can't legislate that. I can't do a law saying, 'Attorney General, do your job better; Department of Education, do your job better.' I don't think that's going to work.

"What we need to do is address the heart of the problem and that is to protect our teachers, protect our workers who are working in the schools. This bill does it. In fact, I would even advocate that this bill should be improved even more to ensure that they are protected.

"One of the things that came out loud and clear in the Committee hearings is that I asked them specifically, How many people have been sued in the Department of Education? How many suits have you defended? How many suits have you refused to defend and force the teachers to defend themselves and use their own money? And of those cases, How many of them have been reimbursed after they've won? We have not yet heard from the Attorney General's Department regarding those answers. My understanding is those questions were even asked in the Education Committee and yet no answer was given.

"That leaves me to the conclusion that there are people out there. I know, personally, of one person – a special ed. teacher – that was sued for doing her job. That person went down to the Attorney General's Office and asked for assistance. She was refused. She hired her own attorney and she fought that case and won. She asked for reimbursement of those monies and was refused again. This situation has happened again, and again, and again. This situation has led to special ed. teachers resigning out of frustration that if the State's not going to back them up, then why should they spend their hard-earned time and energies working for the State. And they have left employment.

"We have said all along that we need to keep these workers. We need to support these workers. Mr. President, this is the time to stand up and do that right now and I ask all my colleagues to support this measure.

"Thank you."

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

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

"Before I introduced this legislation, I asked the Attorney General for an opinion. As you know, two years ago when we dealt with the Attorney General, one of the things that came up in the public hearing was the fact that they did make a mistake early on on this Felix thing and they hired a law firm from the mainland who went around and told our principals and our special ed. teachers that they were personally liable. They admitted at the public hearing that that was a mistake and they came back again. Unfortunately, the perception within our teachers and principals and special ed. teachers was that they were personally liable.

"Originally when I first came in at the beginning of this Session, I requested from the Attorney General a written opinion since the principals and the teachers would not listen to me. They would say, 'I want to see it in writing.' So I requested from the Attorney General's Office an opinion specifically outlining what they have reassured me. The Attorney General has reassured me many times, even within the public hearing, that the principals and the special ed. teachers are not personally liable. I have made a written request of the Attorney General and I have yet to receive that. That's why I decided to sponsor this bill. If you were at the public hearing, I requested it again, 'Where is the written opinion?' Mr. LeMahieu said that if he were to receive the Attorney General's opinion, he would be more than happy to disseminate it throughout the schools. To this day, we have yet to receive that opinion.

"So that is why we need this bill, Mr. President. I urge my colleagues to vote for it."

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

"Very briefly, Mr. President, this bill will help to change the fear, hopefully, to hope. This bill will help to change uncertainty where we are as a body for the teachers and others to know that we support them and that indeed there is hope and for them to regain faith that we can get beyond Felix."

Senator Slom rose in support of the measure with reservations and stated:

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

"It's too bad that we need this bill. We really shouldn't have this bill. The Co-Majority Leader was talking about events of various departments that have not done their job, have not been held accountable. And most of us that have been here remember when the Department of Education and others came before our various Committees and asked for the authority to go out and hire attorneys to protect the teachers because the Attorney General was not doing that, their department was not doing that.

"I would beg to differ with the Co-Majority Leader when he says that there's nothing that he can do as a Legislator. This is what the whole thrust of the Minority is saying today to you – when these agencies come here and ask you for more money, more personnel and you don't ask them what kind of job they've done, then tell them NO! That's what we can do. And that's our responsibility. We support the teachers and they are special, and particularly the special ed. teachers, and to leave them hanging out there is criminal.

"Thank you, Mr. President."

Senators Fukunaga, Ihara, Ige and Menor then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 654 was adopted and S.B. No. 823, S.D. 1, entitled: "A BILL FOR AN ACT RELATED TO LIMITED LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Chumbley, English).

Stand. Com. Rep. No. 656 (S.B. No. 1082, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 656 be adopted and S.B. No. 1082, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in support of the measure with reservations and stated:

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

"I noticed that it was a joint hearing for this bill between Education and Labor and there was no testimony whatsoever presented for the bill. The bill talks about providing workers' compensation for school approved work based learning programs but again there's no amount. We don't know how much we're asking for or how much we're going to be liable for.

"So I support the idea that these individuals should be covered and these programs should be covered, but again, I urge my colleagues to get the numbers first. Let's have the numbers before we vote on them.

"Thank you."

Senator Hemmings rose and said:

"Mr. President, I rise to speak in favor and I wish the Clerk to record a reservation on my vote."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 656 was adopted and S.B. No. 1082, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 659 (S.B. No. 1212, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 659 be adopted and S.B. No. 1212, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak in favor of the measure with reservations as follows:

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

"This is another well intended bill that transfers the duty of licensing public school teachers from the DOE to the Hawaii Teacher Standards Board and sets up an infrastructure to do so.

Essentially, it allows the teaching profession to be much like others, like CPAs, lawyers or doctors.

"However, if this bill becomes law in its present form, I have a concern about accountability. In the Ways and Means Committee report, amendments were passed that among other things would delete the requirement that the Teacher Standards Board report to the Governor and the Legislature. Obviously, that would create a lack of accountability. However, in the current S.D. 1, the specific language reads, 'an annual report to the Governor and the Legislature and the Board's operations will be submitted annually.' So which is it? Is the Standards Board accountable in regards to the licensing of teachers or not?"

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 659 was adopted and S.B. No. 1212, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 660 (S.B. No. 1215, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 660 be adopted and S.B. No. 1215, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against the bill and I'd like the Journal to reflect my comments on S.B. No. 584, S.D. 2, at the top of the page.

"This is paying twice for the same service. We should fix the system, not pay twice as much to have the same job done.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 660 was adopted and S.B. No. 1215, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 663 (S.B. No. 1362, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 663 was adopted and S.B. No. 1362, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COACHES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 664 (S.B. No. 1364, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 664 be adopted and S.B. No. 1364, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"When the Minority Caucus met to discuss priorities for this Session, number one on our list, and maybe number one on yours as well, was education and finding a way to help the teachers. We strongly support the need for helping those teachers improve themselves through continuing education and matters of professional development. In fact, we sent forward one of our caucus bills to do just that, and the elements of that bill are contained in this measure.

"We encourage your support for S.B. No. 1364, which appropriates funds for public school teachers who pursue professional development. We believe it goes a long way towards improving the quality of teachers and, more importantly, the quality of our children's education.

"Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 664 was adopted and S.B. No. 1364, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 665 (S.B. No. 484, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 665 be adopted and S.B. No. 484, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak in favor of the measure with reservations and stated:

"Mr. President, I wish to stand and speak with reservations in favor of this bill.

"I'm wondering if we're putting the cart before the horse and I realize the good Senators from the Big Island are concerned about this issue but so was the county government on the Big Island. I might quote an article from a recent issue of the Pacific Business News, 'Hawaii County has no deal with Brewer Environmental Industries,' who will be the recipient of this loan, 'and has not given approval for the company's plan,' says a gentleman named Andy Levin, legislative advisor to Mayor Harry Kim.

"So we're essentially giving \$25 million in special revenue bond money – which is a huge, huge asset because of the nature of special revenue bonds – to a company that has not been approved for the business we're giving the bond for. And so I believe this may be a good investment, but it may be premature also, so I have my reservations."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 665 was adopted and S.B. No. 484, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF

SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 666 (S.B. No. 540, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 666 be adopted and S.B. No. 540, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Fukunaga rose in support of the measure with reservations and stated:

“Mr. President, I rise to speak in support of this measure with some reservations.

“I note that in prior years, legislation of this type has been supported by this body. I would certainly want to continue that support, but I would just note from the Department of Taxation’s testimony that this measure does not contain very much specificity in that the provisions would be retroactive to 2000; the maximum amount of the credit is uncapped; virtually any structure will qualify for the credit, a commercial, retail, hotel, warehouse, or industrial facility; and there are no definitions for commercial district.

“I would urge my colleagues to remember or to consider the fact that we will be taking up legislation to eliminate the reductions in income taxes that we passed several years ago and in prior years this legislation has carried a rather hefty price tag. I believe the bills that we considered in ’99 and 2000 were in the range of about \$63 million.

“Thank you, Mr. President.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 666 was adopted and S.B. No. 540, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 669 (S.B. No. 594, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 669 be adopted and S.B. No. 594, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

“Mr. President, I rise in opposition to the bill.

“As you know, I have tried to be consistent over the last five years in voting ‘no’ on any bill that creates a new special fund. I believe that the Legislative Auditor, the Tax Foundation, other budgetary experts have pointed out to us year after year that the creation of special funds is not a good budgeting process. It does not allow us to have access to the information and availability to those funds. And as we’ve seen time and time again, some of these funds turn out to be not so special, because if there is a need for money, then the administration or others have raided the special funds, transferred them to the general

fund, or used them for purposes that they were not expected to be used for in the first place.

“In addition, this bill has a number of problems. It has a defective date. It has a number of additional surcharges. It’s supposed to be related to motor vehicle violators, but the purpose of the actual fund turns out to be one of educational nature, which again says to me that it should come out of the general fund if it’s worthwhile.

“So, for these and other reasons, I’ll be voting ‘no.’ Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 669 was adopted and S.B. No. 594, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NEUROTRAUMA,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

At 12:04 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o’clock p.m.

Stand. Com. Rep. No. 670 (S.B. No. 1106, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 670 be adopted and S.B. No. 1106, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

“Mr. President, I rise to speak with strong reservations.

“As I mentioned earlier, we’re obviously having some tremendous problems regarding Felix accountability and also that we are being driven by the fact that there is a contempt order that has been filed against the State this last year.

“I wanted to bring up one other point – we are labeling services ‘Felix’ when they do not necessarily qualify as ‘Felix’ services because they are not services only for children with a mental health diagnosis. For example, in this report from the DHS, this emergency appropriation is partly for a demonstration project that was not mentioned in any of the legislative update reports that this body received on the status of complying with the Felix consent decree. So how do we know that in fact this project is for ‘Felix’ class individuals and in any way associated with the Felix Response Plan? Further, if in fact this plan is necessary to comply with IDEA and Section 504 regulations, then why is the project only being extended until July 1, 2001? According to the consent decree, the State is supposed to be developing a system of services that will be maintained long after the final compliance date this year.

“Once again, I think we’re following the items and that we’re sending things into a black hole and we’re not exactly sure how the money is being spent.

“I will vote ‘yes’ because I know we have to appropriate some money, but with strong reservations.

“Thank you.”

Senator Hemmings rose to speak against the measure as follows:

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

"In summary, this continues to throw good money after bad, with no assurances that the system will be fixed. It's simply an emergency appropriation without addressing the underlying problems.

"Thank you, Mr. President."

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 o'clock p.m.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 670 was adopted and S.B. No. 1106, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hemmings, Sлом). Excused, 2 (Menor, Nakata).

There being no objections, consideration of the following Senate bill was advanced for the purpose of considering a floor amendment being offered:

Stand. Com. Rep. No. 922 (S.B. No. 1029, S.D. 2):

Senator Taniguchi moved that Senate Rule 53, requiring floor amendments to be presented to the Clerk no later than 9:00 a.m. on the day of the session at which the amendment is to be offered, be suspended pursuant to Senate Rule 85, seconded by Senator Hanabusa.

Senator Taniguchi then said:

"Mr. President, I wish to offer a Floor Amendment to S.B. No. 1029, S.D. 2, and I'm requesting that the Rule requiring that Floor Amendments be first submitted to the Clerk by 9:00 a.m. be suspended."

The motion to suspend Senate Rule 53 was put by the Chair and carried.

Senator Taniguchi moved that Stand. Com. Rep. No. 922 be received and placed on file, seconded by Senator Hanabusa and carried.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 5) to S.B. No. 1029, S.D. 2:

Section 1. Senate Bill No. 1029, S.D. 2, is amended by amending section 10 to read as follows:

"SECTION 10. Section 237D-6.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Beginning on January 1, 1999, revenues collected under this chapter shall be distributed as follows:

- (1) ~~147.3~~ \$1,000,000 of revenue collected under this chapter shall be deposited into the state parks special fund established under section 184-3.4;
- (2) \$60,000,000 of the revenues collected under this chapter shall be deposited into the tourism special fund established under section 201B-11; and
- (3) Of the remaining balance:
 - (A) 24.0 per cent of the revenues collected under this chapter shall be deposited into the convention center ~~capital and operations special~~ enterprise

fund established under section ~~206X-10.5;~~ 201B- ;

~~(2) 37.9 per cent of the revenues collected under this chapter shall be deposited into the tourism special fund established under section 201B-11;~~

~~(3) 44.8~~(B) 64.0 per cent of the revenues collected under this chapter shall be transferred as follows: Kauai county shall receive 14.5 per cent, Hawaii county shall receive 18.6 per cent, city and county of Honolulu shall receive 44.1 per cent, and Maui county shall receive 22.8 per cent~~[-]; and~~

(C) The remaining balance shall be deposited into the general fund.

All transient accommodations taxes shall be paid into the state treasury each month within ten days after collection, and shall be kept by the state director of finance in special accounts for distribution as provided in this subsection.""

Senator Taniguchi moved that Floor Amendment No. 5 be adopted, seconded by Senator Hanabusa.

Senator Taniguchi noted:

"Mr. President, we discovered this morning that the draft of this bill did not reflect the decision made at the Committee. The amendments conform the bill to the decision made by having a number of amendments made."

The motion to adopt Floor Amendment No. 5 was put by the Chair and carried.

By unanimous consent, S.B. No. 1029, S.D. 3, entitled: "A BILL FOR AN RELATING TO TOURISM," was placed on the calendar for Third Reading on Thursday, March 8, 2001.

At 12:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:08 o'clock p.m.

Stand. Com. Rep. No. 671 (S.B. No. 1127, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 671 be adopted and S.B. No. 1127, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak on the measure and said:

"Mr. President, once again this is a Felix bill. I wanted to raise a couple of points here.

"First off, the Child and Adolescent Mental Health Division (CAMHD) existed and received funding prior to the Felix Consent Decree. However, sometime in the last six years . . ."

Senator Ihara interjected:

"Mr. President, is the speaker for or against this bill?"

Senator Hogue responded:

"I'm terribly sorry. I rise to speak with strongest reservations.

"Once again, there was funding prior to the Felix Consent Decree. However, sometime in the last six years, this division stopped serving the general public and has testified that 'all of our expenditures are for Felix kids.' This is a direct quote from Anita Swanson from the Felix briefing on January 4, 2001. In fact, the DOE was under the impression that there was a statute

in our Hawaii Revised Statutes which limited the population served by this division to be strictly Felix because the Department of Health has been so adamant that the only population they could serve, and do serve, is Felix.

"After research with the DOE, DOH, LRB, and my own staff, we have found that no statute exists. So the question again is raised, Are these monies truly an emergency appropriation for Felix? If in fact this division only serves Felix beneficiaries, then what has happened to the general population that previously received mental health services from the Department of Health? Have they all been turned away and forgotten?"

"I also add this point and I'm sure that many of you are aware of these figures. In the 1991-92 fiscal year, the appropriation for this division was only \$12 million. By 1995, which interestingly enough was post Felix, the amount was \$27 million. In 1999, after the 'plaintiff class' definition was changed, and in effect broadened, as stated in the Status Conference Report filed with the US District Court, the appropriation skyrocketed to \$105 million. Last year, they were appropriated \$109 million. Now they need another \$46 million.

"How much more will they want without accountability, Mr. President?"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 671 was adopted and S.B. No. 1127, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 672 (S.B. No. 1142):

Senator Taniguchi moved that Stand. Com. Rep. No. 672 be adopted and S.B. No. 1142, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Kanno rose for a conflict ruling as follows:

"Mr. President, I'd like to request a ruling on a possible conflict. I'm an employee of PACT (Parents and Children Together), which is part of the Healthy Start Network. Part of these funds will go to PACT. However, I'd like to note that none of my pay will come from these monies."

The President ruled that Senator Kanno was not in conflict.

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

"Mr. President, once again I rise to speak with strong reservations.

"In the most recent legislative report dated January, 2001, the Healthy Start Program and Early Intervention Services Program are not even mentioned in the report. It is interesting to note that the Departments of Health or Education do not provide data on the number of children serviced that are Felix or are potentially special education as identified or treated through the Healthy Start and Intervention Services Programs. The question, of course – Why not?

"The purpose of early intervention services and healthy start programs are not limited to the Felix class child. In fact, how can you even diagnose a newborn as being Felix unless the

child was autistic or suffered some type of mental retardation upon birth? These two programs offer many identifications, for example, high risk child abuse situations. That particular identification would not – would not – constitute a Felix child, yet this measure implies these programs only service Felix children.

"In the past fiscal year, the Department of Health was appropriated over \$17 million, which includes but is not limited to servicing the Healthy Start Program; and more than \$12 million more which includes but is not limited to servicing the Early Intervention Services. It is unfair to label this emergency appropriation in the name of Felix when both programs provide services not isolated to Felix children.

"Finally, are we calling the problems Felix and actually serving a larger population? We ask this question; so far we don't have an answer.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 672 was adopted and S.B. No. 1142, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EARLY INTERVENTION SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 674 (S.B. No. 497, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 674 was adopted and S.B. No. 497, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 675 (S.B. No. 1161, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 675 be adopted and S.B. No. 1161, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in support of the measure with reservations and stated:

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

"The objective of the bill, I think, is a worthy one – to cut down cost to the government making reporting and public notice for seized property only reportable if it exceeds \$1,000 in value (the current law is \$100). I have no problem with the publication part of it. I do have a problem with the growing amounts and availability of property that's being seized by the state government.

"There could be a way of seizing property that, in fact, is not even abandoned, because the definitions here, I think, are open to discussion where you would have various properties that would be 1,000 here, 1,000 there and could add up to a hefty sum. So my concerns are with the abandonment policies of the State.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 675 was adopted and S.B. No. 1161, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF ABANDONED OR SEIZED PROPERTY ON PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 679 (S.B. No. 45, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 679 be adopted and S.B. No. 45, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, I rise with reservations on this bill.

"The livelihood of farmers, especially small farms, depends ever increasingly on the attention that we pay as a population to them. Mr. President, government should provide every measure of assistance to ensure the welfare of this priceless commodity, and this bill aims to do that. However, as worded, the unintended returns of this bill may preclude bona fide processes and complaints from moving forward. This is because the way the bill sets up the 'rebuttable presumption,' and this presumption works both ways.

"So, as it's worded, I'm registering my reservations because it works for farmers, but it could also work against them.

"Thank you, Mr. President."

Senator Ihara rose and said:

"I have reservations on this bill, Mr. President."

The Chair so ordered.

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

"Mr. President, I speak in favor of the bill.

"Your Committees on Agriculture and Judiciary supported this measure to amend the definition of farming operation to include silviculture.

"In the hearings, we heard there may be friction between farming and non-farming communities. The members, however, agreed that tree farms and other agriculturists have the right to continue their operations if they are conducted in a responsible manner.

"Current law unfairly shifts the burden on the farmer to prove his farming operation is not a nuisance.

"Farming is an honorable profession and a way of life. I ask my colleagues to support agriculture, support this measure.

"Thank you."

Senator Fukunaga rose in support of the measure with reservations and stated:

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

"My reservations are directed towards the deletion of the language which now makes it unclear as to whether new farming operations would also be covered under this measure.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 679 was adopted and S.B. No. 45, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FARMING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 680 (S.B. No. 640, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 680 was adopted and S.B. No. 640, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Ihara, Matsunaga).

Stand. Com. Rep. No. 681 (S.B. No. 643, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 681 be adopted and S.B. No. 643, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, I rise to bark in favor of this bill.

"Seriously, this is a wonderful bill. We all know the role dogs play in our society. They're used to console the elderly and the frail; they're used to assist the handicapped; and they're even used in hospitals to console the sick, the infirmed, and the dying.

"Unfortunately, in our society there are owners who are irresponsible, and vicious dogs pose a problem. This is a great minority of people in the dog-owner world, but nevertheless, they're there. Unfortunately, we have laws that restrict a dog's access to many public areas. We definitely need to increase access to beaches and parks with a reasonable leash law. Having said that, this bill will lead the way to having dogs more welcomed in our society and our lives by making irresponsible owners responsible for their vicious dogs.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 681 was adopted and S.B. No. 643, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DOGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 682 (S.B. No. 94):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 682 was adopted and S.B. No. 94, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 683 (S.B. No. 197, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 683 be adopted and S.B. No. 197, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose to speak in opposition to the measure and stated:

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

“Colleagues, on the face of it, S.D. 2 really doesn’t look too harmful. There’s only one paragraph – 7 lines, 66 words. In fact, the rationale behind the bill is good – to ensure that our students and teachers are given the opportunity to both learn and teach in a safe environment that’s free of violence, threats of violence, or disruptions. However, this bill sets BAD PUBLIC POLICY as it no longer protects the juvenile’s right to privacy and is contrary to why juvenile records are sealed in the first place!

“This bill does absolutely NOTHING. By leaving this bill in the ‘permissive’ tone of voice (i.e., MAY), the family court is not obligated to turn over any information on an adjudicated juvenile. In addition to that, the courts are given another ‘out’ in that the court has to believe that such written notice is necessary for the rehabilitation of the minor or to protect students and staff members. There are two outs right there.

“This bill also lacks a formal structure or clear definition of ‘rehabilitating the minor’ or what’s needed to ‘protect students and staff’ for the courts to follow.

“Lastly, the bill does not provide adequate SAFEGUARDS to insure that once the district superintendent or chief administrator receives the written notice from the court, if it so chooses because it already has two outs, that the information, in fact, be kept private and only those who have a ‘need to know’ are given the information. This is not the way to deal with safety and violence-free place in our schools.

“I believe that our juveniles have a right to privacy and this bill would turn that topsy-turvy. Therefore, I urge you to vote ‘no.’”

Senator English rose to speak in opposition to the measure and stated:

“Mr. President, I rise to voice my ‘no’ vote on this bill.

“Mr. President, as the previous speaker stated, there’s some interesting problems with this, but I have to say that in the hearing on this bill we discussed some of these problems. We have not found a way to protect the rights of privacy of the minors involved. That is my primary concern and objection to this bill, in that we will be going contrary to establish policies of protecting the privacy of juveniles by this method because there’s no control on what happens to the record once it goes to the Department of Education.

“Thank you, Mr. President.”

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

“Mr. President, I rise in support of this measure.

“Your Senators from Maui have raised some good points, and in the Education Committee we have toned down some of the measures in the bill because of some of those concerns. However, at the same time, this bill was introduced because last year the family court failed to develop necessary procedures to notify schools when adverse action or adjudication against the minor resulted.

“So, Mr. President, the advocates of this measure from the public and private schools, over the past two years, have overwhelmingly expressed their support for the intent of the bill. Passage of this bill would enable the schools to initiate appropriate and timely responses to maximize the safety of educators and their students. It would also enable educators to initiate the appropriate services and support to assist in the rehabilitation of adjudicated students. However, the family court has opposed this measure because of fiscal implications, as well as technical reasons.

“Mr. President, notwithstanding those objections at the hearings this year, the family court did indicate their desire to collaborate with the DOE in developing the necessary procedures to implement the intent of this legislation. Based on this commitment and the procedures to protect the confidentiality of minors, I therefore request my colleagues to cast a ‘yes’ vote on this critical health and safety measure.

“Thank you.”

Senators Ihara, Matsunaga, Ige and Hanabusa then requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 683 was adopted and S.B. No. 197, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO JUVENILES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Chumbley, English, Fukunaga).

Stand. Com. Rep. No. 684 (S.B. No. 720, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 684 be adopted and S.B. No. 720, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chun requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 684 was adopted and S.B. No. 720, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROHIBITION OF DISCRIMINATION BY PUBLIC ENTITIES TOWARDS INDIVIDUALS WITH DISABILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 687 (S.B. No. 447):

Senator Kanno moved that Stand. Com. Rep. No. 687 be adopted and S.B. No. 447, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"This bill actually is an attack on private, mandatory arbitration agreements in private employment contracts. We had testimony, however, from the Hawaii Civil Rights Commission that parties to a mandatory arbitration agreement cannot waive or diminish the Commission's law enforcement jurisdiction or powers.

"The bill itself is very broad. It appears to be anti-business and it appears to directly contradict the Hawaii Supreme Court case *Brown v KFC*. It raises a number of constitutional issues, particularly with existing contracts, because mandatory arbitration agreements within private employment contracts have been upheld as viable and legal without anybody giving up rights.

"So for these reasons, I urge a 'no' vote. Thank you."

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

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

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

"Mr. President, in all matters of employment, especially when one is asked to enter into an employment contract, the issue that this bill addressed is whether as a condition of hiring one must agree to binding arbitration.

"What this law simply does is prohibit an employer from requiring mandatory arbitration, which then may not waive certain rights, but definitely will waive every other right in terms of a resolution of any dispute between the employee and the employer. If the employee chooses to enter into such an arbitrated resolution of his or her dispute with the employer, so be it. But to make it as a condition of employment, what we must look at is who has the bargaining power. Is the employee in the same position as the employer in entering into that agreement? And of course, the answer is no.

"That is why this bill is entered here with the hopes that what everyone would realize has a condition of employment. An employee should not be required to waive any other legal process and to opt for arbitration.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 687 was adopted and S.B. No. 447, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 689 (S.B. No. 729, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 689 be adopted and S.B. No. 729, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"Mr. President, this bill is unfair to business. It disturbs the balance between employers and employees. Current employment laws in the State of Hawaii, and also federally, protect the employee from wrongful termination. What this bill does is allow a suit to be brought to stop an employer from hiring outside, permanent help during any labor dispute.

"Also, the bill provides that if there is legal action by the employer, and even if the employer prevails, the employer will not be able to recover attorney's fees and costs.

"And finally, the employer is prohibited from permanently replacing any employee. It disturbs the managerial responsibility and accountability, so I urge a 'no' vote.

"Thank you."

Senator Chun rose in support of the measure with reservations and stated:

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

"Mr. President, this bill attempts to basically provide certain rights of employees that are provided by the National Labor Relations Act but are not provided for in the State of Hawaii Labor Relations Act.

"In regards to the concern raised by the Honorable Senator from Hawaii Kai in regards to the removal of employees for participating in a labor dispute, the National Labor Relations Act already provides that the employees who are lawfully engaged in a protected activity cannot be fired from their position for engaging in such activities. The intent of that provision is, of course, to allow that same kind of action for Hawaii employees. I believe the intent is there; it was worded so that the protection is only there for employers that are under the NLRA. That does not include all the employees here in Hawaii.

"I believe that this bill, as it goes further, should be amended to provide that protection to all employees and not just employees under NLRA. I don't believe it is fair for an employer to fire an employee just because they're participating in a strike or participating in any concerted labor activity. That is not allowed under the federal law. It should not be allowed under our state law either.

"For those reasons, I do support this bill."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 689 was adopted and S.B. No. 729, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR DISPUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Chumbley, Hemmings, Hogue, Ige, Slom).

Stand. Com. Rep. No. 691 (S.B. No. 160, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 691 be adopted and S.B. No. 160, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 691 was adopted and S.B. No. 160, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEEDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 692 (S.B. No. 164, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 692 be adopted and S.B. No. 164, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"Mr. President, I certainly appreciate the concerns for safety and the concerns for the Legislature in protecting our keikis. But you know what? We're requiring helmets on just about everything and everybody at every stage of life here.

"We have not required helmets for motorcycle riders and we've not required helmets for Legislators as yet. We're doing this because we say that the parents are not responsible enough to take care of their own children. Yet when the parents ask for parental notification in something that involves the life and death of their children, then the Legislature is really fast to say 'no we're not going to give the parents that right, but we will put helmets on.'

"So I rise in opposition because unless we're fully prepared to really take care of our keiki, I think for example, that every child at birth should be issued a helmet . . . no, no, Mr. President, I'm sorry, I think that we should do it before birth because coming down that birth canal is really risky business and very serious. And if we're not really prepared to take care of our children and have helmets on at all times, then I think we should reject this bill, Mr. President.

"Thank you very much."

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

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

"Mr. President, this is a Keiki Caucus bill. The reason for Keiki Caucus is the safety and well being of our young people. Again, adults can do what they want to do, but our young people we need to keep them safe so they can live a long and normal life.

"So I urge my colleagues to support this bill. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 692 was adopted and S.B. No. 164, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOY VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hogue, Slom).

Stand. Com. Rep. No. 694 (S.B. No. 211, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 694 be adopted and S.B. No. 211, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"I think again this is one of those bills where maybe the intent is good if we're always trying to lower the bar and trying to pass legislation for the least responsible within our community. But there are many responsible teenagers and there are many reasons why these teenagers might be out on the road past 11 o'clock p.m.

"Also, if we're looking at neighbor islands, where we have greater distances, I think it makes it also problematic that we're going to be able to enforce this law. So while I think the objective may be good, I think the reality is that it is unenforceable and it's not a good bill as presently stated.

"Thank you."

Senator Chumbley rose to speak in opposition to the measure and stated:

"Mr. President, I stand in opposition to this measure. The reason, Mr. President, as I've consistently stated over the years, is that those of us on the neighbor islands do not have the public transportation that those of you on Oahu do, and therefore it's going to create some additional burdens to young drivers on the neighbor islands.

"So I will be voting 'no.' Thank you."

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

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

"Mr. President, again, in the interest of safety, interest of our young people, our concern is safety, safety driving. This bill provides the capability of, if you have a job, to go to and from the job with an excuse or letter from your employer.

"But this bill here, again, in the last few years we've seen it at Kipapa Gulch, we've seen it in Kauai, we've seen it in different places on the neighbor islands – night driving is something that you cannot play around with. It appears that when the sun goes down, the activities or the hormones of young people are such that the activity of driving fast, racing cars becomes a factor.

"So I urge my colleagues, for the safety of our young people, to pass this bill."

Senator Slom rose in response as follows:

"Mr. President, I must respond to the good Senator from God's country. I don't know what the hormones are like in Waipahu but . . .

"Again, what we're doing is a broad brush legislation in treating everybody the same and not making responsible choices for responsible individuals of which the vast majority of young people are. So I think if we're going to look at responsibility and we're going to look at freedom, then we can't be passing legislation like this, hormones or not. Maybe it belongs in a medical measure, I'm not sure.

"Thank you."

Senator English rose to speak against the measure as follows:

"Mr. President, I rise in opposition to this bill. Being the youngest Senator here, I have to speak for the young generation.

"Mr. President, when we allow our youth to obtain driver's licenses, we give them parity with the rest of society. We're saying that you can drive on the roads. We're saying that you can freely move about. But what this does, it sets forward an 11:00 p.m. to 5:00 a.m. curfew. I'm thinking of, frankly, the rural areas of Hawaii – my districts in Maui and my homeland in Hana – where people have to travel very early and very late to get to and from work and to get to and from different places. This creates a very undue burden on the younger generation.

"Now, Mr. President, if you combine this with the effects of S.B. No. 1599, S.B. No. 1514, S.B. No. 1606, and S.B. No. 1600, then what you have is a situation where a police officer could possibly pull over someone driving at say 11:30 in the evening and try to ascertain their age. If they're unable to do so or thinks that the person is lying to them or misleading them, they can arrest them and may look at them and say 'Well, gee, you look a little bit tired, maybe you're under some drug. We're going to order a drug test right now.' And, by the way, caffeine is defined as a drug under some of these bills. So if you combine all of this, Mr. President, this is simply bad legislation.

"Thank you."

Senator Kawamoto rose to respond as follows:

"Mr. President, I just want to rise to make a couple of statements.

"Number one, the strong advocates of this bill is Youth in Action. These are the young people that are part of the MADD program. They are the Youth in Action and they came out and asked for this bill. They've been asking for this bill for the last three years and we're able to pass this bill. I think it's a bill not only for young people or the safety of young people, but also for the general public.

"Again, when you go down to places like Kipapa Gulch and especially on the neighbor islands when you have two-way highways where you don't have divided highways, the chances of getting into a major accident is very great. The fact is that not only do you take away lives of young people, but it could also be some adults.

"So I urge my colleagues to vote 'aye.'"

Senator Hemmings rose to speak against the measure as follows:

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

"We're continually asked to make decisions based on priority, and I want to address this issue with a question, a rhetorical question or sorts: Does this bill prevent a 16-year-old female from being sexually exploited by an adult male?"

Senator Hogue rose to speak in opposition to the measure and stated:

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

"I have four children. Two of them are teenagers. One of my teenagers will be reaching her 18th birthday here very, very

soon. It sounds like from this particular bill that if she works past 11:00 down at Roundtable Pizza, she'll have to bring a note, and apparently that will be okay. But then if she wants to go out with her friends and get a Coca-Cola over at Zippy's after 11:00 at night, then she's going to get pulled over by the police, potentially arrested and then have a record for the rest of her life.

"I believe in my daughter. I have taught her to be responsible. I ask all of my colleagues to do the common sense thing here and vote 'no' on this well-intended bill.

"Thank you."

Senators Taniguchi, Kim, Kokubun, Nakata, Fukunaga, Chun, Matsunaga and Hanabusa then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 694 was adopted and S.B. No. 211, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Chumbley, English, Hemmings, Hogue, Ige, Ihara, Slom).

Stand. Com. Rep. No. 698 (S.B. No. 1341, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 698 be adopted and S.B. No. 1341, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hogue rose in favor of the measure with reservations and stated:

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

"The purpose of this bill sounds pretty good and this may be rather innocuous, but if you're a young man from Hawaii and you're obtaining or renewing your driver's license, then you'd better make sure you've registered for the draft. If you didn't, you won't get your license. Now, the law also makes sure that the license information is forwarded to the selective service.

"The problems here seem to be a conflict of authority between the feds and the states or counties. Why should we here locally do the federal government's work for them without compensation? In fact, that was brought up in the committee report. It's one thing to help the feds; it's another thing to make sure that they will fully fund us.

"I'm sure we are all cognizant of the word Felix. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 698 was adopted and S.B. No. 1341, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNITED STATES SELECTIVE SERVICE SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 699 (S.B. No. 1603, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 699 be adopted and S.B. No. 1603, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose to speak in opposition to the measure and stated:

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

“Mr. President, over the previous years as Judiciary Chair, we tried to look at these issues very carefully. And there are some continuing concerns I have with regards to this.

“This morning on the way in to work, I stopped at Longs and picked up some Sudafed because I feel a little bit of a cold coming along. Under this bill, these Sudafed may be included under 291-7 as a schedule I through IV drug. Therefore, if I take too many Sudafeds, I could get in trouble and get arrested for driving under the influence of drugs. I don’t think that’s our intention, Mr. President. I think that we really want to go after those who abuse the situation and those who are truly using the schedule I and schedule II drugs.

“So as the Committees continue to look at this, I would just ask that the Chairs be aware that there’s an unintended consequence to this bill and that you proceed cautiously.

“Thank you.”

Senator English also rose to speak in opposition to the measure and stated:

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

“Mr. President, looking at this, I believe that this bill may go contrary to HIPAA (Health Insurance Portability and Accountability Act), the federal medical privacy laws, and including our own privacy laws because this requires healthcare providers to report blood and urine test results to law enforcement officials. So we have to be very cognizant on the policies that we set, and this may go contrary to federal policy.

“Thank you, Mr. President.”

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

“Mr. President, I rise to speak in opposition to this bill – another flawed bill that started out with good intentions.

“The purpose is to make sure that after a traffic collision, doctors, hospitals, or any other healthcare providers report to law enforcement officials the results of blood or urine results. I’m all for public safety and I’m sure that all of you are as well. Who doesn’t want to help the police and make the roads a better place? But this bill may also have major privacy concerns.

“I think we need to ask the question, What about the doctor/patient relationship issue? If one of our esteemed Legislators, perhaps the Senator from Maui, took too much Sudafed and had himself a minor traffic accident while under the influence, would he be afraid to go to the doctor for fear of being reported to the police? Just wondering. This may, as has been brought up before, be a case of what is known as the law of unintended consequences.

“Please vote ‘no.’ Thank you.”

Senator Ihara then requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 699 was adopted and S.B. No. 1603, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ALCOHOL, DRUGS, AND HIGHWAY SAFETY,” having been read throughout,

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

Ayes, 19. Noes, 6 (Chumbley, English, Hemmings, Hogue, Ige, Slom).

Stand. Com. Rep. No. 700 (S.B. No. 1137, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 700 was adopted and S.B. No. 1137, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL PENALTIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 702 (S.B. No. 1166):

Senator Kanno moved that Stand. Com. Rep. No. 702 be adopted and S.B. No. 1166, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose in support of the measure with reservations and stated:

“Mr. President, I speak in support with reservations on this bill.

“The present penalty structure here says ‘not more than,’ and we’re changing this to say ‘not less than \$1,000 penalty.’ We have no ceiling for the amount of penalty and I’m always disturbed when we put in either blank amounts or we don’t have any ceilings because we don’t know what those limits are and we’re leaving them up to administrative law rather than legislative action.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 702 was adopted and S.B. No. 1166, entitled: “A BILL FOR AN ACT RELATING TO PENALTIES FOR THE STATEWIDE TRAIL AND ACCESS PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 706 (S.B. No. 1102, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 706 be adopted and S.B. No. 1102, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

“Mr. President and colleagues, it is with great difficulty that I rise with reservations against this bill. I say against this bill because if this bill was anything but sponsored by our colleagues in the House through their Hawaiian Caucus, I would probably have asked that this bill not make it this far and be held in Committee.

“Colleagues, as you know, the Senate last year took the lead on Rice v Cayetano and we took hearings, seven of them, throughout the State. At that time, we heard from many, especially our Hawaiian constituents and how they felt about the impact of Rice v Cayetano and how they felt threatened about their entitlements. We could not assure them that their entitlements would remain in place and that in fact Rice v

Cayetano was only a 15th amendment issue, thereby affecting their right to vote or having a Hawaiian only right to vote for the trustees of OHA.

"Soon thereafter, we have now been faced with the Barrett v State of Hawaii case and the Carroll v Nakatani case. These are the entitlement cases. These are brought under the 14th amendment.

"I have said that OHA and DHHL are two separate entities. They're created differently. As we all know, DHHL is a creation of the Hawaiian Homes Commission Act of 1920, OHA is our creation by way of our Constitutional Convention. And of course, we have codified both of them. DHHL is different because of the fact that we have assumed that public trust responsibility pursuant to our Admissions Act, where in OHA, what we did was part of the 5(f) obligations, we created OHA basically lateral to them.

"The reason I have difficulty with this bill and I've chosen to speak with strong reservations is because I want it in the Senate Journal that the intent of us, this Legislative body, if we passed a bill out, or at least for myself, is that it not be construed in any way of encouraging State action or acting as a state to affect the Hawaiian Homes Commission Act as it now stands. I understand and empathize with both DHHL, SCHHA, and all the beneficiaries who want to have self-governance and who want to have some type of legislative act which says 'yes, they have self-determination' – a criticism that you will find in the Rice v Cayetano decision and the majority of the Supreme Court Justices. But what this bill does is it sort of does it backwards. It has it by way of a State action by our bill, and then we send it to Congress and we hope that Congress does not disapprove. It is not the same as the direct congressional action that created the Hawaiian Homes Commission Act of 1920. It is for that reason that I cannot really support the bill, but it is because the caucus as well as members of the Hawaiian homes beneficiary class, and many of them are seeking it, that I do it just with reservations.

"What I would like to have is some showing among all of us that it is not our intent to undermine the Hawaiian Homes Commission Act and that specific mandate from Congress, and that we do not have either plaintiff, Barrett or Carroll, using any bill that we may pass in this Legislature as an indication of, in fact, State action and State control, thereby saying that the 14th amendment is applicable to that group.

"Thank you, Mr. President."

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

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

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

"Mr. President, I appreciate the comments made by the Honorable Senator from Waianae. They are, of course, comments that are really focusing on the Barrett and Carroll case and whether we should do anything at this point in time to address those cases.

"This is a difficult issue, and I agree with the statements that we should not do anything that would jeopardize, basically, OHA or DHHL.

"I do support this bill primarily because of the reason that it is a bill that originated from the native Hawaiian community, especially the beneficiary class. It's a bill that they suggested and that they wanted to do to allow them to begin the process of

self-governance, to allow them in the process of basically establishing themselves as a separate trust entity.

"Mr. President, it is correct that we do not want to get unduly involved in State action with DHHL or the beneficiary class, but this bill, I think, does what it intended to do, and that is to allow them to go forward from here. The State is not the moving party in this bill. It is the beneficiaries themselves. As the beneficiaries, we should give them their due respect and their due acknowledgment that if it is something that they think that they need to go beyond these laws and to really start the process of self-governance, that government should support that intent.

"Finally, Mr. President, I know there is a concern of how this bill would impact the ongoing case of Barrett. I've had discussions with the attorneys hired by DHHL, and it is their feeling that this bill would not impact, in fact, that this bill could help them in their case to show that the beneficiaries themselves are taking charge of their own affairs.

"So, Mr. President, I stand in support of this bill. I believe the comments that are raised today are valid, but I think we should go beyond and the State should show that it really does support initiatives, initiatives by the native Hawaiian community.

"Thank you, Mr. President."

Senator English rose in support of the measure with reservations and stated:

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

"Mr. President, as the only Hawaiian in the Senate and as a member of the Hawaiian Caucus, I'm going along with this. But my reservations are very similar to that of the Senator from Waianae in that we are in a very precarious situation. And once we start trying to change and amend the Hawaiian Home Lands Act and ask Congress to do this, we change the terms of engagement, which is the basis that all these lawsuits are coming from.

"Mr. President, I firmly believe in the law of unintended returns. And something that seems very nice like this, which is to say that we are allowing non-natives to receive lands, descendants of Hawaiians to receive lands, and also that we allow for self-determination on the Hawaiian Home Lands, we may be opening a door and we may be amending the Act asking Congress to disapprove this (which is the action they would have to take, if not, it goes into effect). It could, Mr. President, just could, lead to the downfall of the Hawaiian infrastructure in Hawaii – the Hawaiian trusts, Article XII of our Constitution – and for me that is too much of a risk.

"So I have very strong reservations, but as a member of the Hawaiian Caucus, I will support this moving forward. Thank you."

Senator Chumbley rose in support of the measure with reservations and stated:

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

"Mr. President, my gut feeling is that all of us should be very concerned. In fact, we should have significant opposition to this measure. However, the native Hawaiian beneficiaries from my district have called and also asked that I support this measure. And I do it out of respect for them, but urge caution

because I think that this could lead to significant consequences that those native Hawaiian beneficiaries have not taken the time to fully understand.

“Thank you.”

Senator Nakata rose and said:

“Mr. President, I will be voting with reservations.”

The Chair so ordered.

Senators Kim, Matsunaga and Hogue then requested their votes be cast “aye, with reservations,” and the Chair so ordered.

Senator Buen rose and said:

“Mr. President, support with reservations.”

The Chair so ordered.

Senators Ihara, Chun Oakland and Kokubun also requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 706 was adopted and S.B. No. 1102, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1100:

Senator Kanno moved that S.B. No. 1100, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

“Mr. President, my colleague from Kauai has asked me to just say ‘ditto.’ In essence, that is exactly what I’m going to do. I’d like to have my comments incorporated but I will add the following:

“The strong reservation almost nearing opposition that I have to S.B. No. 1100 is because we are specifically tinkering with the issue of blood quantum and we are increasing it. The Rice v Cayetano case, if anything, has called attention and should have sent up the red flag when we talk about blood quantum. This is, in my opinion, not a necessary action at this time.

“Again, my concern is that as we, the State, start to do this, we have here a race-based preference in the sense of a blood quantum one that is not clearly linked to the beneficial class. Let us not forget that in the Hawaiian Homes Commission Act the beneficial class is 50 percent plus blood quantum. The commissioners are being identified as 25 percent. And if you read the Rice v Cayetano case, one of the criticisms that the Supreme Court had was the fact that our voting class and our beneficial class were not identical. This is almost along those same lines.

“Again, I believe that we may be jeopardizing at least the Hawaiian Homes Commission and the Act that has given that specific entitlement. And for that reason, I have strong reservations about doing anything until such point in time that either the Akaka bill makes it through or at least we have a determination on the Barrett and the Carroll cases.

“So again, I ask that my colleagues, if they support this measure, please do so with reservations. Thank you.”

Senator English rose in support of the measure with reservations and stated:

“Mr. President, I rise to support this measure with strong reservations.

“Instead of taking up time, Mr. President, I’d like the remarks of the Senator from Waianae to be entered as mine as well.”

The Chair so ordered.

Senator Chumbley rose with reservations on the measure and said:

“Mr. President, my same reservations from the previous bill also apply to this measure.

“Mr. President, my gut feeling is that all of us should be very concerned. In fact, we should have significant opposition to this measure. However, the native Hawaiian beneficiaries from my district have called and also asked that I support this measure. And I do it out of respect of them, but urge caution because I think that this could lead to significant consequences that those native Hawaiian beneficiaries have not taken the time to fully understand.

“Thank you.”

Senators Matsuura, Matsunaga, Kim, Ihara, Hogue, Nakata, Buen, Kokubun, Chun Oakland and Taniguchi then requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 1100, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 999:

Senator Kanno moved that S.B. No. 999, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose in support of the measure with reservations and stated:

“Mr. President, I rise in support with reservations.

“I was confused by this bill because I didn’t realize that there was a major problem running around to be attorneys. I know that many try to be used car salespeople or coaches, but I didn’t know that they were trying to be attorneys.

“The bill is based on the fact that the Committee finds that the unauthorized practice of law is a very serious problem. The Committee also said lawyers are held to a high degree of care in representing their clients needs and are subject to malpractice suits for breaching their duty. Aside from outright fraud – where someone represents himself or herself as an attorney, in which case we have existing law to take care of this – I think that this bill is aimed more at those people who give legal assistance without pretending or fraudulently trying to

misrepresent themselves, and I think there's a great need in the community.

"I'm also worried, Mr. President, that we in the Legislature may be guilty of the unauthorized practice of law. So I come at this bill with reservations.

"Thank you."

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

The motion was put by the Chair and carried, S.B. No. 999, entitled: "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED PRACTICE OF LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1367:

Senator Kanno moved that S.B. No. 1367, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose to speak in opposition to the measure and stated:

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

"Members, while I may have supported determinate sentencing in the past, I believe that many of us have made a philosophical change and a shift to try to do more drug treatment and substance abuse counseling.

"This doubling of the mandatory minimum for crystal meth just goes too far and I don't see the real need to double it. It's tying the hands of the court and the judges who have the best ability to determine the facts of the case and make the decision.

"It's for those reasons I oppose this measure. Thank you."

Senator Slom rose in support of the measure with reservations and stated:

"Mr. President, I support the bill with reservations.

"I heard the argument of my colleague from Maui, Kauai, and the oceans in between, and I think that part of the problem here is we keep sending conflicting signals – whether we want incarceration and enforcement of tough laws or do we want drug treatment – and we're trying to go back and forth. I think the one-year minimum that's currently in effect for crystal meth, some people argue, has been effective. Others argue that it's not. I think there is a general consensus that mandatory minimums are now less effective in reducing drug-related crimes.

"So I'll support this with reservations."

Senators Hanabusa, Hogue, Hemmings, Chun Oakland, Chun, English, Buen and Ige then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 1367, entitled: "A BILL FOR AN ACT RELATING TO DRUG OFFENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Chumbley, Fukunaga, Matsunaga).

Stand. Com. Rep. No. 719 (S.B. No. 1068, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 719 be adopted and S.B. No. 1068, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak in favor of the measure with reservations as follows:

"Mr. President, I'm rising to speak in favor of this bill with reservations.

"You have to follow the logic of this one. This one is kind of an odd bill that has been researched by my staff, and I appreciate their very good research.

"We have several bills this Session trying to bring us into compliance with a federal law called the Gramm-Leach-Bliley Act. This bill is one of them. According to the legal staff of the Insurance Commissioner's Office, Gramm-Leach-Bliley says that unless 29 out of 56 jurisdictions (those are the 50 states plus 6 others) 'voluntarily' inflict these regulations upon themselves by November 12, 2002, the federal government will step in and inflict these rules upon all 56 jurisdictions and strip every one of them of the right to self-regulate themselves.

"These rules are not something that states were clamoring to enact before the feds tried to foist them upon us. Nobody really wanted every single one of these bureaucratic regulations, but insurance commissioners across the nation are telling legislatures all over the place that if we don't act now, the feds will step in next year and effectively take over.

"The kicker, though, is that unless Hawaii is exactly the 29th jurisdiction needed to enact these rules, then we've done this to ourselves in vain. That may sound extremely odd, but we have double- and triple-checked this fact directly with the Insurance Commissioner's Office here. If we enact these Gramm-Leach-Bliley rules and less than 28 other jurisdictions do so, the feds will step in anyway. If we enact these rules and more than 28 other jurisdictions do so, the feds will leave everyone alone for the time being. So, unless exactly 28 other jurisdictions decide to inflict all these rules upon themselves, our compliance is not needed.

"I know this all sounds extremely bizarre, but that's how it works, and so I vote in support with reservations. Thank you."

Senator Chun rose in support of the measure and said:

"Mr. President, I stand in support of this measure. I note that the honorable Mr. Gramm is a Republican and thank you for inflicting those measures upon us."

Senator Slom rose and said:

"Infliction or not, reservations please, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 719 was adopted and S.B. No. 1068, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRODUCER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 721 (S.B. No. 127, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 721 be adopted and S.B. No. 127, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

“Mr. President, I rise to speak against this bill.

“To make a long story short, Mr. President, DAGS is broke. We’re really throwing money at a specific problem. We might fix the lavatories while the roofs are falling down on our children’s heads, and we all know the horror stories from our schools because I think each and every one of us have taken the time to visit our schools and talk to the principals and teachers that are dealing with broken down facilities.

“Six-hundred-forty million dollars is the alleged backlog of repair and maintenance work that has to be done on our schools. The question once again is, before we solve the problem we have to ask the reason why. And that’s not blame – it’s responsibility.

“In visiting schools in my district, I found one building was painted to the tune of \$210,000 by DAGS. The taxpayers paid that amount. The principal took the time to go to a private contractor who happened to be a friend of his and he said he probably could have painted the same school for between \$70,000 and \$90,000. There was an ADA access ramp built at a school in my district that was bid out by DAGS as a \$21,000 expenditure. It was built for \$7,000 by a principal because they happened to be a charter school and didn’t have to go through DAGS to get the job done.

“Representative Jaffe, the good Representative from the Kaimuki district in town, in the House of Representatives had DAGS come out and take a look, along with the school principal, at a cracked sidewalk. They have some sort of rule regarding cracks in sidewalks as far as liability goes. I think the figure was if it’s over 3/8 of an inch wide, they’d have to fix it because of liability reasons. Well, DAGS did a good job of fixing the portion of the sidewalk that was cracked more than 3/8 of an inch and left the rest unrepaired. This is the type of lunacy that is going on in DAGS. The procurement laws are such that DAGS oftentimes takes three times as long and costs three times as much to get a job done.

“So you want to find money to give pay raises to teachers, you want to find money to give a refund to the taxpayers – hold DAGS accountable. If what I’ve just demonstrated with specific examples holds to the whole system, a \$640 million bill to fix our schools could probably be paid for with about \$400 million of money spent directly by the principals.

“There is a solution to these problems – give the money to the principals, give the principals the right and the responsibilities that go along with it to bid out the process themselves in their schools as they need, and give them protection from the procurement laws that have oftentimes bogged down the process and end up driving up the cost, Mr. President. You see, there are common sense solutions to many of our problems that don’t require money being thrown at them.

“DAGS is broke! Let’s fix it. Thank you, Mr. President.”

Senator Slom rose in support of the measure with reservations and stated:

“Mr. President, I rise in support of the bill with reservations.

“I support the bill because the situation with the lavatories at the many schools is deplorable. But I note that when this bill passed out in an earlier version from the Education Committee, there was a statement directing the Superintendent of Education to enforce the rules of school health and safety, and I do not see that language in the present draft. I think that’s extremely important.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 721 was adopted and S.B. No. 127, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE IMPROVEMENT AND MAINTENANCE OF STUDENT LAVATORIES IN ALL HAWAII PUBLIC SCHOOLS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 722 (S.B. No. 505, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 722 was adopted and S.B. No. 505, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 726 (S.B. No. 1211, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 726 be adopted and S.B. No. 1211, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 726 was adopted and S.B. No. 1211, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 728 (S.B. No. 535, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 728 be adopted and S.B. No. 535, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Buen.

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

“Mr. President, I’d like to speak in support of this measure.

“This measure establishes a risk management program in the Department. On one hand, some of the comments have come out, Why do we need to do some of the things that we propose to do? And it’s sad that the teachers and administrators are fearful. It’s sad that we get lawsuits. It’s sad that there’s much inaction. In many businesses, establishing a risk management program will address some of the concerns that are brought up from the Senator from Kailua, and others.

“Mr. President, this measure sort of represents how do we, as a Legislature, help. How do we, as a Legislature, look at

problems that we hear as we go visiting our schools or as we read our e-mail?

"I'd like to transition and, in this measure, talk about the sheet that I had placed on your desks. Your Education Committee along with your other Committees, Mr. President, have tried to look at many measures. And just as this risk management measure is sort of an overview, let me briefly go over what I placed on your desks.

"In my Committee, I've explained that I think we've got so many sides to the education problem, it's like the Rubik's cube – when you try to solve one side, you often mess up colors on the other side. In the administration block, which is the farthest right block on your sheet, we're trying to deal with principals, vice principals, auditor's report on salaries and some other issues administration wise.

"If you look at the center block on students, in there I think one of the prime issues that was brought up by the Senator from Kaneohe, and others, on Felix, certainly is a measure that deals with problems with students, not just the Felix students, not just special ed. students, but all students. We have several measures dealing with that. The students wanted representation on the board. They wanted their student council in statute and we're trying to deal with that.

"On the left, there are issues dealing with parent and community, how to get incentives for volunteers, how to help coaches, getting a military rep on the board because they do represent a big part of the community.

"On the bottom, for textbooks in schools, trying to have textbook money kept in schools, not returned to the general fund; supporting peer education; supporting new initiatives like laptops; continuing support with school-to-work; cyberspace; and other programs, Mr. President.

"On the top, school facilities – some of the bills we already passed, some we just talked about, including lavatories. Certainly we want our schools to be clean. There are several bills related to repairing them – one is a volunteer effort, that's S.B. No. 493, yet to come; an omnibus bill, S.B. No. 1577, which will deal with some of the concerns that the Senator from Waimanalo brought up and that DAGS needs improving. Certainly more things need to be improved. Part of it depends on us to help them in terms of changing some of their policies, funding some of their initiatives and all of us in helping to prioritize how school complexes can repair their schools. Certainly, with that we can get that done as well.

"Lastly, Mr. President, the teacher's initiatives are overflowing the box – tax credits, mentoring programs, salary advances, increments, former teachers, limiting their liability, national board certification, enhancements, tax deductions, reimbursements and much more, Mr. President.

"I beg your indulgence, but just a brief overview of some of the issues. Issues like risk management are an overarching issue that affect all sides of our cube.

"Thank you, Mr. President."

Senator Hemmings rose to speak in favor of the measure with reservations and stated:

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

"With all due respect to the good Senator from Moanalua, I do know what's in his heart and probably all of our hearts. We all want to do what is good. The question is not what, it's how.

"Speaking to this legislation, we're going to spend \$70,000 on helping, training, and advising teachers, and how to defend themselves against the onslaught of attorneys. Wouldn't it be better to defend everybody in our society with meaningful tort and liability insurance reform so that we all would be protected from the same threat of frivolous lawsuits? I think this is a systemic problem that needs reform across the board, not just for teachers.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 728 was adopted and S.B. No. 535, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun, Fukunaga, Menor, Taniguchi).

Stand. Com. Rep. No. 729 (S.B. No. 992, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 729 be adopted and S.B. No. 992, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Buen.

Senator Slom rose to speak against the measure as follows:

"Mr. President, as previously noted, I will vote against all special fund bills.

"This bill, 992, actually creates two special funds – the cigarette tax stamp enforcement special fund and the cigarette tax stamp administration special fund. So I'm voting 'no.'

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 729 was adopted and S.B. No. 992, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Slom). Excused, 4 (Chun, Fukunaga, Menor, Taniguchi).

Stand. Com. Rep. No. 732 (S.B. No. 131, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 732 be adopted and S.B. No. 131, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"Of all the agencies that we get constituent calls about, none is probably as controversial as the Child Support Enforcement Agency. We get calls from single moms who are not getting their payments under the child support laws. We get calls from fathers who are dutifully making the payments but all of a sudden wake up one morning and they have a subpoena or a

lien or enforcement judgment against them. All because of errors made with this agency.

"Now, a couple of years ago, this agency came to us and asked for more money to improve the computer and software system. The Legislature obliged. We gave them more money. They have a new computer and software system. Last year, this agency came before us and said, 'We're overworked, understaffed, underpaid. We need more money for more staff and more money.' This Legislature obliged. We gave them more money, more staff. This year, the agency again under new management is coming before the Legislature asking for more money, more staff. At no time does this Legislature ask what have you done with the money and why aren't there improvements? And as I say, we get complaints all the time that people call in and they can't talk to a live person, mistakes are still being made despite the software and everything else.

"So I'm sorry that the Co-Majority Leader probably went to read the transcripts of some of my earlier speeches because this is an example again of – What is it that the Legislature can do when these agencies don't perform? The answer is, you can say no more money until you show us that you have made improvement.

"That's my position, and that's why I'm voting 'no' on this bill. Thank you."

Senator Hemmings rose to speak against the measure and stated:

"Mr. President, I rise to speak against the bill.

"Mr. President, I'm painfully aware that sometimes marriages fail. But having said that, I don't think responsible citizens should have to have their children's cost to be raised, be managed and paid for by taxpayers – some on fixed incomes, some elderly, some poor – who all pay taxes to the State and, in a roundabout way, are underwriting the cost of payments being made to the parent that has custodial care by the parent that does not.

"What this leads to is once again a simple solution – just add on a small percentage of the amount to be paid so that the Attorney General's Office can pay for the administrative costs. That way, the person responsible for the child pays for the care of the child, which includes collecting the money to care for the child. It's a simple solution and the taxpayers once again don't have to dig into their pockets to subsidize someone else's existence.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 732 was adopted and S.B. No. 131, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CHILD SUPPORT ENFORCEMENT AGENCY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hemmings, Slom). Excused, 2 (Fukunaga, Matsuura).

Stand. Com. Rep. No. 734 (S.B. No. 440):

Senator Taniguchi moved that Stand. Com. Rep. No. 734 be adopted and S.B. No. 440, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise in opposition to S.B. No. 440.

"Mr. President, I oppose moving the Office of Elections and making the Lieutenant Governor the Chief Election Officer in our State because this may place the Lieutenant Governor in a serious conflict of interest situation and undermine the public's trust. For example, if this bill passes, which takes effect July 1, 2001, let's say the Lieutenant Governor/Chief Election Officer while serving as Lieutenant Governor and Chief Election Officer is also a candidate for Governor and let's say there's a dispute in the outcome of the primary election for Governor for which the Chief Election Officer is also a candidate, Mr. President, I believe that it's our responsibility to encourage public trust in our government, but when the Chief Election Officer is also a candidate in an elections dispute, I have serious concerns about whether the voting public will be able to trust the Chief Election Officer, whoever that person may be, and will trust whether that person will act fairly and objectively when that same person is involved as a candidate in an election dispute.

"Mr. President, I note that the bill does provide that the Attorney General becomes responsible if an objection is made to nomination papers for the Office of Lieutenant Governor. However, there are many other duties of the Chief Election Officer, who may also be a candidate, that may cause public distrust and accusations of partisanship and conflict of interest, including: the Chief Election Officer oversees the polling place operations; trains the polling place chairs (all of whom may be members of the Majority Party); the Chief Election Officer also maintains data concerning registered voters; verifies whether party petitions meet statutory requirements; even authorizes the postponement of elections based on natural disaster; certifies the results of votes cast in an election; and of course selects the vendor for the voting systems; and many other duties.

"For these reasons, Mr. President, I cannot support this measure. Thank you."

Senator Hanabusa rose in support of the measure and stated:

"Mr. President and colleagues, this bill comes after much thought. The recommendation that the Elections Office be returned to the Lieutenant Governor's Office is really a result of the report of the Election Oversight Committee on the audit of the 1998 general election, which was headed by none other than Marion Higa our Auditor. Some of us may not remember it as clearly as others as to the fiasco of the 1998 election.

"What Marion Higa concludes is that the problem is the fact that we have no accountability for the Chief Election Officer, who just happens to be Mr. Dwayne Yoshina as this time. When we talk about the restoration of public trust, when we talk about the protection of that important Democratic process, that right that we send people off to die for, that right to vote, it is based upon those concerns that she says we may not have any other place to put it but to return it to the Lieutenant Governor's Office.

"As you know, most states have the Elections Officer directly under a Secretary of State. I guess the most famous one is the Florida situation. Other states, two others, have it under the Lieutenant Governor. And the Secretary of State basically has similar types of responsibility as the Lieutenant Governor does for the State of Hawaii. Yes, it may not be the perfect place, but the alternative is that we continue to let it go the way it's been operating now.

"Colleagues, ES&S has a contract that spans eight years. We have seen attorney general's opinions that have come before us that say we cannot bind Legislators into the future, but this contract somehow manages to do that. I sought an attorney general's opinion as to why that can be done for the Office of Elections and they said, 'Well, it's because it's subject to appropriations.' I'd like to see us not appropriate for the future elections and see what happens to us with ES&S."

"We have to do something. We know that we've got a problem with the Office of Elections. We know, for example, that there's been a reduction in the amount of budget that that office has from 21.4 percent since they've been left to go on their own. We've had, basically, minimal training. The fiascos of the 1998 election is specifically attributed to the Office of Elections and the fact that they just decided well they didn't have enough money so they changed our balloting at the last minute. Who then does the general public hold accountable for that? You can't go and remove an election commission, whose only job is to appoint or replace Mr. Yoshina, who doesn't get elected to their position. There is no one that is accountable."

"The return to the Lieutenant Governor's Office makes one person, an elected official, responsible to the people. We've had problems in the past, that's for sure, but I would say that to be able to have the public voice their concerns about how the election operates to that person, whether the person runs for Governor or not doesn't matter, runs for re-election or not doesn't matter, that person is going to be accountable. That's part of the job."

"We are elected officials. We are politicians. Everything we do is laden with conflict. So what's the difference here? What is more important? To me, I air in favor of the fact that we need somebody accountable to the voting public."

"I do not want to see any of your districts go through what mine did in 1998. That is not the way to operate – not knowing whether one of your Representatives will be seated on opening day; not knowing whether or not you'll have someone there; having the experience of going to the Office of Elections and saying 'I understand you're recounting ballots and part of those ballots are my ballots,' and then you're being told, 'well you don't have a right to even observe it.' That's the kind of flippancy you're going to deal with when someone believes that they are not accountable to anyone."

"The Lieutenant Governor will be accountable to the people. We do not have a Secretary of State, but we do have a Lieutenant Governor and that is where the Office of Elections should be."

"Thank you very much."

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

"Mr. President, I also rise in support, and I support our colleague from Waianae."

"I think accountability is something that I found, as my first year here in the Senate, been one of question. And I think it's about time that we force our agencies, and those agencies that we create, and those bodies that we create to be accountable. I think each and every one of us in our Committees should demand this kind of accountability. And if we don't have it then we need to do something about it."

"I will be supporting this measure. Thank you."

Senator Chumbley rose to speak in opposition to the measure and stated:

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

"While I do agree that accountability is critical and the good Senator from Waianae hit the nail on the head on numerous points, I don't believe that moving this function of the Office of Elections back under the Lieutenant Governor just for the sake of being under the Lieutenant Governor is going to give the kind of accountability she nor the previous speaker just demanded."

"I believe that there are some inherent problems within the Office of Elections and they do need to be addressed, but this is throwing the baby out with the bath water. I don't think that this is the right way to go, therefore, if we want to solve some of these problems, colleagues, we better get serious about the money that we appropriate to the Office of Elections so that they can do their job. Half of the problem is that we haven't appropriated the necessary money."

"Thank you."

Senator Hemmings rose to speak against the measure as follows:

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

"Accountability is a word that we use often on this floor, but we never hold the people or departments accountable. It seems to me this problem results because of the Chief Election Officer not doing his job right. So maybe we should hold them accountable rather than transferring this responsibility back into the tremendously conflict of interest position of Lieutenant Governor."

"I think the good Senator from Kaimuki/Kapahulu illuminated very clearly all the inherent conflicts of interest when the Chief Election Officer is running their own election, but I would like to run one more by you for your consideration. We all know the effects of publicity in elections and we know how much money is spent to have name ID and to get our name out in front of the public. Well, I distinctly remember in prior elections when it was under the Lieutenant Governor's Office when a Lieutenant Governor was running either for re-election or for the Office of Governor (and I won't mention names) that wonderful glossy brochures went out from the Lieutenant Governor's Office with big smiling pictures of the Lieutenant Governor as the Chief Election Officer educating the constituency on how they should vote. I don't think they ever figured the subtle connections that maybe they would have the opportunity to vote for the person on the cover of that nice glossy paper. You can see there is a tremendous conflict of interest in the Lieutenant Governor's Office to run his or her own election."

"If we want accountability, let's hold accountable the person who's not doing the job to our liking. Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 734 was adopted and S.B. No. 440, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Chumbley, Chun Oakland, Hemmings, Hogue, Ige, Ihara, Matsunaga, Slom). Excused, 1 (Fukunaga).

Stand. Com. Rep. No. 735 (S.B. No. 1296, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 735 was adopted and S.B. No. 1296, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES FOR APPOINTED COUNSEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24, Noes, none. Excused, 1 (Fukunaga).

Stand. Com. Rep. No. 737 (S.B. No. 16, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 737 be adopted and S.B. No. 16, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Ige rose to speak in opposition to the measure and stated:

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

"Mr. President, S.B. No. 16 proposes to adopt the federal workers' compensation fee schedule in place of the 110 percent of the Medicare fee schedule for workers' compensation treatment. Mr. President, workers' compensation reform was one of the most effective legislative efforts to reduce the cost of doing business in the State of Hawaii. Since enacting changes in the early 1990s, workers' compensation premiums have fallen more than 62 percent for businesses across the State from 1994 to last year.

"The State Actuary has estimated that this measure before us would increase workers' compensation premiums for each and every business in the State between 14 and 24 percent for an increased cost to do business in this State of \$22 million to \$37 million. More ominously, the Insurance Commissioner notes that it is Mr. Simons' further view that given the probable increase in utilization, the actual increases may be even greater than those projected in his analysis.

"Mr. President, I really do believe that this is the wrong time to be messing with the workers' compensation insurance process.

"Thank you."

Senator Slom rose in support of the measure with reservations and stated:

"Mr. President, I rise in support with reservations on the bill.

"First of all, there is a problem, there's no question about it, in terms of those doctors and those people that accept workers' compensation claims. They are not getting paid what it actually costs them to process the claim and deliver the service. That's why a number of practitioners have stopped delivering the service and it's harder for patients to get workers' comp injury protection. So that's one part of the problem.

"It is also true that the medical fee schedule is the primary reason that premium rates were forced down artificially. It amounts to price controls. We did that a number of years ago and everybody took credit for that. We didn't force down, however, the cost of the practitioner's utilities, or their rent, or their labor costs, or anything else, just the amount that they could charge or be paid.

"This bill, however, does not solve the problem because it goes to the federal schedule which is my understanding that only about three or four states utilize (most of them do use the

Medicare percentage). I think what we really have to do is to look beyond what the bill says, which by the way is another one of these bills with a defective date, and try to look at those people that actually need those practitioners that actually need, deserve, and can prove that there should be an increase in their compensation schedule. And they should get it, not everybody. That's what we do in this body – we pass legislation across the board for everybody, regardless of need, regardless of proof or necessity.

"So I will support it with reservations, but we need to do a lot more with this bill. Thank you."

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

"Mr. President, I rise to speak in support of this bill.

"The previous speakers have noted some of the problems with it. I'm always surprised to find myself somewhat in agreement with the Senator from Hawaii Kai. I am discussing this with the proponents and I believe that they are coming around to some of the viewpoints that have been expressed here that maybe the impact on business of their proposal is too high.

"Last year, the position we had taken was 125 percent of the Medicare fee schedule. The present amount is 110 percent of the medical fee schedule. Business had saved on the order of 200 million a year with the reforms that Senator Ige mentioned. Though I believe that some increase is warranted, I believe that there is a need for correcting the balance and this is what we are trying to achieve with the parties.

"So I would ask that this body move the bill along as we continue to work on it. Thank you."

Senator Sakamoto rose to speak in opposition to the measure and stated:

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

"As the Senator from Pearl City reminded us, workers' compensation rates were going up in the order of 30 percent a year in 1993 and 1994. In 1995, this body chose to correct the problem of rising costs by using this fee schedule as a mechanism. There's no doubt in my mind, in Mr. Simons' mind, and many other people's minds that if you change this measure, we'll be back to double-digit increases as Mr. Simons and many others stated.

"Currently, workers' compensation is a problem again for many small and big employers. The speaker from Kahaluu kind of stated that businesses saved this money . . . no, businesses do not have \$200 million from workers' comp savings. All of this cost was paid for by the consumers who buy the products that we sell, workers who could keep their jobs. Nobody saves workers' comp money. These are costs that prevented some businesses from in fact going out of business and in fact allowed some businesses to keep their doors open.

"We want doctors, providers to get compensated. There are current mechanisms for the Department of Labor to address those in specific. If orthopedics are a problem, they can be addressed, but any broad sweep such as this, with uncertainty in costs, spells another nail in the coffin. And just as we're popping out of the coffin, it's no time to clamp down the lid again, Mr. President."

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

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

"Mr. President, I agree with a lot of the comments that have been made by my colleagues here in the Senate. However, I think the point is being missed, and that is, What is the impact of a workers' comp law and our medical fee schedule on the workers themselves?

"I don't do a lot of workers' comp cases myself, but in the ones that I have done recently, and in the past 10 years when I used to do a lot more of them, it was extremely difficult to get certain doctors or specialties to treat workers' comp patients. The reimbursement rates were so low that doctors were refusing to take the patient. That resulted, as far as the employer was concerned, in the difficulty of finding a doctor. If I don't find a doctor to get that case, then I have to pick one that's just going to treat my employee just as a number on the wall. What happens to the standard of care in that kind of situation? Is my employee who got injured going to get the same kind of treatment as a patient that does not have a workers' comp case going?

"I think it raises serious concerns in terms of the quality of the care that a patient, whether he be an employee or a member of the public, gets from doctors based upon a limitation of the medical fee schedules. I believe, Mr. President, by going forward and increasing the medical fees, whether it be across the board or by it being specific in terms of orthopedics, we will get better care to our employees. That will result, hopefully, in less time spent in a doctor's office and more time spent at work where hopefully they'll be helping the employers earn the kind of living that everybody wants to.

"The point is – yes, there might be a raise in rates; yes, there might be an impact in terms of business, but there also can be a positive point for businesses and for employees. We need to look out at what will best be able to get our workers back at work rather than searching for doctors who are looking at the bottom line and are refusing to take patients. That's what we've got to look at. That's been the problem in the past. That's what this bill tries to accomplish. Is there a better way to do it? I hope so. Is there another way on the Floor to do it today? No, there's not. We've got to move forward. We've got to try to get something done.

"Mr. President, I believe it is time that we take a stand and look at the welfare of our workers, which will also lead to the welfare of our employers. Thank you."

Senator Chumbley rose to speak in opposition to the measure and stated:

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

"While the good Senator from Kauai was right – we care about our employees – I think businesses are concerned about the costs of operations which then are passed on to us consumers. I think that all of us who have employees and those who don't, want to make sure that your constituents, if injured at work, get back to work as quickly as possible. If we are having problems in the communities providing services to these injured employees, then let's address it – but not across the board increases at 145 percent. That's a big increase from the existing 110 percent.

"In addition, I think some of the previous speakers who identified problems with the bill may not have looked at page 2, lines 17 through 19. That provision of the bill allows the insurance commissioner to set under Chapter 91, Public Hearings Rule, the ability to update and adjust these schedules on an annual basis, taking it out of the hands of the Legislature.

Right now it has to come back here for an update. Do you really want to allow the Insurance Commissioner that ability? With no oversight by us?

"Yes, rates might go down, but rates also might spiral upwards. This bill needs a lot more work and a lot more thought, and I'll be voting 'no.'

"Thank you."

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

"Mr. President, I'm speaking with reservations on this legislation.

"In response to the rhetorical question – Is there a better way? – asked by the Senator from Niihau and Kauai, once again we're addressing the symptoms of a problem, Mr. President. We all know workers' compensation rates here in Hawaii have been a problem that has plagued business for all too many years. We addressed this issue way back in the '80s, but we've done nothing to really fix the system.

"We know that medical costs are high, but the whole cost of the insurance is due to the malfeasance, once again, of the people that are exploiting the system. We need to amend the presumption clause to balance the table in favor of fair play instead of stacking the system against the employer. This would allow enough money to be in the system to take care of the people with real medical needs by eliminating the people that are exploiting this system. I think the real solution is in that reform, not in piecemeal legislation such as this, so I will be voting with reservations."

Senator Sakamoto rose to respond as follows:

"Mr. President, just briefly in commenting to some of the comments from our speaker from South Kauai.

"Ten years ago, this 110 percent fee schedule was not in place. Ten years ago, it was too litigious, too much paperwork just as it is today. This body did not correct the adversarial nature of the workers' comp system, which should still be done. This body did not correct for some of the things that should be done in terms of who's compensable. The Supreme Court changed who's compensable in a ruling on stress. This body has chosen only to touch a big toe of it or a little toe of it. We still need to correct issues like that.

"Work comp should be less contentious, should help the worker return to work quickly, should not force the employer and the employee to become adversarial, should certainly not let the medical providers be in the driver's seat, and should be for the worker and the employer to work together and get them back to work as quickly as possible. We need to address many issues, not a quick fix. And this certainly is not a quick fix, it's a quick way to disaster."

Senators Kanno, Fukunaga, Ihara, Kim, Matsunaga and English requested their votes be cast "aye, with reservations," and the Chair so ordered.

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

"Mr. President, a point of personal privilege please.

"I've been troubled sitting here after the last 15 minutes and I'm very concerned about the impression that the good Senator from Kahaluu/Heeia had that he may have been in agreement with me by mistake and that it might get out somewhere. So I

want to assure the good Senator and Labor Committee Chairman that under the auspices of the Minority privacy protection act, all of his information in here will be protected and we will not let anybody know he was in 'almost' agreement with me. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 737 was adopted and S.B. No. 16, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL FEE SCHEDULES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Chumbley, Ige, Inouye, Sakamoto).

At 2:49 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:05 o'clock p.m.

Stand. Com. Rep. No. 738 (S.B. No. 23, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 738 be adopted and S.B. No. 23, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"We've had this bill before and I certainly applaud those people that want to go and help in disaster relief in other parts of the country as do other people come here. However, I think that we have a different standard here between private employees and public employees and we're also running the risk of running into problems with collective bargaining agreements here. I have a real problem that the service days are not defined in the contents of this bill.

"There are a lot of other questions that remain and I would like to see volunteers really being volunteers rather than being paid. Thank you."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I, likewise, rise to speak against the bill.

"I have a difficult time equating 'volunteer' with pay. Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 738 was adopted and S.B. No. 23, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 740 (S.B. No. 733, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 740 be adopted and S.B. No. 733, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"Many of us have been around since before this bill was enacted – the employee payroll and training tax bill – back in 1991. Every small business and, I think, large business organization fought this imposition of an additional tax not because business is opposed to training, since those of us in business spend most of our time training our employees, but for two reasons: one, at the time of the legislation when it was passed, there were more than 75 different training programs in the State of Hawaii, some were private, some were public, some were public/private partnerships. In addition to that, it represented a new tax, which is tacked on, on top of the unemployment compensation tax. And for our colleagues and friends who are not in the business community, who do not meet a payroll, the employee does not pay one cent of any of this tax. It is all paid by the employer.

"What happened in a compromise that was worked out by the Legislature was that there was agreement that after five years the tax would sunset, would go away. When four years came up, the Department of Labor, which had hired more people to run this program, decided that they didn't want it to sunset. They wanted it to continue and they wanted to expand it. And, as a matter of fact, even though there were very few people and very few businesses or organizations that were taking advantage of the training, they went out and they actually recruited organizations to take advantage of it.

"Originally, it was for training those workers who had lost their jobs in the transition economy where larger, older agricultural and other industries were shutting down and there was a need to retrain people so that they could find good, active, viable employment. What this fund has done, however, in the intervening years as it's gone out to people to justify the fund and the fund's employees existence, is to say to business organizations, 'we will give you money; we have money to give you.' They don't say that it comes from other businesses, because that's where the money comes from . . . 'we will give you money and we will help you pay for things that you had paid for in the past.'

"Some examples that came up during the hearing were really beautiful examples. One was from a physical fitness trainer who said that physical fitness trainers in order to get national certification have to pay between \$250 to \$1,000 to get that certification. And while they had been doing it in the past, now we have the ETF fund paying for it. Upon further questioning, we found out that these physical fitness trainers, most of whom are young people, are in transitional jobs themselves and it's part-time work not a career. We had law firms come down and testify and say how wonderful this fund was because in the past they would have to expend money themselves for things like conferences, meetings, lunches, or if they changed their computer software from WordPerfect to Word. They would have to pay for that, but now they can go down and tap the fund and get the fund for it. Now don't get me wrong, Mr. President, there was a stack of supporting documents from those businesses that were the recipients of the money and that had taken the money from other businesses.

"What this bill does is to make this fund and this tax permanent. I can absolutely guarantee this body that if we pass this bill, if it does become law, that this seemingly nominal 0.5 percent, which is the rate that is added currently on top of every employer's unemployment insurance tax rate, that rate will go up because the cry will be 'there's such a growing demand for these funds; we need to increase the tax rate.'

"So again, it's an example of the Legislature and the government not keeping faith with the business community. It sends the wrong message. It is a tax, and it is an opportunity for some people who have always paid for these things themselves and have the ability to pay to have other people subsidize them.

"For these and other reasons, this is a bad bill. It's a bad measure and should be killed, Mr. President. Thank you."

Senators Sakamoto, Chumbley, Chun Oakland, Fukunaga, Kim, Ihara, Ige, English, Matsunaga, Chun and Hanabusa then requested their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against the bill.

"Mr. President, there was a recent poll done by a national organization that for all intensive purposes had no political bias. It was reported in Pacific Business News. Hawaii, unfortunately for us, ranked last of the 50 states in the business investment category and there's a reason for that. The reason is bills like this that have an accumulative negative effect on the opportunity to do business in Hawaii.

"Things like this add to the reasons why Hawaii does not have a diversified economy, why we're not welcoming more businesses to our shores, and, quite honestly, why many of our young people are going to the mainland to seek opportunities in the world of business.

"Mr. President, I would like to urge my colleagues who have reservations to simply vote 'no' and we can stop this thing right now, dead in its tracks. Thank you, Mr. President."

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

"Mr. President, I am going to vote with reservations on this bill.

"I believe the intent of the bill is a good one in that there are still agriculture workers out there that are in need of training, based upon this transition from agriculture to a new economy. So I believe the intent of the bill and the purpose of the bill is still valid.

"I am concerned and I am going with reservations not because I disagree with the intent of the bill but based upon the statements made, since I wasn't here when the fund was first started, that there was a commitment made to only make it last for a four-year period. I believe, Mr. President, that is true. We should live by our commitments and so I need time to reflect upon that and to determine what happened back then.

"As far as the need and purpose of it, I believe the purpose is good, but I also believe that if the government did make a commitment to stop the fund after a certain time period, we need to abide by that also.

"Thank you, Mr. President."

Senator Inouye rose to speak in opposition to the measure and stated:

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

"Mr. President, as a small farmer and a business owner, I think this straps the hands of those who want to provide the jobs

and this certainly would help a business such as mine. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 740 was adopted and S.B. No. 733, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Inouye, Slom).

Stand. Com. Rep. No. 741 (S.B. No. 849, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 741 was adopted and S.B. No. 849, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 749 (S.B. No. 214, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 749 be adopted and S.B. No. 214, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 749 was adopted and S.B. No. 214, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERAN BURIAL GRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 750 (S.B. No. 758, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 750 be adopted and S.B. No. 758, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"We have discussed this bill for the last couple of years also. This is a bill that says that we should have people that cannot read or write English get driver's licenses more easily. Everybody talks about it in terms of the economic need for these folks to be able to drive and to get jobs. While I certainly appreciate that, every one of the people who came before us if they came from another country all confirmed the fact that if we were to go to their countries, we would be required to pass their driving test in their particular language.

"With more and more signs becoming prevalent on our highways today with more road construction and all that, I think it's extremely important, if we are truly concerned about safety, that we make sure that at a minimal people can read and write the English language.

"Thank you."

Senator Hemmings rose to speak against the measure as follows:

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

"We have a wonderful tapestry of different cultures living in Hawaii. Each one of us on this floor, the vast majority of us, can trace our ancestry to places around the world where people have come to live in Hawaii or come to live in the United States. The one thing they all did at the time was they learned English, Mr. President. We are a multicultural society, but we do have things that bind us together, and the English language is one of them.

"This is a step in the wrong direction. I might refer this body to a wonderful book that was written over a course of 4,000 years. It's called the Bible. And in the Bible in the book of Genesis, when a certain group of people in Babylon at the time decided they would build a tower that would reach high into the heavens to proclaim how great they were, God decided to punish them. He punished them by making them all speak foreign tongues and divided the people. It was a great hardship and it divided Babylon. Of course we know the parable of the Tower of Babel as is taught to us in the Bible.

"This is babble legislation and I urge this body to give real consideration to it. This doesn't unite us; it divides us. We all have our cultural practices and we're all proud. I'm certainly proud of pao doce and sweet bread and my Portuguese heritage, but I speak English and I think that everybody that comes to our islands in the future, or this country, should do the same. One language unites us, not divides us.

"Thank you, Mr. President."

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

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

"Mr. President, we're the land of aloha and all those good things that we say, multiethnic groups and all that stuff. We still support the fact that we can speak the language and we can understand the language.

"Mr. President, all the tourists that come here from Germany and all the different parts, we allow them to rent a car and drive. We're still not in an abundance of car crashes because they cannot read or write the English language. There's also the fact that the DOT has told us that all the things that are in English are not safety things, they're advisory. The things that are safety, like stop signs and those kinds of things, have all international signs.

"Therefore, Mr. President, I urge all my colleagues to vote 'aye' on this bill."

Senator Nakata rose to speak in favor of the measure and stated:

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

"I didn't intend to get into a theological discussion with the Senator from Kailua, but there are many ways of interpreting scriptures, and the Senator from Kailua has given you one, and I guess I can give you not just one other, but others. I think one part of the story of the Tower of Babel is that God did not want us to be all the same, that we are to enjoy the diversity that exists among us. That is what I would want to leave with you and why I would support this bill. We need to enjoy the diversity that exists among us.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 750 was adopted and S.B. No. 758, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 754 (S.B. No. 1599, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 754 be adopted and S.B. No. 1599, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Chumbley rose to speak in opposition to the measure and stated:

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

"The issue here is whether the police have probable cause or not to believe that the person is giving false information. Do the police have probable cause?

"The proponents of this bill argue that under existing law, a refusal to provide identification is a violation and not a criminal offense, so the most an officer can do is issue another citation or summons. In the committee report it says, in such cases, your Committee believes that the police officer should have the power to arrest a person who refuses to provide accurate information regarding their identity.

"My name is Mickey Mouse. That's what the individual tells the police officer. However, under existing State statute, Section 803-5, an officer of the law, a police officer not a peace officer, a law enforcement officer as we're going to call them, can make a warrant-less arrest pursuant to that section. That section states: 'a police officer has probable cause to make an arrest when the facts and circumstances within the officer's knowledge and of which the officer has reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that a crime has been or is being committed.' The issue here is, Is this a violation or is this a crime?

"The bill doesn't address it and I think that there are opportunities already within the existing statutes that if the police want to arrest an individual for telling them that their name is Mickey Mouse, they in fact can already.

"Thank you."

Senator English rose to speak against the measure as follows:

"Mr. President, I rise to speak in opposition to S.B. No. 1599, S.D. 1.

"Mr. President, I've been told by those close to our police departments of instances where false or misleading information has been provided by motor vehicle drivers, and I am aware that in some of these instances the drivers may do so in an effort to avoid arrest on an outstanding warrant. Yet, Mr. President, while I am sympathetic to the problems encountered by police officers in their attempt to ascertain the identity of motorists they stop, I am gravely concerned with the possibility of empowering our police officers with the authority to arrest an individual who may simply have forgotten their wallet at home that day.

"What constitutes a reasonable basis for believing that a motorist is unable to provide accurate information as to their

identity is highly subjective as currently written in this bill. For that reason, Mr. President, I will be voting 'no' on this measure.

"As a final point on this, we have to be very aware that this puts quite a bit of power in the hands of the police officer and does not come with proper guidelines for enforcement.

"Thank you, Mr. President."

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

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

"We concern ourselves about giving false information, yet we as the public when something happens we say 'Well didn't you know he had this thing and that thing two months ago and yet they allow him to drive. Didn't you know that?' The idea is, if you're going to make the policemen accountable for these kinds of actions of past experiences or past warrants, then you should give him the tools in which he needs to get those past warrants as fast as he can. Therefore, Mr. President, I urge all my colleagues to vote 'aye' on this bill.

"Thank you."

Senators Kim, Hemmings, Ige, Ihara and Fukunaga requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 754 was adopted and S.B. No. 1599, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES AND PROCEDURES ON ARREST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Chumbley, English, Matsunaga, Slom).

Stand. Com. Rep. No. 757 (S.B. No. 1011, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 757 be adopted and S.B. No. 1011, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, again I rise in opposition.

"This bill establishes the statewide planning and geographic information systems special fund. I oppose it. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 757 was adopted and S.B. No. 1011, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOGRAPHIC INFORMATION SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 758 (S.B. No. 1136, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 758 be adopted and S.B. No. 1136, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak in opposition to the measure and stated:

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

"This bill would require oil importers in the State to register with the Department of Health and maintain specific records, plus it imposes new fees on lubricating oils entering the State. I'm sure that the esteemed Senator from Hawaii Kai will notice that it establishes a special fund into which fees, permits, and penalties should be deposited. I believe that special fund will probably be just outside your neighborhood in Hawaii Kai.

"According to the Hawaii motorcycle dealers, and this is one of the reasons why I'm voting in opposition, and this quote came out in testimony and I noted it down - 'I don't believe the Department of Health has any idea how much paperwork this bill would generate. They'd have to chop down four forests to make the paper for the paperwork we'd have to churn out to save the environment.' And therefore, I vote 'no.'

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 758 was adopted and S.B. No. 1136, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USED OIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 760 (S.B. No. 1314, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 760 be adopted and S.B. No. 1314, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise to speak in favor of S.B. No. 1314, relating to the economy.

"Mr. President and fellow colleagues, this bill's direction is to stabilize and to make our economy more prosperous. Hawaii's economy has suffered in recent years due partly to the lack of economic diversity. Tourism has been the engine that drives our economy, but the seasonal nature of only one major industry has made Hawaii a party to international economic downturns. Thus, the only solution is economic diversity.

"Efforts are being made to develop other sectors of the economy such as agriculture, retail, electronic commerce and communications. Your Committee on Economic Development and Technology has also committed its efforts to develop the high technology industry.

"However, there is a need for a stronger focus on the diversification of Hawaii's economy. This bill seeks to create an economic task force to accomplish these goals. It would bring together industry, government and educational leaders to develop clear short and long-term goals with an implementation plan to build a solid foundation to move Hawaii's economy forward.

"A representative will be chosen from various groups, picked by their respective organization's members. The task force will include retail business, restaurants, hotels, public unions, private unions, business educators, high technology businesses, marketing and advertising professionals, tourism, environmental organizations and small business owners.

"By passing S.B. No. 1314, S.D. 1, all interested parties to Hawaii's economic future will have a stake in the plan. At present, there is NO statewide economic development plan accepted by the economic players. This is very similar to what we did in the year of 1993 when we formulated goals and objectives with the parties involved to protect our environmental future. Today, we have very little environmental problems because everybody was brought together. In fact, the various professions within the State of Hawaii are currently updating their environmental goals and objectives to better their future here.

"The other components of this bill to stimulate our economy are the undetermined dollars at this time to do as follows:

1. To market Hawaii's products and services internationally to establish Hawaii as the International Market Center of the Pacific.

"It has been my experience in traveling abroad that it is difficult to explain the type of products and services we have so people abroad can utilize what we have to enable us to prosper.

2. To establish a program to attract investments from the Pacific Rim countries. To allow contracts to be entered into with the assistance of the Community-Based Economic Development Program of the Department of Business, Economic Development and Tourism.

"My experience with Asian countries indicated that there is a strong desire by Asian business persons to do business in Hawaii.

3. To plan, design, and construct physical improvements which have been selected as part of an existing or emerging comprehensive, regional, multi-sector community-based strategic action planning process coordinated by the Hawaii Alliance for Community-Based Economic Development.
4. To use the issuance of general obligation bonds to extend the community-based economic development loans and grant programs to further information technology in distressed rural areas.

"I would like to emphasize that the dollars aren't determined at this time. It is also important that this bill is used as a vehicle to stabilize our economy and to make it more prosperous.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 760 was adopted and S.B. No. 1314, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 761 (S.B. No. 1501, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 761 be adopted and S.B. No. 1501, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 761 was adopted and S.B. No. 1501, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAKA'AOKO COMMUNITY DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 763 (S.B. No. 684):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 763 was adopted and S.B. No. 684, entitled: "A BILL FOR AN ACT RELATING TO FEES OF THE SHERIFF'S OFFICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 765 (S.B. No. 1183):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 765 was adopted and S.B. No. 1183, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 768 (S.B. No. 591, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 768 be adopted and S.B. No. 591, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak in favor of the measure with reservations and said:

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

"The purpose of this bill is to create a new chapter to license occupational therapists. And just as a point of information to the members here, registration of occupational therapists began January 1, 1999, and it's scheduled for repeal on December 31, 2003. In between, there will be an auditor's report to evaluate it. Essentially, occupational therapists would like to get their licenses now, before the auditor's report, so that they can have more credibility with the public.

"Now in its testimony, the DCCA said it would like to wait, as is the normal process, until the auditor's report came out. Instead of being forced to play referee, the Committee on Commerce and Consumer Protection has placed a defective date at July 1, 2020. The obvious question is why? It seems more fair to me to make the occupational therapists wait for the auditor's report just like the process that was set up for everyone else.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 768 was adopted and S.B. No. 591, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 769 (S.B. No. 1073, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 769 was adopted and S.B. No. 1073, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 773 (S.B. No. 1214, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 773 was adopted and S.B. No. 1214, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL BOARD CERTIFICATION FOR DEPARTMENT OF EDUCATION TEACHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 778 (S.B. No. 749, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 778 be adopted and S.B. No. 749, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"While I certainly encourage more work for our local contractors and residents, we have wrestled around with this bill for a number of years and what we found out is that, first of all, we had a difficult time getting a definition for state resident, and we found out that a number of local contractors who have done business here for a long time, who hire local people, in fact, would be excluded from preferential treatment under this contract. But that begs the question whether or not there should be preferential treatment anyway, because in the end, what it means is that the consumers or the taxpayers are going to wind up paying higher prices for these preferences.

"So I'm in opposition to this bill. Thank you."

Senator Chumbley rose in opposition also and said:

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

"I first want to give the gold star of the day award to the Senator from Waipahu for his persistence. It seems like every year this keeps coming back and back and back.

"Members, this bill will not help to maintain and ensure that we do get state-awarded contracts to state contractors and to residents of Hawaii. It attempts to create a definition of the contractor and the employee by developing restrictions that no less than 85 percent of its employees have to be state employees and residents with certain restrictions that time must pass before this person can bid on contracts. This is not the way to deal with the procurement law and to deal with the efficient effective spending of your tax dollars.

"In addition, the increase in the preference bidding – I think it's from 6 or 7 percent up to 13 percent – is an unjustifiable jump. If we are truly moving towards performance bidding, I

don't think you need preferential treatment at all. Therefore, I'll be voting 'no.'

"Thank you."

Senator Hemmings rose to speak against the measure as follows:

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

"Has anyone asked, Mr. President, why mainland businesses can oftentimes get a job done here in Hawaii, in the middle of the Pacific, for cheaper than companies here in Hawaii can do it? I think the answer is obvious. It's because our businesses are shackled with excessive rules, excessive regulations, excessive taxes, some of which we've heaped more on today.

"Hawaii is not a profitable place to do business. So oftentimes, mainland businesses can do business in Hawaii and go back to the mainland with the money and not have to pay the undue penalties that we pay here in Hawaii for doing business, not the least of which is also the excise tax.

"It's really amazing, when you think about it, when you pick up the phone and call one particular bank's credit card company, that you're talking to someone in Georgia because they're handling that business for the local bank. It's a big bank, by the way. Another local hotel owned and operated by local people, when you pick up the phone and make a reservation with them, you're talking to a reservation agent in California.

"So the question is obvious and the answer is obvious, Mr. President, Hawaii is a terrible place to do business. And until we fix that, measures like this aren't going to solve our problems. They're just going to continue to drive up the cost of doing business in Hawaii without addressing the real underlying reason.

"Thank you, Mr. President."

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

"Mr. President, I rise in favor of this bill.

"Mr. President, the reason why this bill came about is that I talked to the Chief Procurement Officer. We found that there are about three or four contractors out there that do not have one state resident in their employment and they are taking our state monies and are taking our state jobs from our people. We found that out and we insisted that our state monies go to our people for public jobs.

"Last year, we passed the definition of state resident which is the same as what is in this bill. We also passed a bill for state contractors which is the definition in this bill. Mr. President, we passed that for the federal jobs and military jobs. The military people have accepted this and they're in the process of making rule changes to allow this and honor our state resident bill.

"We have gone for the last six years from a minus 10 percent economy to a plus 10 percent this past year – 20 percent increase in our construction industry economy. That is quite a job compared to five years ago when we found ourselves in the worst economy for the construction industry.

"What we're saying today is that we need this bill because we have unscrupulous contractors that come from the mainland and take our jobs. Sure these guys can outbid us. They can

outbid us because they don't have to pay for the type of workman's comp insurance and premiums that we have to pay. They don't have to pay for the pre-medical that we have to as state contractors. They don't have to pay, probably, for the GET taxes that they somehow get away with by placing their supplies in the federal properties and leave without telling us that they had done a construction job here. These are the reasons why these people who are from the mainland are coming down and taking our jobs and out-bidding our state contractors.

"I'm saying they should have a fair share at the federal jobs, but when it comes to our state jobs and our state monies, then it should go to our people that live here and give them the proper wages to enjoy what the State of Hawaii has to offer for them.

"Thank you very much. I'm urging all my colleagues to vote 'aye' on this bill."

Senator Hogue rose to speak against the measure as follows:

"Mr. President, I rise in opposition, and I would like to thank the esteemed Senator from Waipahu for giving the best speech for the Republican Party that I have ever heard. Thank you very much for establishing our case.

"Having said that, it's obvious that this bill does not make common sense, and I would urge all those to vote 'no.' Thank you very much."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 778 was adopted and S.B. No. 749, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Chumbley, English, Hemmings, Hogue, Matsunaga, Slom).

Stand. Com. Rep. No. 781 (S.B. No. 989, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 781 be adopted and S.B. No. 989, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 781 was adopted and S.B. No. 989, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 782 (S.B. No. 1016, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 782 was adopted and S.B. No. 1016, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 784 (S.B. No. 1240, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 784 be adopted and S.B. No. 1240, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"This bill started out requiring a so-called living wage to be paid for any vendors or contractors doing business or performing services in excess of \$25,000 with the state government. The \$9.43 an hour wage, again, is an example of wage and price controls – just telling a business what they have to pay, but not keeping down any of the other costs that are associated with that business. It also will absolutely raise the price to consumers and taxpayers.

"The \$9.43 an hour is a very subjective figure. It has come from organizations that have done studies showing that that's what a family of four needs as a minimum to live above the federal poverty level. However, it all depends on how a particular family of four decides to live and it also depends on what the actual costs are of doing business. The contract and the marketplace, not the state government, should determine that rate.

"Thank you."

Senators Chun, Matsunaga, English, Ige, Ihara and Sakamoto then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 784 was adopted and S.B. No. 1240, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Chumbley, Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 786 (S.B. No. 710):

Senator Taniguchi moved that Stand. Com. Rep. No. 786 be adopted and S.B. No. 710, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 786 was adopted and S.B. No. 710, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 787 (S.B. No. 850):

Senator Taniguchi moved that Stand. Com. Rep. No. 787 be adopted and S.B. No. 850, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Sakamoto rose in support of the measure with reservations and stated:

“With reservations, Mr. President.

“I agree that people and organizations should have the right to strike, however, I also believe in arbitration. I think we should first try to improve the current arbitration method before we abandon it, and I believe that arbitration is not only good for the State, but also for state workers. I don’t believe state workers want to strike.

“I also believe that we would be placing the community at risk if we were to allow professional nurses, institutional, health, and correctional workers to strike in exchange for mandatory arbitration. Should these specific workers walk off the job, it would not only place the State in jeopardy, but also the individuals under their care and in fact the workers themselves who are out without their pay.

“Therefore I am voting with reservations. Thank you.”

Senators Kanno, Kim and Ige requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 787 was adopted and S.B. No. 850, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Menor).

Stand. Com. Rep. No. 791 (S.B. No. 1058, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 791 be adopted and S.B. No. 1058, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senators Kanno and Inouye requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 791 was adopted and S.B. No. 1058, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Menor).

Stand. Com. Rep. No. 792 (S.B. No. 1144, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 792 be adopted and S.B. No. 1144, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

“We go through this every year, talking about minimum wage and how much the wage should be, and how many cents it should be raised, and what period of time, and whether we should tack it on to a consumer cost-of-living. And then, of course, we look at the restaurant workers and we strip them of their tip credit.

“What we’re really not doing is helping the people that we say we want to help. If we really want to put more money in the people’s pockets, then we have to cut taxes and we have to honor our commitment for tax reduction – not take it away from them and not raise taxes. If you want to have people have more take home pay and more ability to pay, then you allow them to keep that money in the first place and not give them a few more cents an hour at the expense of business, which triples their cost, and then tax them on that minimum wage increase.

“It’s the wrong message that we’re sending. It does not solve the problem that we say we’re trying to solve. Thank you.”

Senator Hemmings rose to speak against the measure as follows:

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

“If we’re really compassionate and we really want to help the people that this bill proposes to assist by raising the minimum wage, we would want to consider why it needs to be raised. And that is because Hawaii consistently ranks as one of the highest costs of living in the nation. This is especially onerous in that our hungry pay 4 percent tax on their food to eat. Our sick pay 4 percent on their care. Our homeless, if they can rent something, get passed on to them more than likely, as all taxes are to the consumer, 4 percent for their shelter.

“If we really want to help our economy and help the people least able to afford living in Hawaii, we wouldn’t raise the minimum wage, which is going to eliminate their jobs in many cases. What we do is reduce the cost of living in Hawaii which would include eliminating the 4 percent excise tax on being hungry, sick, or in need of shelter.

“Thank you, Mr. President.”

Senator English rose in support of the measure with reservations and stated:

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

“Mr. President, through the hearings on this, we’ve heard that we need to pay a living wage. We’ve also heard that we need to pay a just wage. Employers have told us that the cost of doing business is too high. This measure may reduce worker’s hours or force them to reduce staffing.

“Mr. President, I feel that we should raise the minimum wage, however, we should keep the tip credit in here. This bill does not do that. So my reservation is that we should really consider putting in the tip credit because this will help the people that we want to help the most – the poor, the people without education that want to enter the job force. This is one of the areas that they can enter if they have the tip credits. They could enter into the restaurant business at a little lower rate than the minimum wage but it will be made up in the tips.

“Mr. President, this is the basis for my reservation. Thank you.”

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

“Mr. President, the existing minimum wage of \$5.25 for an hour . . .”

The Chair interjected:

“Senator Nakata, for what purpose do you rise?”

Senator Nakata responded:

“To speak for the bill.

“At \$5.25 an hour, we’re talking about a wage that’s under \$12,000 a year, under \$1,000 a month. We’re talking about social justice here. Even the living wage, the \$9.43, even that is around \$20,000 and that’s based on a family of four. The federal poverty level for a family of four is in the neighborhood of \$16,000 a year, which I believe works out to somewhere around \$8.00 an hour. This is the kind of situation that we’re talking about.

“I think in the State of Hawaii we are people who care, and to talk about not approving an increase to \$5.75, which would still be less than \$13,000 a year, I don’t think it’s just. I know it may not make economic sense, but I think we do need to be looking at the needs of our people. \$5.75 is not something that’s going to break the bank. Most employers say that they pay more than that anyway.

“Although the common perception is that most of these workers are teenagers, that’s not necessarily the case. There are many women with young children who are on these wages. So I would ask you to support this increase. Thank you.”

Senator Sakamoto rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this measure, opposition on two counts.

“One previously mentioned is the tip credit. I talked to one restaurateur who showed his statistics from his restaurant. If indeed the minimum wage were here, he said many of his employees who are tipped employees make double or triple that amount when you include their tips on what they claim. He said they were claiming 8 percent. I tip more than 8 percent, in fact double that usually.

“So, Mr. President, the tipped employees that are very successful or even moderately successful, certainly if indeed the tipped employee including tips gets Z amount, I think a reasonable tip credit based on a portion of what they’re tipping would help. And he said the 20 cents an hour, or 25 cents, or 30 cents that he would save, if indeed there were a tip credit, he could pay his dishwasher more, who doesn’t get tips, he could pay some of the employees who don’t get tips more. The tip credit is very important not to help so much the employee who gets tips, but those who don’t.

“He said some of the employees who get tips don’t even pick up their paycheck because their tips are big money, and in fact their minimum wage money gets used for the taxes they owe. So on that account, I vote ‘no’ on that part.

“The second part, certainly we care. Whether an employer or not, we care. I don’t want to make this bill seem that if we’re not in favor of this bill that we don’t care. But I want your grandson, your daughter, your son, your neighbor to be able to get a starter job in this economy. You start low and you do well and you earn it.

“We talk about caring, welfare to work. We talk about 3,000 people coming off a system. For some of them to stay on the system right now, they’re volunteering for this state government at zero dollars. And now we want private employers to hire them. They’re volunteering for zero dollars, trying to get trained, and we want them to be hired and earn their money.

Help them by not raising the barrier for employers to hire and if they do well, as you stated, Senator from Kahaluu, most employers as the employees do better – here, 50 cents an hour more; here, a dollar more.

“I don’t have anybody at minimum wage, but certainly, many employers do. Let’s give those who are starting, those who are transitioning out of welfare, a lower barrier as opposed to a higher barrier.”

Senator Chumbley rose in support of the measure with reservations and stated:

“Mr. President, I rise to speak in support of this measure with reservations.

“Although during the caucus discussion on this measure I had told the Chair that I had opposition to this, I think that some of the comments he made on the floor today were very compelling. They were very compassionate and I wish that a lot of us could dig deep inside our hearts and be as compassionate as this gentleman has been in the past to people he doesn’t even know, to people whom he’ll never meet in his life.

“I do have concerns about the bill, and the concerns are only over the dropping of the tip credit. I believe that we can work with the Chairman of the Committee to have those tip credits reinstated as the measure comes back from the House. I think that is a balance to this issue, and I think it’s time that we raise the minimum wage. So I ask you to support this.

“Thank you.”

Senator Chun rose in support of the measure with reservations and stated:

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

“Mr. President, we’ve heard arguments, pros and cons, about raising the minimum wage. We’ve heard that if we raise the minimum wage we’re going to see a reduction in employment. We’ve also heard that if we raise the minimum wage that we’re not going to see any negative impact, in fact we’re going to see a prosperous workforce.

“Mr. President, to be totally honest, we don’t know. The evidence out there, the reports out there, are varied at best. They’re confusing and they don’t really give us any insight as to what’s going to happen. But I think the bottom line really is, Are the employees here in this State earning enough to make a living? I’m not an advocate for the living wage. I went with reservations on the last bill that talked about that. But I don’t believe really when you look deep down inside that a raise of the minimum wage to \$5.75 an hour is going to bankrupt anybody.

“I also don’t have concerns about taking the tip credit away. I’ve heard discussions about the employees who make tips make more in tips than they make in wages. Also, I’ve heard situations where certain restaurants also take the tips away from the employees and distribute it among their other employees in a manner they see fit. One way or the other, I don’t really know what’s going on there.

“I think what we need to do is take a stand, one way or the other. We need to look at how the employment is affected after that and go on from there. If it needs correction, we will correct it after that. But for us to sit on the fence and do nothing, because we don’t know what the impact is, is unforgivable. We

need to take a stand. We need to set a direction and then adjust accordingly.

"So, Mr. President, I believe this bill does that. I support it. I believe that as it goes on further in Conference, we need to talk about the tip credits. We need to talk about using the CPI as some kind of gauge. I'm not quite convinced that is the best way to tag on the minimum wage, but I think it takes a direction and we need to move off the dime and not let indecision guide our ways.

"Thank you, Mr. President."

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

"Mr. President, I have reservations on this bill.

"I support raising the minimum wage and oppose deleting the tip credit."

Senator Slom rose and said:

"Mr. President, if I might make some rebuttal in further opposition to this bill.

"We've heard a lot of words today. And what I hear over and over again is that we don't know. Well, the people that are in business, they do know, and they've told us. For my colleagues who do not know how to meet a payroll and don't have that responsibility, I can understand the lack of knowledge and lack of experience. But for those of us who do meet a payroll and do know what the costs are, let's go over a few things – basic minimum wage 101.

"First of all, whatever wage is paid, you can add to that in the State of Hawaii an additional 35-65 percent in additional mandates. For example, if somebody is getting \$6.00 an hour, you can add to that the cost of worker's compensation, unemployment compensation tax, temporary disability insurance, all of the other mandates that the employer must pay – amounts that are not paid for by the employee. These are state mandates. In addition to that, you're paying matching dollar for dollar social security taxes that the employee has taken out from his or her salaries. So when you want to talk about what a person is earning, you really have to talk about the total compensation and not the wage.

"Secondly, this is, as was stated by the good Senator from Moanalua, an entry level wage. It is a training wage. It is not meant to be a living wage. How many people, however, qualify or are encumbered by this wage? The Department of Labor doesn't know because they don't do any statistics for themselves. They rely on one professor at the University, funded by the labor unions, and he comes up with a figure based on a survey. His survey shows that less than 3 percent of total employees of over 500,000 in the civilian labor force earn the minimum wage. But that's a snapshot in time because the number and the individuals that he would look at say in February 1st would not necessarily be the same individuals in March 1st or April 1st, because people change. They either change jobs, they move up, they get increases or whatever.

"So I think we have to look at this. And employers, particularly those in the restaurant industry, have told us that if we continue to raise the total compensation cost, what it does is it makes the determination for them to either hire or not hire new employees and to keep or not keep the same amount of existing employees and not to have a certain amount of money which they can share with other employees. That's something that we have to consider. And that's a fact. There's no doubt

about that by anybody that meets a payroll and anybody that has employment.

"When we talk about being just and being compassionate, I've always found out that in this Legislature it's real easy to be compassionate with someone else's money and someone else's life. If you really want to be compassionate, then I would suggest to my colleagues that think something's wrong here to go out and start a business tomorrow in the State of Hawaii and pay your employees \$15.00 or \$20.00 an hour or \$30.00, give them all the time off that you want, give them all the benefits that you want, and see if you're still in business by the end of the week.

"There is a disconnect here between the reality of doing business in this State, the actual amount of costs, and what you have to do. Otherwise, there'd be more people going into business all the time and saying 'Wow, what a wonderful place this is to do business.' But this Legislature makes it extremely difficult, and when we have people that come in here and testify to us, we don't listen to them. And particularly in the restaurant industry they have told us how important the tip credit is. Why should we pass this bill today in hopes that maybe some later date we'll put it back in? We put it in; we take it out; we put it in; we take it out. We adjust the figures all the time, but we don't listen to the people that have created the jobs.

"So if we really want to be just and we really want to be compassionate and, as the good Senator from Kahaluu said, 'to meet the needs of our people,' then let's consider the needs of all of our people including those small and large businesses that take the risk for us every day, that reach their own hands in their own pockets to create jobs and welfare and contributions and income in this community, instead of us always trying to find ways to make it more difficult for them. And that's why I'm voting against this bill and I urge my colleagues to do the same.

"Thank you."

Senators Matsuura, Chun, Matsunaga, English, Ihara, Fukunaga and Chumbley then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 792 was adopted and S.B. No. 1144, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM WAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Ige, Sakamoto, Slom).

Stand. Com. Rep. No. 795 (S.B. No. 1379):

Senator Taniguchi moved that Stand. Com. Rep. No. 795 be adopted and S.B. No. 1379, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"This bill allocates money, albeit it's crossed out to zero right now, to fund much needed salary increases for our teachers. I find it quite ironic that we're willing to pay for education twice, in prior bills, by bringing retired teachers out of retirement and paying them for being retired but pay them again to go back into teaching while we continue to maintain payment for new teachers at a very low level. Where does the

money come from? I've tried to talk today about proposed solutions or alternatives to business as usual.

"The Catholic Church is a good example of what good management is in the education system. They have 44 schools, Mr. President, approximately 12,000 students, and they do not have a Department of Education. I think one of the people on the Board of Education brought to bear the point that they're spending \$1.2 billion a year. They're not sure how they're spending it, but they're sure it must be spent well. Well I can tell you they're not spending enough in the classroom with the children and with the teachers. The money for education has doubled in 11 short years since I was here at the Legislature, and the system has continued to deteriorate.

"Where can the money come from? As far as I can determine by figures from the Department of Education, we have about 300 bureaucrats at work in the centralized system. Their salary ranges range anywhere from \$30,000 to \$65,000. But let's take the low level of say \$40,000. If you multiply that times 300, you'll have over \$12 million. Those people aren't teaching kids; they aren't doing anything other than occupying a job in that hidden monster in government – bureaucracy. Let's put that money, those resources, back in the classrooms.

"There are common sense solutions in how to manage our public education system. The value of teachers should not only be determined by the supply and demand factor, but they should also be determined by the value of teaching for the welfare of this State. Teachers deserve more pay. We have to find the money to do it. It's there. Let's get the job done.

"Thank you, Mr. President."

Senator Taniguchi rose in support of the measure as follows:

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

"Mr. President, I guess my colleague from Kahala has found, possibly, \$12 million. We still need over 200 more or \$290 million more, so I hope he will continue to help us on the Ways and Means Committee.

"Thank you."

Senator Hemmings rose and said:

"Mr. President, I rise on a point of rebuttal. Well, not actually rebuttal, I'm in total agreement, Mr. President.

"I welcome the opportunity to find hundreds of millions of dollars of additional savings that could be passed on to the taxpayers and also to fund much needed programs like this. I just might, since you brought it up, bring up a little example – I'm going to a press conference tomorrow at one o'clock in Waimanalo where the illustrious State of Hawaii spent \$12 million building a reservoir in 1993 that's empty and hasn't been completely full since then. It's a huge liability and our DLNR has broken federal environmental protection laws by trying to fix it without the necessary permits. It's created an erosion and public safety problem.

"Oh, Mr. President, I look forward to helping the Chairman of the Ways and Means Committee find additional money. The attrition rate in public employment is 4 percent. If you didn't rehire those jobs and we had the ability to shift jobs where the work is needed from where it's not needed, just through attrition we could save the State roughly \$200 million a year. The money's there. The taxpayers are being generous. What we have to do is be a little more official in just saying no to the spending we shouldn't be doing.

"Also, my good colleague from Manoa, I moved. I'm in the Koolaupoko district now. I couldn't afford to live in Kahala anymore. It's real difficult and expensive living in this State.

"Thank you, Mr. President."

Senator Taniguchi rose and said:

"Mr. President, I apologize for the wrong district. I remember Senator Hemmings in the House, and just as he called you Speaker, I forgot that he had moved up to the Senate.

"Mr. President, we have a long way to go as far as our budget and finding money for teachers. And like I said, if the Senator from Waimanalo has a list, we'd be very happy to entertain that and look at that in our Committee.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 795 was adopted and S.B. No. 1379, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 796 (S.B. No. 1635):

Senator Taniguchi moved that Stand. Com. Rep. No. 796 be adopted and S.B. No. 1635, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in support of the measure with reservations and stated:

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

"The measure purports to add full-time temporary legislative staff to the employees' retirement system. I have no objection to that. My problem is that there's no indicated figure as to how much this costs. Again, I'm going to say that if we're going to pay for something, we should know what the costs are before we're asked to vote for it.

"Thank you."

Senator Kim rose in support of the measure with reservations and stated:

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

"The bill does not say how long the retroactive period is, when it begins, and also what the impact may be. So that's my reservations. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 796 was adopted and S.B. No. 1635, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 798 (S.B. No. 879, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 798 was adopted and S.B. No. 879, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 799 (S.B. No. 1122, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 799 be adopted and S.B. No. 1122, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak against the measure as follows:

"Mr. President, I'm forced, once again, to stand and vote against a measure.

"Even though I fully support what the Disability and Communications Access Board is doing, I cannot support the creation of the Disability and Communication Access Board special fund. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 799 was adopted and S.B. No. 1122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISABILITY AND COMMUNICATION ACCESS BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 800 (S.B. No. 1325, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 800 be adopted and S.B. No. 1325, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, this is easier to stand up and oppose.

"This bill seeks to take a portion of the state conveyance tax and dedicate it to state funding to assist the homeless. I think that's a wonderful thing to do to assist the homeless. The only problem is this Legislature several years ago raised the conveyance tax in order for the Bureau of Conveyance to buy computer and software equipment to make their operations more successful. Then we again raised the conveyance tax so that they could have more employees to do the things that they want to do. Now we're going to take more of that money and we're going to dedicate it to an entirely different purpose, and that is to assist the homeless. And then they'll be back next year asking for more money and a higher tax rate because now they're involved in assisting the homeless.

"I think the conveyance tax, the Bureau of Conveyance should stick to doing what they're supposed to be doing, and that is the recordation of the transfer of legal documents. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 800 was adopted and S.B. No. 1325, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE

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

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

S.B. No. 483:

On motion by Senator Menor, seconded by Senator Kanno and carried, S.B. No. 483, entitled: "A BILL FOR AN ACT RELATING TO RESTRAINT OF TRADE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 938, S.D. 1:

Senator Menor moved that S.B. No. 938, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

Senator Hogue rose to speak in opposition to the measure and stated:

"Mr. President, I'm rising in opposition of this bill.

"This bill would raise the minimum motor vehicle liability coverage from \$20,000 to \$25,000 per person, and from \$40,000 to \$100,000 per accident. This bill is supposed to help victims of car accidents get money to compensate them for their injuries. But what it does is it actually raises premiums that are already amongst the highest in the nation; it increases the uninsured motorist population as people drop this more expensive coverage; it increases the number of lawsuits filed; and encourages even more lawyers to specialize in this area due to higher fees.

"I urge you to vote 'no.' Thank you."

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

The motion was put by the Chair and carried, S.B. No. 938, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Chumbley, Fukunaga, Hemmings, Hogue, Ige, Ihara, Matsunaga, Slom).

S.B. No. 1066, S.D. 1:

Senator Menor moved that S.B. No. 1066, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga,

Senator Hogue rose in support of the measure with reservations and stated:

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

"We had testimony in the Commerce, Consumer Protection and Housing Committee that indicated if this bill moved forward, as initially written here, it could put HMAA and other smaller carriers out of business. I'm sure that's not intended. There is a defective date on it, but I recommend that we watch this bill very carefully. That's not what we want to do.

"Thank you very much."

The motion was put by the Chair and carried, S.B. No. 1066, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 810 (S.B. No. 171, S.D. 2):

On motion by Senator Menor, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 810 was adopted and S.B. No. 171, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 723, S.D. 1:

Senator Kanno moved that S.B. No. 723, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose in support of the measure with reservations and stated:

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

"I'm concerned about the over-broadness of this measure. The bill originally was supposed to be limited to violent offenders, but the draft affects victims of any adjudicated juvenile violator or convicted adult defendant. It provides for disclosure whenever the person has been convicted or adjudicated, but this presumed probation might not always be the case. The language, I think, needs to be more specific in this bill if it was intended to address victims of domestic violence.

"Lastly, this bill, as the judiciary testified, will test its limited resources.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 723, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 28:

Senator Nakata moved that S.B. No. 28, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"This extends the mandatory employer notification of a closing, partial closing, or relocation of a business if it has 50 or more employees from the current 45 days to 90 days. The interesting thing about this measure is the State Department of Labor testified against it and said it was not only not necessary, but it would be harmful to businesses. I feel that that argument is a compelling one as well. There's no justification for requiring this.

"When a business must give this notice three months or more in advance, including relocation, what it does is it provides concerns among employees, among customers, and among vendors. And it may disturb the already tenuous business.

"Thank you."

Senator Sakamoto rose to speak in opposition to the measure and stated:

"Mr. President, I also rise in opposition.

"Similar to the remarks from the Senator from Hawaii Kai, this extended period is unreasonable because most businesses relocate or close for financial reasons. It will place undue financial hardship on employers who have to stay open for an additional 45 days if that's how they choose to come under the terms of the law. Such notification may be unfeasible for employers who close due to unforeseen circumstances and wouldn't allow them to give their employees the 90-day notice.

"In other instances, a business may take a period of several years to close and this proposed 90-day notification may cause employees to prematurely seek other employment, which would have a dire effect on those employees remaining, as well as the business itself.

"So, Mr. President, I think there are already provisions in the current law 45 days, and adding more to that will not help businesses, in fact it will not help the employees themselves, and if they indeed stay the 90 days, it will add more turmoil in their lives as well, Mr. President."

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

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

"Mr. President, this bill intends to increase the closing notification period from 45 to 90 days. Yes it is true that the Department of Labor did testify against it, but the people, they are missing the point of this. They are looking at the forest and not looking at the trees.

"The intent of this bill and the intent really of the entire dislocated workers provision is to get the workers back working as soon as they can. In order for us to do that, the State needs to step in and have as much information as they can.

"Case in point is the AmFac closure which just happened recently. The AmFac basically had 400 workers that were displaced by the closing of that plant. Those 400 workers all go on unemployment insurance benefits. They all will get paid from the State. They all will get their benefits. However, they will continue to get benefits until they find work.

"What has the Department of Labor done to assist those people in getting work? I attended one of the early meetings that the Department of Labor had with the AmFac workers to find out what was being offered to assist them either in finding new jobs or getting retrained. At that first meeting, the Department said we don't have anything. When I asked the Department, Do you have any lists of jobs opening that they can go to right now so that they won't be able to miss a paycheck so they can meet their bills? The answer was no. When I asked them if they knew exactly what kind of training they can offer through their ETF fund to assist these workers to be trained so they can get new work without missing a paycheck, the answer was, we don't know what kind of training is out there because we don't know what kind of jobs are out there.

"Mr. President, that kind of rapid response is not the kind of rapid response that I would anticipate from our Department of Labor that I anticipated from a department that said we don't need this tool. Mr. President, what has happened in Kauai and which I think will happen again and again as we see more of these closures is that the private sector, bless their heart, has stepped in.

"Just today I got a newsletter from the Contractor's Association of Kauai and they noted that there was a problem with 400 workers that could not find jobs, that didn't have any assistance from the Department of Labor, that didn't have any training from the Department of Labor. And they stepped in and they formed their own training program within a 90-day period. That's how long it took them. It took them from the end of 2000 to February of 2001. They came up with their own program. And what they've done is they did training programs to assist people to get retrained to work in different fields. And now they're having basically five classes with approximately a maximum of 15 employees each. So they're basically training 75 workers right now to get new jobs. All of this was done by the private sector in conjunction with the community colleges.

"That's the kind of response we need. But that took time. It took time, at least 90 days to get that done. Once these people are employed after that kind of training, they get off unemployment, which means it saves everybody money. That's what we're trying to look at. And that's what the intent of this bill is -- to give the government some time to come up with training programs, time to find out what jobs are out there, time to figure out exactly what is needed to get people back to work.

"Now if our Department of Labor can't do that, then yes, I think our private sector should step in. I'm really thankful for the Contractor's Association of Kauai to do that. But I think this bill is necessary because we all know that doing these things for so many people who are leaving work we need all the time we can get. And I think by doing this, by getting them back to work, we will save ourselves money from the unemployment benefits that we don't have to pay.

"Thank you, Mr. President."

Senator Sakamoto rose again to speak in opposition to the measure and stated:

"Mr. President, I don't know what forest or what trees the Senator from South Kauai is talking about. If we cut down enough trees, maybe we'll see the forest. Is that it?

"Mr. President, Karen Takeda and the Contractor's Association of Kauai . . . very good. Private businesses doing what they can do, not government. It's been no secret, for years we have known about the demise of sugar. How much more warning do people need? It's no secret when plantations close.

"This bill talks about 50 employees. That's small companies. In fact, companies that are contractors on Kauai may relocate, and what does that mean? They need to say 90 days? In fact, some jobs don't even last 90 days.

"Mr. President, I would like clarification on what forest and what trees I don't see. The unemployment compensation? That's not paid for by government. The employers and the workers put money in based on the employees they have, and the ETF money goes in there too based on a surcharge to that. That's money from employers and employees.

"The Department of Labor should do their job, but it's not their job to hire anybody. If we want people who are dislocated

to have job opportunities, we need to allow businesses to survive and indeed thrive in this State, and let's go in that direction."

The motion was put by the Chair and carried, S.B. No. 28, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Chumbley, Hemmings, Hogue, Ige, Ihara, Matsunaga, Sakamoto, Slom).

Stand. Com. Rep. No. 819 (S.B. No. 331, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 819 be adopted and S.B. No. 331, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hogue rose to speak in favor of the measure with reservations as follows:

"Mr. President, I apologize for rising here. I realize the hour is late, however, I just wanted to pass along this little story here about this particular bill. I'm rising in favor of the bill with reservations.

"There was a big problem in the testimony in this particular situation in the way that the DCCA talked with the tenants. I think that people should just be aware of that and that we should talk about communication because there is a tremendous lack of communication.

"What essentially this bill does is it speeds up the judicial process from 18 months to as little as 4-6 months, but it does not help the residents really learn a little bit more about responsibility. There was one story reported about a family that was evicted because they squandered the rent money because they spent it on a baby luau. Obviously, the DCCA could do a little bit more helping the people that need it most, rather than being expedient.

"Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 819 was adopted and S.B. No. 331, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ige, Ihara).

Stand. Com. Rep. No. 826 (S.B. No. 981, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 826 be adopted and S.B. No. 981, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 826 was adopted and S.B. No. 981, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ihara).

S.B. No. 759, S.D. 1:

Senator Kanno moved that S.B. No. 759, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

“This bill repeals the current joint tortfeasor law. It does not provide any joint tort reform, as many of us have been advocating for years, and it does not do anything to lower the cost of the litigious society which we’ve developed here, nor does it do anything to separate out the individual responsibilities within lawsuits.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 759, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TORT ACTIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Ihara).

S.B. No. 1529:

Senator Kanno moved that S.B. No. 1529, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose in support of the measure with reservations and stated:

“Mr. President, I support this legislation with reservations.

“My reservations have to do with the requirement that a family or household member who knows or has reason to believe that an adult who is unable to obtain medical treatment or due care must provide that information promptly. There are too many vagaries in the bill, and I don’t like the mandatory requirement. I think what it may do is have the opposite effect and have people not get involved as they should.

“Thank you.”

Senators Hogue, Ige and Fukunaga then requested their votes be cast “aye, with reservations,” and the Chair so ordered

The motion was put by the Chair and carried, S.B. No. 1529, entitled: “A BILL FOR AN ACT RELATING TO DEPENDENT ADULTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1607, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1607, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BURGLARY IN THE FIRST DEGREE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 653, S.D. 1:

Senator Menor moved that S.B. No. 653, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Hogue rose in support of the measure with reservations and stated:

“Mr. President, I rise to speak in favor of this bill with reservations.

“This measure is another one of those cases where we as Legislators end up having to play something that we really don’t like to play, and that is referee . . . this time in a dispute between the major oil companies and some of their dealers.

“What this bill does is partially repeal the so-called divorce law which was set up a few sessions ago to protect against the oil companies owning their own dealerships. It sounded like a good idea, but because times are tough in the service station business, several dealers would like that law repealed. Others who are adamantly against the oil companies do not.

“The Committee has recognized this dilemma by accurately putting a defective date on this particular measure, but I say we really need to fish or cut bait, really, before the end of the Session. Let’s either repeal the divorce law right now or do nothing. Let’s not go halfway.

“Thank you.”

Senators Slom, English, Hemmings, Hanabusa, Taniguchi and Matsuura then requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 653, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GASOLINE DEALERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1067, S.D. 1:

Senator Menor moved that S.B. No. 1067, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senators Slom, Hogue and Hemmings requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 1067, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LIMITING HURRICANE PROPERTY INSURANCE RISK,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 4:32 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:40 o’clock p.m.

Stand. Com. Rep. No. 837 (S.B. No. 593, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 837 and S.B. No. 593, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY,” were recommitted to the Committee on Commerce, Consumer Protection and Housing.

Stand. Com. Rep. No. 838 (S.B. No. 900, S.D. 2):

On motion by Senator Menor, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 838 was adopted and S.B. No. 900, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE APPLICATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 839 (S.B. No. 1038, S.D. 2):

Senator Kawamoto moved that Stand. Com. Rep. No. 839 be adopted and S.B. No. 1038, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 839 was adopted and S.B. No. 1038, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 239, S.D. 1:

Senator Kawamoto moved that S.B. No. 239, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kanno.

Senator Chumbley rose to speak in opposition to the measure and stated:

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

"While I have no concerns over the re-definition of the Chinese New Year and support that portion of the bill, I think that subsequent sections of the bill contain simply excessive penalties. Making it a class C felony and increasing the fines up to \$5,000 and a two-year term of imprisonment go far, far, too far, Mr. President, in the way of penalties.

"For that reason, I vote 'no.' Thank you."

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

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

"Mr. President, last year we had a good bill. We passed it out. We did the thing that we said it was going to do – cut down 30 or 40 percent of the smoke and fireworks. But we had one glitch with somebody out there. There may have been a lot of people out there but we caught one guy – a guy who had 180 pounds worth of illegal fireworks and was selling it. After that, we caught him and I asked the prosecutor's office, What can we expect from penalties on this individual? Who is being charged with a class C felon? Mr. President, the prosecutor said, 'without any priors, he may get a \$2,000 fine.'

"Mr. President, these guys are making \$75,000 to \$100,000 in three months. A \$2,000 fine is not a deterrent. He's going to go out and say 'that's the cost of business' to his friends, and we're going to have multiples of these people out in the community selling these illegal fireworks and being the thorn

on our backs as far as fireworks are concerned. We need to set an example.

"I went over to the prosecutor's office and said What can we do? He said you can amend the bill, charge them with a class C felon with a minimum sentence. And that's the minimum sentence. My colleagues, two years in jail, \$5,000, is not even a dent. If those fireworks had gone off in Pearl City, we would have lost three houses and probably killed about five people if all the aerals went off. That, we're saying, equates to two years in jail. So that's not a small sentence, as indicated. This is a sentence to tell people out there don't – DON'T DO ILLEGAL FIREWORKS. Don't do or sell things that can kill people.

"Thank you very much. I urge my colleagues to vote 'aye' on this bill."

Senator Chumbley rose again to respond as follows:

"Mr. President, I don't want to turn this into an explosive issue, however, I think I do want to draw the attention of my colleagues to the language on page 5 of the bill. As written last year and as adopted into law, the specific individual that the good Senator from Waipahu was speaking about, who had imported 180 pounds of aerals as he described, was therefore subject to a class C felony. If we have a problem with the prosecutor's office, which is not properly charging those individuals who under the law should have been charged with a higher crime, then it's a prosecutorial problem, it's not a statute problem.

"With this amendment, the individual who has one single aerial – no matter where they got that aerial from – then becomes guilty of a class C felony. That is just too extreme and goes way too far.

"Thank you."

Senator Kawamoto rose and said:

"Mr. President, again a rebuttal.

"A class C felon – maximum 5 years in jail, \$10,000 fine . . . it was not the prosecutor's fault. It was when he brought the charges up, the courts decided, because he didn't have a prior, that he's going to get just a fine of \$2,000 – a slap on the hand. That's the problem. And the problem comes when this individual goes out to his friends and says, 'hey, I don't have a prior, you don't have a prior, go out, make \$100,000 and you may get a \$2,000 fine. No problem. I'll do that.' And it's not the guy with only one aerial that's going to do that. It's these guys that have 200 and 300 pounds of aerals selling big bucks.

"The year before, there was an estimated \$15 million going across the table in three months. Mr. President, this is a serious thing. Lives have been lost. We need to curtail this kind of activity.

"Thank you."

Senator Ige rose and said:

"Mr. President, I'd just like to note my reservations on this measure."

The Chair so ordered.

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

The motion was put by the Chair and carried, S.B. No. 239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chumbley).

S.B. No. 500:

Senator Kawamoto moved that S.B. No. 500, having been read throughout, pass Third Reading, seconded by Senator Chun.

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

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

"Mr. President, I'm so pleased with this bill, that we have gone back and taken the original name of a place – Kawaihapai – and returned the name to this airfield. Kawaihapai means the lifting waters, or the uplifting waters. Mr. President, for many of us, we've known this area as Dillingham Airfield, but now we are respecting the first peoples of these islands by going back to its original name, Kawaihapai, and calling this place Kawaihapai Airfield. This is what we should be doing throughout the islands – recognizing the original names of places – because the names embody the spirit of that particular place.

"So, Mr. President, I support this measure wholeheartedly and thank the introducer for doing so. Thank you."

Senator Hemmings rose to speak in favor of the measure with reservations as follows:

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

"Mr. President, Dillingham Airfield pays tribute to a historic figure in Hawaiian history. And it also is a historic site in that it's the only airfield in Hawaii that got an airplane off the ground in the December 7th attack on Pearl Harbor.

"I believe in many cases we can restore Hawaiian names to Hawaiian places. Probably the best example would be a very famous surfing spot called Palumalu, which has a wonderful, wonderful legend to it. It's a surfing spot that's world-renowned. Unfortunately, its name is now called Sunset Beach. I wonder if renaming Dillingham Airfield has more to do with political correctness rather than necessity, in changing the name. There are many other sites that have names like Sunset Beach where we could restore the Hawaiian name. I'm wondering if we should be attacking the names of places randomly, item by item with legislation at the State level.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, S.B. No. 500, entitled: "A BILL FOR AN ACT RELATING TO DILLINGHAM AIRFIELD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 995, S.D. 1:

Senator Kawamoto moved that S.B. No. 995, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kim.

Senator Chumbley rose to speak in opposition to the measure and stated:

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

"This is yet another measure that attempts to deal with immunity from liability in a very, very curious way. It allows for the State to have no responsibility at all for those vehicles traveling upon a highway that are exercising reasonable caution and care, and it creates direct individual obligations for those who fail to be reasonable when they drive by falling asleep at the wheel or being intoxicated.

"This is very problematic as drafted, Mr. President, and is going to result in extensive litigation. It's just not a well-crafted measure that's going to need a lot of work. If we do want to provide immunity for the State and limit the situations like this, then I would say that this is not the approach.

"Thank you."

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

"Mr. President, I rise in favor of this bill.

"Mr. President, this bill seeks to protect the State and the Counties and also, as amended, the public utilities from liability in cases involving highway accidents in which the driver at fault for the accident was speeding and under the influence of alcohol and drugs. Clearly, the State and County should not be found at fault for the accident when hundreds, thousands, or even millions of drivers a year drive over the same roadway safely and exercising reasonable care. The State, Counties, and the utility people should not be liable when a driver loses control, was speeding and intoxicated.

"Long ago, a former Senator from Hilo, the late Senator Dick Matsuura, he always told me 'Kawamoto, you've got to pass common sense bills.' Well, this is one for you, Dick, because this is a common sense bill. Thank you."

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

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

"I have been swayed by the common sense rhetoric of the gentleman from God's country. And who could vote against a bill, other than the Senator from Maui, that finally has truth in labeling? It is called litigation highways. It is the lawyer's panacea, so I support it wholeheartedly, Mr. President.

"Thank you."

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

Senator Chun rose in support of the measure with reservations and stated:

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

"Mr. President, I believe the intent of the bill is well-meaning. I think we do need to take care of the situations where people drive recklessly on our roads where they're

driving under the influence or exceeding the speed limit. Our roads were never designed to handle safe traffic at any old speed. It was never designed to safely keep individuals who are drunk on the road without hurting themselves, and the law needs to recognize that.

"However, I do understand the concerns raised by the honorable Senator from Maui. I believe it goes a little bit beyond what could be done to solve this problem, but I believe as this bill progresses, if it does progress in the House, we could probably talk about a little bit more narrow ways of limiting liability on the part of the State and the Counties.

"Thank you, Mr. President."

Senators Menor, Ige, Ihara, Fukunaga, Tam, Hanabusa, Matsunaga, English and Taniguchi then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 995, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LITIGATION HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chumbley).

S.B. No. 1094, S.D. 1:

Senator Kawamoto moved that S.B. No. 1094, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kanno.

Senators Taniguchi, Kim, Ige and Menor requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 1094, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chumbley).

S.B. No. 1201, S.D. 1:

Senator Kawamoto moved that S.B. No. 1201, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senators Kanno, Ihara, Menor, Hogue and Slom requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 1201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chumbley).

Stand. Com. Rep. No. 854 (S.B. No. 1531, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 854 be adopted and S.B. No. 1531, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I speak in favor of this bill.

"This year, Mr. President, your Committee on Agriculture toured the State and heard from farmers and ranchers about the many agriculture lease problems that they are currently experiencing in the administering of agriculture lease negotiations by the Department of Land and Natural Resources, Land Management Division. Your Committee on Agriculture had extensive discussions with farmers, the Department of Land and Natural Resources, and the Department of Agriculture in the hearing on public lands and the administering of agriculture leases on public lands.

"This bill was amended to leave the public lands with the Department of Land and Natural Resources and the administering or the disposition of agriculture leases with the Department of Agriculture. Both departments and the farmers are agreeable with the amendments.

"Thank you, Mr. President. I ask my colleagues to vote in favor of this bill."

Senators Chumbley, Hemmings, Ige, English and Ihara requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 854 was adopted and S.B. No. 1531, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 856 (S.B. No. 1070, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 856 be adopted and S.B. No. 1070, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Tam rose for a conflict ruling as follows:

"Mr. President, I have a conflict of interest. I have a life insurance license."

The Chair ruled that Senator Tam was not in conflict.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 856 was adopted and S.B. No. 1070, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION COURSES AND COURSE PROVIDERS FOR INSURANCE LICENSEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 857 (S.B. No. 1072, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 857 be adopted and S.B. No. 1072, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise to speak in favor of this particular Hawaii Hurricane Relief Fund bill with reservations.

"I probably don't have to tell this esteemed body that the Hawaii Hurricane Relief Fund is a very volatile measure. I

know that I've heard volumes from my constituents, and I'm sure that many of you have as well. Most of them really don't give a hoot about mortgage fees which have been accumulative of up to \$52 million in this fund for the past several years, or assessments which have been accumulated to the amount of about \$178 million, or insurance premiums which have accumulated to the amount of about \$315 million, or re-insurance payments which have accumulated to the amount of about \$359 million that the State has had to pay back.

"My constituents don't care about that. I know I've tried to tell them about it. They don't care. They just want their money back.

"Essentially, this bill only has to do with a part of that. It purports to suspend the collection of special mortgage recording fees by the Bureau of Conveyances. For that, it sounds like a no-brainer. However, those fees could be resurrected in a short time. A testifier for the Board of Realtors said it best when they opposed this measure, I'm quoting from the Committee, 'either the fund is open or it's closed.'

"My recommendation would be to stop the collection of mortgage recording fees immediately and refund the previously collected mortgage fees through at least a tax credit to those involved. It's fair, it's equitable, and it makes sense. Let's do what's right.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 857 was adopted and S.B. No. 1072, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 859 (S.B. No. 1169, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 859 be adopted and S.B. No. 1169, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 859 was adopted and S.B. No. 1169, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 862 (S.B. No. 1207, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 862 was adopted and S.B. No. 1207, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 863 (S.B. No. 1292, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 863 was adopted and S.B. No. 1292, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 865 (S.B. No. 244, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 865 be adopted and S.B. No. 244, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak against the measure as follows:

"Mr. President, I rise to speak against S.B. No. 244, which extends long-term care benefits to children, siblings, sibling's spouses, and probably anybody that was related at one time or another to a sibling or a spouse. Obviously the list goes on and on.

"This is a well-intended bill, but obviously could drive up the costs. I think there are unintended consequences. I urge my colleagues to vote 'no.'

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 865 was adopted and S.B. No. 244, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom)

Stand. Com. Rep. No. 866 (S.B. No. 493, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 866 be adopted and S.B. No. 493, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise to speak with reservations.

"This particular measure is in regards to the Hawaii three R's which sounds very admirable, but really the big concern here is whether or not we've actually added a layer to the bureaucracy. This is well intended but I believe that there is a better measure down the road - S.B. No. 1577, S.D. 2, does this in a much better manner and I think that we do not need to add this new layer of bureaucracy.

"Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 866 was adopted and S.B. No. 493, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 867 (S.B. No. 716, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 867 be adopted and S.B. No. 716, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 867 was adopted and S.B. No. 716, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 870 (S.B. No. 1182, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 870 be adopted and S.B. No. 1182, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"Last year there was only one bill in the Senate that garnered a 13 to 12 vote. It was the bill to allow the use of medical marijuana in very controlled and limited circumstances. What this bill would do, basically, is to eliminate many of the provisions of this bill, which just became an act. It just became effective less than three months ago.

"I think it raises a number of privacy concerns, also constitutional issues, and has additional identification and cost items involved in it. I think what we should do is allow the existing bill, the existing act that we passed to go into effect to see if there are any problems that need changing. Right now, we haven't seen any and we don't need this bill.

"Thank you."

Senator Chumbley rose to speak in opposition to the measure and stated:

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

"The previous speaker had correctly identified that the law this bill proposes to amend has not in fact been in full effect and enforced for that long of a time. In fact, on December 29, 2000, the administrative rules under which this statute would operate were adopted. Therefore, as indicated, it's not been much more than 2½ months at this point.

"I think what I find most offensive about this bill is that it requires the Department of Public Safety to turn over to the police chiefs the registry list of those individuals who under the authorization of their doctor have received access to medical marijuana. Where is the medical privacy for those patients who need this drug in order to be able to help relieve some of their symptoms? That's an issue of privacy between the doctor and the patient. It's not for the police chiefs to know about.

"There's little obligation in this bill other than the statement that 'it shall be kept confidential by the respective police departments, except for verification purposes.' Well who gets to verify it? This is private medical information. You have a right to privacy. This just goes way too far.

"The other aspect of the bill that I find disturbing is that it now attempts to narrow those particular debilitating diseases

under which the patient could receive the medical marijuana, from whatever means they get it or if they're going to grow it with their caretakers or however the process is of obtaining it. It seems far, far too intrusive of changes to something that's only been in place for a little while.

"I think that this is a complete reversal in an attempt to undermine something that was put into place in good faith, and this is a bad faith effort. Thank you."

Senator English rose to speak in opposition to the measure and stated:

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

"Instead of going on a long speech, I'm just going to say my comments are the same as those of the Senator from Hawaii Kai and the Senator from Maui."

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

"Mr. President, I rise to speak in support.

"I'm not the maker of this bill, however, I stood where the Senator from East Maui was standing last year and clearly showed this body how the measure that was the House measure was full of holes last year. If this measure can fix some of the measure's holes from last year, it's a good measure. At least it's better than it was.

"Mr. President, this body did not do a good job on the measure last year. I think admittedly from the proponents of the measure last year, it was a 13-12 vote and there was fear that the measure would not pass. But if this keeps the ability for those bona fide people to get medical marijuana, that's what the measure still does but it does close up some of the holes that existed in last year's measure, Mr. President."

Senator Nakata rose and said:

"Mr. President, I'll be voting with reservations."

The Chair so ordered.

Senators Hogue, Hemmings, Kim, Hanabusa and Buen requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 870 was adopted and S.B. No. 1182, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Chumbley, Chun Oakland, English, Fukunaga, Ige, Ihara, Matsunaga, Slom).

Stand. Com. Rep. No. 872 (S.B. No. 1177, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 872 be adopted and S.B. No. 1177, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

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

"Briefly, this is just the opposite of what we should be doing in this State. This makes medical care not a product of the private sector but rather a product of the public employees.

"What it does for the corrections system is eliminates flexibility in choice in the marketplace of medical care and ties us to one employee who may or may not be doing a good job. This preempts the flexibility to get the job done with choice in the medical service industry.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 872 was adopted and S.B. No. 1177, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL HEALTH CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Sлом).

Stand. Com. Rep. No. 874 (S.B. No. 18, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 874 be adopted and S.B. No. 18, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Sлом rose to speak in opposition to the measure and stated:

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

"As I've said previously and said in Committee, I certainly will entertain supporting the arbitration award for these public employees, but at some point we have to set a priority, and my priority has been, and even talking to my constituents, teachers. We talk about averting a teacher's strike. We talk about averting a university professor's strike. If we say that education is second-to-none, if we say that our teachers are so important, then they have to be number one in line and we have to take care of the teachers and educational officers first. That's what I intend to do. I will vote there first and if there is any money left over without raising our taxes or cutting our tax benefits, then I will support this bill as well. Until now, I trust my opposition to it.

"Thank you."

Senator Hemmings rose to speak in favor of the measure with reservations and said:

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

"As previously noted in discussions on this Floor of the Senate, Mr. President, in the short years, the end of the '80s, we added over 20,000 public employees to the workforce. I might offer the suggestion that the public employees are suffering in the bad Hawaiian economy like the rest of us, and certainly they're as concerned about their children's education as we are.

"It might be important to note that most of the leaders in government send their children to private schools while urging the taxpayers that can't afford private schools to support public schools. It seems like a rather hypocritical position to take.

"I agree with the previous speaker from Hawaii Kai that the teachers should be at the front of the line for salary increases, but I'd also like to suggest to the union public employees that you might have to start making hard decisions for yourself. Do we want more public employees getting less or do we want less

public employees getting more? I think we've reached the point where they better start making those decisions for themselves.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 874 was adopted and S.B. No. 18, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Sлом).

Stand. Com. Rep. No. 875 (S.B. No. 446, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 875 be adopted and S.B. No. 446, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Sлом rose to speak in opposition to the measure and stated:

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

"This is another one of those bills that has some good parts and bad parts, but the bad parts exceed the good parts. It would exclude student workers employed during part of the calendar year from receiving unemployment compensation benefits, and it makes that clear. But it also extends unemployment compensation benefits to dislocated employees of AmFac Sugar on Kauai, which is not part of the law. It also appropriates an amount from the general revenues and we don't know what the amount is; it's a blank amount. And to really put the topper on it, it establishes a temporary special fund in which to put these blank general funds into.

"I oppose it. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 875 was adopted and S.B. No. 446, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Sлом). Excused, 1 (Menor).

Stand. Com. Rep. No. 877 (S.B. No. 523, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 877 was adopted and S.B. No. 523, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPOINTED PUBLIC OFFICIALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 878 (S.B. No. 588, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 878 be adopted and S.B. No. 588, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senators Hanabusa, Kanno, Kim, Inouye, Kawamoto and Hogue requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 878 was adopted and S.B. No. 588, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYMENT ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 880 (S.B. No. 1044, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 880 be adopted and S.B. No. 1044, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 880 was adopted and S.B. No. 1044, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 881 (S.B. No. 1045):

Senator Taniguchi moved that Stand. Com. Rep. No. 881 be adopted and S.B. No. 1045, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I'm not sure about this bill because . . . I'm going to vote with reservations.

"It's unclear to me. The monies were for health fund premiums, but they were given to the Hawaii Convention Center Fund by the Governor. I think this is a problem that we face in terms of intermingling of both funds and also functions. So I will give it the benefit of the doubt until we can clear it up, but it definitely needs reservations now.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 881 was adopted and S.B. No. 1045, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HEALTH FUND PREMIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 883 (S.B. No. 1052):

Senator Taniguchi moved that Stand. Com. Rep. No. 883 be adopted and S.B. No. 1052, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 883 was adopted and S.B. No. 1052, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES'

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

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 886 (S.B. No. 336, S.D. 3):

Senator Taniguchi moved that Stand. Com. Rep. No. 886 be adopted and S.B. No. 336, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise to speak in favor of S.B. No. 336, S.D. 3.

"Mr. President, this bill puts a sunset date of June 2003 on the Hawaii Tourism Authority and requires a financial audit. Your Committee spent a lot of time reviewing HTA's operation for the past two years, and I thank my Committee members for their participation.

"At the time the Legislature created the Hawaii Tourism Authority in 1998, many in the visitor industry wanted the agency to concentrate solely on tourism marketing and promotion. Instead, the Legislature gave it a very broad mandate to plan for, and oversee, the State's support for tourism. Its \$61 million budget comes from the transient accommodation tax special fund.

"Since its inception, the HTA has done a commendable job of launching many tourism marketing and promotional activities, as tourism executives had originally intended. However, in the process, the HTA has grossly neglected its many other obligations and has not lived up to the rest of its legislative mandate.

"Let's take the tourism strategic plan, entitled *Ke Kumu*, which provides the overall direction for the State's tourism efforts. The HTA did a fine job of soliciting community input for the plan, but has not followed through on that initial effort. The version we continue to receive is dated June 1999, and stamped 'Draft: For Discussion Purposes Only.' Public input gathered from statewide public hearings in mid-1999 has never been incorporated into the plan. And the HTA's commitment that the plan would be updated by early 2000 remains unfulfilled.

"Other problems that were uncovered during our lengthy hearings go to the very core of oversight and accountability. For example, HTA contracts the Hawaii Visitors and Convention Bureau to conduct the State's marketing and promotion. This translates into \$45 million, or 75 percent, of HTA's annual budget devoted to the HVCB. Yet, HTA has never conducted a comprehensive yearly evaluation of the HVCB's performance and effectiveness.

"In the same vein, the HTA also has not evaluated the performance of its \$182,000 a year executive director. What is troubling is that a few of the HTA board members have tried to institute an evaluation, but I am told that other board members have blocked it. Meanwhile, the director himself, Mr. Fishman could not tell us whether he has done yearly evaluations of his 20-member staff.

"Your Committee remains concerned about the large bureaucratic staff and a \$1.8 million administration budget because 90 percent of HTA's budget is contracted out. In addition to the HVCB contract, there are the NFL and PGA

contracts, numerous events contracts, and a contract for Team Unlimited, which, simply put, is for the hiring of a consultant to manage HTA's sports contracts. What I want to know is why we need a contract to manage the contracts when the job should be done by the staff?

"It further boggles my mind that Team Unlimited's contract last year was for \$495,000. This year, it has nearly doubled to \$750,000, with two-year options reaching \$825,000 in the third year. When I compared last year and this year's contracts, I could not find the justification for these huge increases. We further learned in the Committee that while Team's contract nearly doubled, responsibilities for contract payments and for festivals were removed and placed under the HTA staff, who, in my opinion, should be managing the contracts in the first place.

"So, in essence, HTA has cleverly increased its legislatively capped administrative budget to \$2.6 million by contracting out the oversight and management of the sports contracts. Given this fact, we asked Director Fishman to justify how an organization that contracts out 90 percent of its budget could justify such steep administrative expenses of \$2.6 million. Colleagues, I think we're in the wrong business!

"Your Committee also called into question, Mr. President, certain practices of HTA board members and potential conflict-of-interest issues. We must challenge the Authority members to judge their actions against the same ethics laws and standards governing other public officials, and to scrutinize the operations of the HTA with the same zeal as they do their own businesses.

"While I believe that the tourism industry members should be commended for their voluntary service to the people of Hawaii, they do so not without any self-interest. After all, their tourism-related businesses have much to gain from their involvement and decisions. And these top CEOs are still paid their high salaries when they attend to HTA business.

"I know that some of my colleagues believe we should resist changes to the HTA because this body created it in 1998. Let me say that laws or mandates approved by the Legislature should not be immune from evaluation and reassessment. As we have seen in the past, laws, agencies, and public programs are not sacred cows and it does not mean that they have carte blanche to operate as they so choose.

"I believe we should be supportive of the visitor industry. But that doesn't mean we have to be rubber stamps. As elected representatives of the people, we must ensure that tax revenues are well spent, that public programs are fulfilling their responsibilities. When something is amiss, it is our right and duty to respond.

"We must never be hesitant to demand accountability from the agencies we have created to serve the people of Hawaii. Our duties shouldn't be confined to convening for a few months a year to rush through thousands of bills. We must exercise the legislative oversight expected of us. We must and should make it a priority to review past mandates and legislation regularly to ensure that these laws achieve what was intended. We must keep all government agencies' feet to the fire.

"This bill will demonstrate our concern for our number-one industry – tourism – and send a message that we take our legislative responsibilities and the public trust seriously.

"Mr. President, as your Tourism and Intergovernmental Chairman, I will continue to exercise oversight and demand accountability from the Hawaii Tourism Authority. I hope with this kind of scrutiny over the next two years, we will not have to sunset the organization when the time comes.

"I urge my colleagues to vote 'aye.' Thank you."

Senator Buen rose to speak in favor of the bill and said:

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

"In the many, many hours of hearings and informational meetings with the Hawaii Tourism Authority, I have great concern that many of the questions on financial spending could not be answered by the Executive Director. Many of the answers were skirted and verbal responses did not match the report provided to us.

"I applaud the volunteers on the Board who gave up their time to sincerely want to serve the public, but we do have an obligation to the public. It is the public's money and therefore I support the financial audit. We have an obligation to the public.

"I also applaud the Chair of the Tourism and Intergovernmental Affairs Committee for having the courage to hold the public's money accountable. I ask you to vote in favor of this bill. Thank you."

Senator Chumbley rose to speak in opposition to the measure and stated:

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

"My opposition is not about accountability and my opposition is not about skirting our obligation to the public. My opposition to this measure is the fact that the Chair of the TIA Committee said we wanted to send a message. Well, let's work with the problems. Let's get them resolved. But to put into place a bill that would repeal the Hawaii Tourism Authority – the agency that's responsible for the billions of dollars that come into our State – is just too much of a risk.

"If we have problems, let's work on these specific problems of accountability, but let's not just repeal the whole Hawaii Tourism Authority. I think that just goes way too far in trying to send a message.

"Thank you."

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

"Mr. President, I rise in full support of the bill.

"I just wanted to let you know that this was a bipartisan effort. It was not a question of sending a message; it was a question of getting answers. We were told by the HTA which, as we've said, everybody appreciates . . . we appreciate their volunteer efforts and everything else, we appreciate the impact to the industry, but at the same time, we do have a responsibility. And as they said to us, they sent us tons of information and tons of material, it's true. They just didn't send us the answers to the questions that we asked.

"To answer the question that the Co-Majority Leader asked just a few short five hours ago, What is it that Legislators can do? This is what Legislators can do. I don't think it was courage on the part of the Chair of the TIA Committee; I think that she understands what her responsibility is. And I wish that more of my colleagues and more Committee Chairs would do exactly the same thing, and that is to scrutinize numbers that are presented to us, to ask obvious questions, and to get answers, require answers.

"I know the first time we had several hearings on this. And the first time, everybody from the HTA was in a very jocular mood, but they didn't have the answers and they thought it was funny that anybody would persist in asking these questions. So that was the real contribution that the TIA Chair made.

"We have to be responsible for the things that we put our names on. And we have to be responsible so that when something happens years later, we can say we know why that happened, we got the answers, or we got explanations for it.

"Finally, I think it's really important that several of the members came before the TIA Committee and said, 'We've been in many government positions before and nobody's ever asked us questions like these. Nobody's ever asked for an evaluation. Nobody's ever asked what the board of directors really thinks or what their autonomy is.' Well, it's about time that we ask more of these questions.

"So I think this is a good start, but I'd like to see it in all the Committees and among all my colleagues. Thank you."

Senators English, Matsunaga and Menor requested their vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 886 was adopted and S.B. No. 336, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Chumbley, Chun Oakland, Fukunaga, Ige, Ihara, Inouye, Kawamoto).

Stand. Com. Rep. No. 887 (S.B. No. 1606, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 887 be adopted and S.B. No. 1606, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Chumbley rose to speak in opposition to the measure and stated:

"Mr. President, I rise to speak in opposition to this measure. I'll make it very brief.

"I want to refer to this as the 'bounty bill, bounty bill,' members, because it sets out a \$100 bounty for the police departments that make any arrests. On page 6 of the bill, line 18, you don't even have to be convicted, just a simple \$100 for the arrest. The Counties get the money, but the State still continues to pay for all of the legal processing under the court system.

"This isn't the right way to solve the problem of drunk drivers. Thank you."

Senator English rose to speak against the measure as follows:

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

"You know, if you combine the effects of this bill with the effects of S.B. Nos. 1599, 1514, and 1600, we basically set out a policy of police powers beyond what any of us ever imagined. To boot, with this bill we say that we've got to pay them for exercising these powers over us.

"It is a bounty bill, Mr. President. It's a bill that encourages . . . I support that part. It encourages cops and police to be diligent and very observant and to go after these drunk drivers.

But everything else that the other bills do on top of this just makes it very distasteful to me. I'm very fearful for the rights of citizens, for due process, for, frankly, the protections of our constitution. And for these reasons, Mr. President, I will be voting 'no' on this measure."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 887 was adopted and S.B. No. 1606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Chumbley, English, Fukunaga).

Stand. Com. Rep. No. 888 (S.B. No. 1030, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 888 be adopted and S.B. No. 1030, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise to speak in favor of S.B. No. 1030, S.D. 2, Relating to the Hawaii Community Development Authority.

"This bill authorizes special facility revenue bonds to develop an Ocean Science Center in my Senatorial District, Kakaako. As this bill moves through this Legislative Session, we need to make sure the Hawaii Community Development Authority schedules public hearings which are open to the general public's ideas of how they envision the economic development of Kakaako – as 'A Gathering Place' for Hawaii's grassroots community. In fact, the Ocean Science Center would compliment the 'Multi-Culture Village,' cultural architecture, and cultural activities. Many people have also expressed to me that Kakaako should be a homogenous community for social activities for the youth and elderly.

"Thank you."

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

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

"I would call this a 'pork' bill but I guess it's more reasonably a 'sashimi' bill since it has to do with the Governor's fish tank.

"I think we have several problems here, not the least of which is whether or not we need and can afford this particular object. The bill contains an accountability problem because the authority, with the approval of the Governor, may enter into a special facility lease or an amendment or supplement thereto, without regard to the procurement code. And similarly, agreements to acquire, construct, remodel, furnish, or equip the special facility are not subject to the procurement code.

"This goes outside of what we've been trying to do, so I'm in opposition. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 888 was adopted and S.B. No. 1030, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having

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

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Ige).

Stand. Com. Rep. No. 891 (S.B. No. 1236):

Senator Taniguchi moved that Stand. Com. Rep. No. 891 be adopted and S.B. No. 1236, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 891 was adopted and S.B. No. 1236, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1209:

Senator Taniguchi moved that S.B. No. 1209, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against the bill.

"This bill contains \$400,000 that the taxpayers of Hawaii are going to have to pay for the University of Hawaii failing to meet environmental protection laws and it's a penalty of \$400,000. It really doesn't make sense. We're subsidizing mismanagement up there. If the University truly wants autonomy, they can have the autonomy to pay this bill rather than reaching in the taxpayer's pockets.

"Thank you, Mr. President."

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

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

"For the same reasons as my colleague from Kailua/Waimanalo, it is inconsistent with the autonomy that the University seeks and which we have granted them. They should be responsible. But more importantly, they should also be responsible to the laws that govern the rest of the private citizens within this State, including environmental laws.

"Thank you."

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

The motion was put by the Chair and carried, S.B. No. 1209, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Nakata).

S.B. No. 1563, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, S.B. No. 1563, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Chumbley). Excused, 1 (Nakata).

S.B. No. 1515, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 1515, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Nakata).

Stand. Com. Rep. No. 900 (S.B. No. 1550, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 900 be adopted and S.B. No. 1550, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hogue rose to speak in favor of the measure with reservations as follows:

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

"I'm sure that many here in this esteemed body remember what was essentially called Act 87. I know that most people in this particular body voted in favor of it – the Medical Privacy Act. I know that the esteemed Senator from Hawaii Kai voted against it and we have voted essentially to repeal that.

"This bill could create the same sort of fiasco as the Medical Privacy Act. So I urge all of us to take a very close look at this particular bill as it moves along the process, just to make sure that it isn't another one of these medical privacy act type of bills.

"I know the HMSA people testified against it, so let's look at it very, very closely. Thank you very much."

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

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

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

"Mr. President, this is another bill that has been brought to us courtesy of the Republicans from the congressional delegation. We need to pass this bill unless we want to have the federal government feed it down or throw it down our throats, which I think would not be in the best interest of the public.

"So, Mr. President, I believe we should pass this bill. It does involve some privacy act but whenever the State can take control of its own destiny I think we should try to do that as opposed to having the federal government dictate it to us.

"Thank you, Mr. President."

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

"Point of personal privilege, Mr. President.

"I'd just like to clarify something with the Co-Majority Leader. Does this mean that the Co-Majority Leader and his party will be accepting all Republican measures that are coming from the new Bush Administration including the tax incentives and so forth?"

Senator Chun responded:

"Mr. President, federal mandates are federal mandates. We will take them as they come, but we will hope to work with our State Republican Party over here to see if the federal congressional delegation over there with the Republican Party cannot force us to do things that are not in the best interest of the State of Hawaii. There are many, many, many federal mandates that are brewing in Washington, DC."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 900 was adopted and S.B. No. 1550, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 903 (S.B. No. 645, S.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 903 was adopted and S.B. No. 645, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC AGE VERIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 904 (S.B. No. 216):

Senator Kanno moved that Stand. Com. Rep. No. 904 be adopted and S.B. No. 216, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, I rise in opposition to S.B. No. 216.

"This bill would require all vessels operating in State waters to have on board their vessel an emergency position indicating radio beacon (EPIRB). Mr. President, a significant amount of the testimony submitted was in opposition to this bill.

"First there was concern about the costs involved because an EPIRB beacon costs between \$850 to over \$2,000 each. Passage of the bill would impose this cost on all 15,000 of the recreational and commercial state registered vessels in our State.

"In addition, the current definition of vessel is 'all description of watercraft used or capable of being used as a means of transportation on or in the water except a seaplane.' I suppose it excludes surfers. Mr. President, even jet skis, kayaks, and rowboats would be subject to this costly requirement, perhaps requiring the expenditure of more money on getting a beacon than on the purchase of the vessel itself.

"As I mentioned, there was a lot of concern about this bill and about the potential of false alarms from improper use of EPIRB beacons. The current false alarm rate exceeds 90

percent and it would surely increase significantly if we did indeed require all 15,000 boaters to be using these beacons.

"Mr. President, nearly every testifier – including the Department of Land and Natural Resources, the Hawaii Ocean Safety Team, and some companies – recommended one small but important change to the bill. This change would improve safety without significant cost. The suggestion was to allow boaters the option of carrying either an EPIRB beacon or an operational VHF radio. Most testifiers also recommend limiting the requirement to vessels operating more than one mile from shore.

"Because S.B. No. 216 is not limited in scope to operating within that one mile as recommended, and because S.B. No. 216 will increase the likelihood of many, many more false alarms, and because this bill would impose significant costs on many, many people who enjoy the ocean, I will be voting 'no' on this measure.

"Thank you."

Senator Slom rose to speak against the measure as follows:

"Mr. President, I, too, will be voting 'no.' I concur with the remarks from the good Senator from Kaimuki.

"I think it should be pointed out, should be very clear again, that this is legislation trying to provide safety for people because of some of the idiots that go out and don't take any precautions whatsoever. So we're assuming that everybody is an idiot and everybody's got to be protected by the State.

"The testimony showed very clearly that there is a big difference between EPIRBs and VHF equipment. The EPIRB, once you activate it, gives out a beacon which can be read by a satellite, and that's good news but it doesn't give any information. Besides the false readings that it gives, there are different degrees of emergency or help that a boater may need. VHF, which is highly reliable, is a transceiver operation where you can actually talk to the Coast Guard or talk to someone else and make clear exactly what the status of the problem is without any of the false reportings. It is less costly, more efficient, and still achieves the idea of safety.

"So if you want to require something, require that option as the Senator said – give boaters that option. Thank you."

Senator Kawamoto rose to support the measure as follows:

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

"First of all, Mr. President, the EPIRB doesn't cost \$800. We just had a maritime conference down at the convention center where an EPIRB cost \$231.

"Mr. President, the promoter of this bill was the Coast Guard. The Coast Guard, when they go out and try to find somebody, it costs them \$9,000 an hour. The kayak that got lost last year cost the Coast Guard \$75,000. We may not be the very smart guys or we may just attack the dumb guys, but you're only dumb when you go out there with a limited number of equipment.

"When we flew airplanes, we had the SIF. We squawked 7-7-7 and then you were in trouble. This is how the thing helps you – you know you're lost and out at sea and there's no way to be found, you turn on the beeper and automatically the Coast Guard turns their thing on and they can find you in a matter of minutes. The people that came with HOST, the VHF radio . . . HF/VHF radio (i.e., line of sight). The EPIRB can go a long

ways out in the water. People are dumb enough to be out there in the ocean 100 miles out, they're not going to use VHF radio.

"Mr. President, I urge my colleagues to vote 'aye' on this bill."

Senator Hogue rose to speak in opposition to the measure and stated:

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

"I'm not sure if any of my colleagues happened to see a very well-written article in one of our local newspapers. You may have missed it. It was in the sports section but it was in there the past few days. I thought it was very, very well written, and it spoke to the ideas that the Senator from Manoa also expressed about the 90 percent rate.

"If the esteemed Senator from Waipahu noted that there was some sort of a \$75,000 cost for the Coast Guard, think of the 90 percent rate that you heard here with these beepers going off all over the place. I think the VHF radio, which is much, much cheaper and also goes two ways, works exactly the way that we want it to.

"So, hopefully all of my colleagues will vote 'no' on this well-intended measure that is a little bit off base. Thank you."

Senators Kokubun, Matsuura and Chun requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 904 was adopted and S.B. No. 216, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Chumbley, Hogue, Ige, Ihara, Matsunaga, Slom).

Stand. Com. Rep. No. 905 (S.B. No. 902):

Senator Kanno moved that Stand. Com. Rep. No. 905 be adopted and S.B. No. 902, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, it gives me a great deal of pleasure to stand up and fully support this measure.

"I think it's an indication after 40 years of using Washington Place for political activities, it must be an indication that many people think there's going to be a change in the political climate and change in the political residency in Washington Place. So at this point, they want to make sure that there are no political activities taking place after next year's November election.

"So I think this is a great bill. I urge all my colleagues to get behind it and support it 100 percent. Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 905 was adopted and S.B. No. 902, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF WASHINGTON PLACE FOR CAMPAIGN ACTIVITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 913 (S.B. No. 838, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 913 be adopted and S.B. No. 838, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak in opposition to the measure and stated:

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

"Obviously, here we go again with the Hawaii Hurricane Relief bill. Who here really believed that virtually all of this money wouldn't eventually be sent to the State's general fund? Is that where it was intended in the first place? Of course not. The fund was originally set up to help Hawaii's homeowners and it did just that.

"I guess we can all thank, frankly, the forces of nature for not coming down on us for the past 9½ years. Hopefully we will be continually blessed for the next 29½ years, maybe even longer than that.

"It seems prudent to me to hold on to at least a portion of that fund and spend some funds for hurricane related expenses rather than, as some have espoused, college scholarships. I'm encouraged that the Committee on Ways and Means set aside 40 percent of the interest of the fund for that purpose. However, I'm very discouraged that the remainder, 60 percent of the interest, is going back into the general fund as if it were some kind of a tax windfall. We know better.

"I hope all of our constituents are watching us today because I certainly know mine are. Thank you."

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

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

"Our constituents have told us they want their money back. They're entitled to their money back. Originally, the Governor said, a month-and-a-half ago, he wanted their money back. Then he changed his mind and decided that he wanted a tuition program.

"The fact of the matter is, when this was established nearly 10 years ago, this fund – not insurance – this fund was established as a temporary stopgap measure until insurance companies would come back into the market. Insurance companies have come back into the market.

"There was discussion from the very beginning as to what would happen to the funds and how they should be distributed. From the very beginning, there were advocates who said the money should go back to those people who paid them. We've heard from the Hurricane Relief Fund that gee they don't know how to allocate the return of the money. Well, it's real simple – anybody that wants a claim, all they have to do is bring their check stubs or anything else and they can verify how much money they paid and how much money should be returned.

"There is a portion in the bill as amended by Ways and Means which talks about extending grants for hurricane mitigation equipment and applications, and I certainly support that. I think that's a worthy project. But that is a separate issue. We passed legislation or we discussed legislation the last couple of years that would enhance these kinds of operations.

"This is a clear example, once again, that the public is being misled. They are told that the money is theirs and that the money is going to be returned and then they watch politicians play with that money and one person says 'put it over here,' and another person says 'put it over here and put it over here.' The honest thing to do, the best thing to do is return it to the people who paid it.

"Thank you, Mr. President."

Senator Hemmings rose to speak on the measure as follows:

"Mr. President, it's important, once again, to analyze why this fund was created. Looking back at the terrible hurricane Iniki on Kauai, it's important to note that a state regulated insurance company . . . they certainly collected all the premiums from the people of Kauai, but when it came time to pay it out, they took a walk from the responsibility and paid absolutely nothing, leaving everybody on Kauai, many premium holders, holding the bag.

"The reason why this fund was created, in part, was to cover the basis of the failure of the insurance commission to adequately enforce the laws governing the control of insurance companies. The people of Kauai suffered immensely because of the failure of the insurance commissioner and the particular company, a local company.

"Thank you, Mr. President."

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

"Mr. President, I wasn't planning to speak and put my comments in the Journal, but I feel I must read my speech, unfortunately, because of some misunderstandings about the bill.

"The Hawaii Hurricane Relief Fund will suspend its insurance operations on December 1, 2001. Several ideas have been presented on what to do with the monies remaining in the trust fund. Your Committee on Ways and Means has contemplated many proposals, but the S.D. 2 seems to be the most logical and equitable.

"First, I want to dispel the idea of simply returning reserve monies to policyholders. The policyholders purchased hurricane insurance for a set period of time. They are paying for protection. Like other insurance companies, the Hawaii Hurricane Relief Fund should not be expected to return premiums only because the period of coverage is over and there were no hurricanes. Another reason why returning monies to policyholders is not a fair option is that other sources of revenue went into the fund, mainly from commercial owners and from mortgage recordation fees. It would be difficult to set up a fair apportionment system.

"The Hawaii Hurricane Relief Fund was established as a temporary measure to provide hurricane coverage for homeowners and businesses until a federal program was established. A federal hurricane insurance program similar to a federal flood insurance program was proposed but never enacted. In the meantime, private insurers are again offering hurricane coverage.

"Does this mean that the fund should be abolished? I do not believe so.

"Although private insurers have again entered the market, we cannot predict whether another instance like what happened in the aftermath of hurricane Iniki will happen again where

Hawaii's homeowners and businesses were left without any hurricane coverage.

"This bill sends a strong message that we will still be prepared for the next hurricane. First this bill proposes to use 20 percent of the interest of the trust principal, or about \$3 million, for hurricane mitigation. Homeowners and small businesses that install board-approved hurricane mitigation devices, such as hurricane clips and tie-downs, will be eligible to receive a dollar-for-dollar matching grant from the fund up to \$2,000. Encouraging installation of these hurricane mitigation devices means less overall damage to structures from a hurricane and less exposure for insurance claims.

"Second, this bill provides that 20 percent of the interest will remain with the principal for the purposes of reinvestment. This will allow the fund to continue its growth until such time when monies may be needed to cover hurricane damage losses again. The fund has approximately \$175 million. This is far from what is needed to cover losses from a direct hit to Oahu. If we keep the Hawaii Hurricane Relief Fund intact and allow for some moderate growth, it will be ready to once again offer some protection and security to homeowners and businesses of this State if a hurricane should occur.

"Finally, 60 percent of the interest monies will go into the general fund. This will allow us to use these monies in other ways, including for disaster programs. I ask that all of our members support this bill.

"Thank you."

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

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

"As you know, the Committee that I chair, the Commerce, Consumer Protection and Housing Committee, along with Ways and Means also had jurisdiction over this measure. The bill that is before us is designed to address an issue that we definitely need to resolve this Session – which is, What is going to be done with the approximately \$175 million that will remain in the hurricane relief fund after the fund ceases to issue policies effective December of this year?

"I believe that the provisions of this bill are responsive to the public concerns. I believe that the public is expecting the Legislature to utilize or put any proposed uses for this fund in a way that they will bear a direct nexus or relationship to the underlying purposes for which the fund was established. In addition, I think the public would also like us to use the funds that remain in the hurricane relief fund to benefit the broader or larger communities in Hawaii.

"I believe that the provisions of this bill would accomplish those goals in several respects. First of all, what should be emphasized is that the bulk of the monies, the corpus in the fund, the approximately \$175 million that will remain in the fund at the end of this year, will be used for hurricane relief purposes to the extent that it will be retained in the Hawaii Hurricane Relief Fund to cover future losses in the event of a hurricane that could not or may not be covered by private hurricane insurance or under federal disaster emergency relief. So what needs to be pointed out or clarified again is the fact that the bulk of the monies will not be diverted to non-hurricane related uses.

"Now, in regards to the investment earnings, the esteemed Chair of the Ways and Means Committee has indicated proposed uses for those investment earnings. Again, the uses to

which those earnings would be put under this bill would either be used for hurricane related purposes or for the benefit of the general public. As has already been stated, the investment earnings under this bill could be used to provide grants to the vast majority of homeowners and small business owners who may wish to use these grants to be able to install hurricane mitigation devices on their properties. In addition, the investment earnings could also be reinvested into the fund to build up its corpus to allow us to cover the potentially substantial and significant hurricane losses that could occur in the future and which again may not be covered by other sources of funding.

"I know that there are those who have suggested that a better use for this fund would be to return all of those monies in the form of rebates, refunds, or through other means to the general public. I understand and am very sensitive to these concerns. While these proposals may sound good in theory, I would submit that in actual practice it would be very difficult to implement these recommendations.

"During the hearing on this measure, the administrator of the Hawaii Hurricane Relief Fund indicated that there do not exist adequate records for us to be able to identify all of the policyholders who have contributed to the fund and the specific amounts of premiums that they have contributed or paid into the fund since the inception of the HHRF several years ago. So while it may sound good in theory, I think that the provisions that are contained in this bill are not only more workable, but they are also responsive to the concerns of the public and will ultimately prove to be the most feasible uses of the funds as described or discussed in this bill.

"I know that the bill will be given further and more careful discussion in the House. I think that this measure should be kept alive for further consideration and discussion. Accordingly, I would ask my colleagues to vote in favor of this bill.

"Thank you."

Senator Hogue rose again and stated:

"Mr. President, I rise in rebuttal.

"With all due respect to the Chairs of the Ways and Means and the Commerce, Consumer Protection and Housing Committees, in regards to the insurance argument, I, too, have been swayed by the argument that once you pay out insurance premiums, hey, you paid for it. That's a good argument. I should note that about \$315 million of insurance premiums were collected and then the State hurricane relief fund essentially had to go out and purchase that insurance. Essentially, it cost more than that. In fact, it cost \$359 million for them to do that. So we can't give the insurance premiums back.

"However, the money that is actually left in there is a combination of assessments and mortgage recording fees, and other revenue, whatever that means . . . I think it means a tax.

"In regards to the paperwork, I understand that there is some problem about the microfilm and there is a problem about the records that have been kept, but why should the homeowners be punished because the State is inept in its record keeping? I bet that these homeowners and businesses have been very good in their record keeping, and I'll bet that they could produce paperwork that would allow them some sort of rebate or tax credit. First of all, we're not supposed to lie on our taxes, are we? So if you can produce the paperwork that allowed you for a tax credit, that would be an easy way to refund.

"Finally, how does putting 60 percent of the interest in the fund into the general fund, if I'm correct, how does that satisfy the requirement of looking into the future? How are we somehow satisfying the requirement of looking into the future? Once again, I certainly hope that you will vote 'no.'

"Thank you."

Senator Slom rose and said:

"Mr. President, allow me to make a few rebuttal statements as well.

"First of all, the hurricane relief fund is not your ordinary brand of insurance. In fact, it was not insurance. As I mentioned earlier, it was a fund; it was a mandated fund. There was no other competition. I had hurricane relief insurance prior to that fund. I had my choice of going to different companies based on their financial strength, integrity, the amount of coverage, and the amount of premium. I had no such choice with the hurricane relief fund.

"I did a really funny thing, a really dumb thing. I read the little policy. If you read the policy, it said, in effect, that you had no coverage whatsoever because, in effect, let's be honest about this, if there were a direct hit on Oahu or even a near direct hit on Oahu, \$175 million wouldn't even pay for the doughnuts and coffee for the volunteers. We would be talking about billions of dollars of destruction, and that is not covered by this fund, was never intended to be, and said very specifically in the fine print that in fact we would be assessed additional monies to help pay for any calamity and disaster.

"This idea about the record keeping being such a difficult thing, I mentioned it earlier, my colleague from Kaneohe reiterated the fact that if some people can produce their records they should be able to do that and get a refund. I think it begs a question though, Why didn't the hurricane relief fund keep adequate records? Why isn't anybody holding them accountable for that?

"The argument that the public would be very satisfied with what you want to do here – I don't think so! I didn't get any calls that said to me, 'oh please take my money and dump it into the general fund,' or 'take my money and give it as tuition scholarships to students who earn a B.' What they said over and over again and very clear was 'give me my money back!' That's what they said. And to the argument that they would be happy because this money would go for hurricane relief related projects or, as the Chairman said, 'for the benefit of the general public' into the general fund – well, we've seen all kinds of things that go into the general fund and are called benefit for the general public.

"What this is is a massive reallocation of wealth and taxes. It's not right. It should go back to the people that paid it. Thank you, Mr. President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 913 was adopted and S.B. No. 838, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 915 (S.B. No. 1028, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 915 be adopted and S.B. No. 1028, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise to speak in favor of S.B. No. 1028, S.D. 2, Relating to Community Development Districts.

"This bill requires the Hawaii Community Development Authority to develop a consolidation plan for transferring the responsibility of redeveloping the Kalaeloa Community Development District from Barbers Point Naval Air Station Redevelopment Commission to the Hawaii Community Development Authority. The Senate is approaching the consolidation plan appropriately by requiring the Hawaii Community Development Authority to develop a business plan. This plan would involve all parties with a stake in the consolidation. Furthermore, they would also be required to submit the final consolidation plan, audits, etc. to the Legislature for approval. The Legislature then would conduct a public hearing to assure all stakeholders are involved in the consolidation in order for further economic development to advance."

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 915 was adopted and S.B. No. 1028, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT DISTRICTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Chun).

Stand. Com. Rep. No. 919 (S.B. No. 1303, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 919 be adopted and S.B. No. 1303, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak with reservations on the measure as follows:

"Mr. President, I rise to speak with reservations.

"I probably have already taken up a lot of this esteemed body's time with my concerns about the appropriation for the Felix Consent Decree. I certainly appreciate the strong efforts by the Senator from Moanalua and the Chairman of the Education Committee, also the Senator from the Big Island, the Chair of the Health and Human Services Committee for all of their hard work on this.

"However, I don't believe that this bill goes far enough, and with that, I'll sit down and we'll get through this thing a little bit quicker.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 919 was adopted and S.B. No. 1303, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Chun).

Stand. Com. Rep. No. 920 (S.B. No. 927, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 920 was adopted and S.B. No. 927, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT DAY HEALTH CARE CENTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 921 (S.B. No. 957, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 921 be adopted and S.B. No. 957, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 921 was adopted and S.B. No. 957, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT SUPPORT SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 661, S.D. 1:

Senator Taniguchi moved that S.B. No. 661, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise to speak in favor of S.B. No. 661, Relating to the State Budget.

"Each year much attention is focused on our state budget and its allocation to the various state departments and agencies. Throughout the Legislative Session, individuals, businesses, organizations, community groups, schools, departments and agencies have lobbied the Legislature for the best use of Hawaii's scarce dollars. We in the Legislature spend countless hours in public hearings listening to these requests for funding, and based on what we learn in these hearings, we make the necessary budget decisions. What is rarely brought out in the news and what the public is basically unaware of is that, even after the budget is passed by the Legislature and even after the Governor signs the budget bill into law, the Governor still has the constitutional authority to withhold funding of items in the budget.

"This bill serves to hold the Governor and the Director of Budget and Finance accountable to the public. Before implementing any budget restrictions, they should be required to hold a public hearing on budget restrictions. We cannot expect our state departments and agencies to operate productively and efficiently and to accomplish their goals and objectives in providing the necessary public services if their ability to do so is being curtailed by budget restrictions. If there is a compelling reason to restrict the budget, it should be brought out in the open for the public to comment on before it is applied, just as our Public Utilities Commission should do before they increase any rates. That is the nature of our democracy and legislative process.

"I ask that my colleagues show their support for our democratic and legislative process by voting 'yes' on this bill. Colleagues, this is a bill requesting accountability by the Governor for his decisions.

"Thank you."

Senators Hemmings, Chumbley, Hogue and Slom requested their vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 661, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Ige).

Stand. Com. Rep. No. 932 (S.B. No. 202, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 932 be adopted and S.B. No. 202, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"I know all of us were very, very disturbed by the events that took place on our roadways recently when a young mother and her two children were lost in a horrible accident, and we recognize the importance for safety. However, this particular bill just goes a little bit too far with the idea that we're going to have to put seven- and eight-year-olds in child restraint seats. I think seatbelts are more than enough.

"I know that a few years ago, as a proud father of four, I would have had to put . . . well, I wouldn't have been able to go anywhere because I wouldn't have had a car big enough to fit four child restraint seats in it. Luckily, I was a responsible parent who strapped up my kids in their seatbelts before we went anywhere. That was the first thing we did before we pulled out of the driveway. I certainly hope that other parents are just as responsible.

"I think this bill goes too far, and I will vote 'no.' Thank you."

Senators Ihara and Chumbley requested their vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 932 was adopted and S.B. No. 202, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Ige, Slom).

Stand. Com. Rep. No. 934 (S.B. No. 1514, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 934 be adopted and S.B. No. 1514, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

"Under current law, a stopped driver has the option of either choosing to take a blood or a urine test. Under this bill, colleagues, the police officer can unilaterally take that option away from the suspect, and the police officer is given far too much discretion. This goes against the policy of the implied consent law under which we currently operate. Many people have a legitimate concern about being stuck with a needle to draw blood, and I believe that those people should be allowed the opportunity to choose a urine test if they so choose, which is the less intrusive test.

"The second part of the bill is also very problematic and it's probably one that not much attention has been drawn to, but this bill also changes significantly, for those who are driving impaired, the definition of drugs. Right now, driving under the influence of drugs is only schedule I and II under HRS 329. But if you look at page 5 of the bill, lines 12-17, it's expanded to include a chemical substance, a natural or a synthetic substance. This would then get those in trouble who use legitimate across-the-counter drugs and again goes far, far, too far, in including these substances. While we don't want those individuals to be consuming over-the-counter drugs and driving impaired, it goes far too far. I think that this needs to be looked at as the Chairs continue this discussion.

"Thank you."

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

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

"Mr. President, everything that the Senator from Maui said, I would echo. You know, Mr. President, our county governments have incurred considerable expense in training a select core of police officers known as drug recognition experts. These nationally certified DRE officers undergo weeks of extensive training in field tests that will allow them to ascertain which of any chemical substances a driver who appears to be impaired may be under the influence of. These DRE officers are on call twenty-four hours a day and are usually summoned to the scene of a traffic stop where a driver passes a field sobriety test for alcohol but still appears to be impaired to the attending officer.

"Mr. President, the field test administered by the DRE officers seem to be a far less intrusive method of determining whether an individual is driving under the influence of drugs than the compelling of a blood or urine test, or both. I further assert that the compelling of a blood or urine test is clearly not the intention of the implied consent statute because there are provisions covering the situation where a driver refuses to submit to a blood or urine test.

"Additionally, Mr. President, I have concerns with this bill as it is currently written in that it expands the legal definition of drug to mean any chemical substance, natural or synthetic, that impairs a person's normal mental facilities. What's coffee? What's caffeine, Mr. President? This change subjects all who are currently taking medication – like the Senator from Maui and his Sudafed – for everything from flu to high blood pressure, to criminal liability. Lumping legitimate prescription drugs in with alcohol and illicit drugs ignores the very real differences between these substances both in the intent and result of their use.

"Mr. President, I support safe driving but believe that legislation of this type will unfairly penalize those who have to drive but also need to take prescription medication. For those reasons, Mr. President, I would like to register my 'no' vote on this bill.

“Thank you.”

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

“Mr. President, I rise in favor of this bill.

“The police department, the police officers, have supported these bills and asked us to pass a bill primarily because their concerns and problems are that they don’t have the tools in which, and many of the times their hands are tied, to do their jobs.

“I agree with the previous speaker as far as the different drugs they have. But the basic thing is that if you’re on prescription drugs and you bang somebody, and you kill somebody, then they’re not going to say whether you’re on bad drugs or prescription drugs, or good drugs, or whatever. You’re impaired and you killed somebody, and the person that died, you know he’s not going to come back and tell you that you shouldn’t have driven because you’re on prescription drugs.

“So Mr. President, I urge all my colleagues to vote ‘aye’ on this bill.”

Senators Hogue, Chun, Hanabusa, Ige, Chun Oakland and Taniguchi then requested their vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 934 was adopted and S.B. No. 1514, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Chumbley, English, Fukunaga, Ihara, Matsunaga, Slom).

S.B. No. 724, S.D. 1:

Senator Kanno moved that S.B. No. 724, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose in support of the measure with reservations and stated:

“Mr. President, I support the legislation with reservations.

“I’m still concerned about the broad nature of the description of abuses and also the expansion of family or household members and the impact that that might have on the firearms rights of legitimate and peaceful firearms owners.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 724, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 951, S.D. 1:

Senator Kanno moved that S.B. No. 951, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

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

“I’m opposed to this bill for a number of reasons. This legislation is simply redundant. The crimes of assault, murder, vandalism, and incitement that the bill seeks to address are already punishable under state laws. Are we now to say that the violence committed upon one person is somehow not as bad as the violence committed on another person simply because of what the attacker was supposedly thinking? What this bill does seek to make illegal is the thought process behind crimes. This legislation seeks to penalize motive and this is a dangerous precedent for us to set.

“If we give ourselves the ability to prosecute or legislate what a person is thinking or feeling, no matter how despicable, we would be violating the very thing that our constitution protects – the ability to have an opinion.

“I believe that all crime is hateful, and it is my fear that if we begin to provide state resources for state crimes, we would be telling victims of crimes not associated with our hate crime legislation that they are not as important. The message this body would be sending is that your individual worth would be less dependent on who you are and more dependent on what group you are identified with, and this is simply not the case.

“Is this politically correct legislation to show the community and certain groups that we care? The problem is that we cannot legislate tolerance no matter how a person thinks. This can only be accomplished in our homes and in our communities. It would be misguided for us to assume that hate crime legislation would deter violence. It has not deterred crime on the Mainland, and it will not deter crime here. No violent crime is worse than any other no matter what the motive. Our state law already covers these crimes, and if laws need to be strengthened, let’s strengthen them.

“We live under the premise that we are all equal under the law. To pass this legislation would be to say that we’re not. So I urge my colleagues to oppose this measure.”

Senator Hemmings rose to speak against the measure as follows:

“Mr. President, I rise to speak against this bill.

“To be quick and succinct on it, this is politically correct lunacy. We all deserve equal protection from crime.

“Thank you, Mr. President.”

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

“Mr. President, I rise to speak in support of the measure. I would just like to clarify our current statute in regards to the comments made by one of the previous speakers.

“Currently, our laws provide that there be a consideration for extended terms of imprisonment if crimes are committed against individuals in these categories: 60 years of age or older; blind; a paraplegic or quadriplegic; or 8 years of age or younger. Already in our statute we’ve designated certain categories of individuals where there shall be extended terms of imprisonment.

“I just wanted to have that clarified, and I urge my colleagues to vote ‘aye.’ Thank you.”

Senator Slom rose to speak in opposition of the measure as follows:

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

“You know, it’s very interesting because since I voted ‘no’ on this bill for the last several years, and I voted ‘no’ in this latest Committee, some of the e-mails and communications I’ve gotten – faxes, phone calls – are very interesting to me. They called me a bigot, a racist. One that I liked best was that ‘you are a hate-monger like the same as David Duke, Adolph Hilter, and Carol Gabbard.’ And you know, for people that say that they want to bring people together and that this kind of legislation will unify our community, I have not seen as much vindictiveness, as much hate, as much pettiness as I have from some of the supporters of this legislation.

“They completely disregard the first amendment, because what they are attacking are some of the things, when they give examples, some of the things that some people have said. But in a court of law and with this kind of legislation, in order to prove that, you would have to prove intent. And it’s very interesting that they gloss over the fact that the ACLU has testified against this measure from the standpoint of proving intent, because how would you prove intent? You would prove intent by looking at someone’s past record – things that they might have said, actions that they might have done. The ACLU and others are very clear about that that in any case they would not support bringing up prior arrests, convictions, actions, associations, or anything else. So there is no way really to prove intent other than for people to say, ‘you are a racist, you are a hate-monger, you are this or you are that.’ I think that’s very slim and very flimsy.

“I certainly concur with the good Senator from Moanalua that what we’ve done is created different categories of worth of life. And while I do concur with the Senator from Kapolei that we do have enhanced sentences for certain kinds of crimes right now, that does not necessarily make it right.

“Is a policeman’s life worth more than the family man next door who takes care of his four children, and is a soccer coach, and is gainfully employed, and makes contributions to the AUW? I think not, and yet that’s what we have done. We’ve driven a wedge between people. But I’m really concerned about the divisiveness that has occurred here.

“Now one of the examples that people that testified always brought up was the unfortunate murder that occurred in my district of a gentleman that I have known personally. His name was Kenneth Brewer. And there were a great many discussions that this was a sexually motivated crime. In fact, during that trial the jury considered that, and at the time of sentencing the judge considered that. People are not satisfied with what the jury verdict was. They’re not satisfied with what the judge handed down in terms of a sentence. But the process worked, and all of those issues were taken under consideration as they can be taken under consideration right now.

“But we get back to the original thought – and that is, if we’re going to say that a life is worth something, then it’s more important that someone has broken the social contract and taken that life, and that person should be punished. And as the Senator from Moanalua said, if the punishment is not strong enough, then let’s increase the punishment for anyone who would do violence to anyone else for whatever reason, but let’s not call people that oppose or raise issues about this legislation bigots, and racists, and hate-mongers, because that really undermines the cause of those people that say they’re in support of brining people together.

“Thank you Mr. President.”

Senator Kim then requested her vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 951, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HATE CRIMES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Sakamoto, Slom).

S.B. No. 1609, S.D. 1:

Senator Kanno moved that S.B. No. 1609, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose to speak on the measure as follows:

“Mr. President, this is another example where the prosecutor’s office is trying to overturn the history of penal code practices because of its inability to prosecute cases where the prosecutor has the burden of proving that the arrested person knew that the property was stolen.

“Under general principles of penal responsibility/liability, it is an accepted defense to the prosecution that the conduct alleged does not include a ‘voluntary act.’

“This bill sets bad precedent in that it takes away an element that the prosecution has the burden of providing at trial. To enact such legislation erodes the very foundation that ‘a person is innocent until proven guilty.’ Be careful.

“Thank you.”

The Chair then inquired:

“Senator Chumbley, for what purpose did you rise?”

Senator Chumbley responded:

“In opposition.”

Senators Matsunaga and English requested their vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 1609, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO POSSESSION OF STOLEN PROPERTY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Chumbley, Ihara).

Stand. Com. Rep. No. 942 (S.B. No. 224, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 942 be adopted and S.B. No. 224, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 942 was adopted and S.B. No. 224, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PINEAPPLE RESEARCH,” having been read throughout,

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 945 (S.B. No. 1199, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 945 was adopted and S.B. No. 1199, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 946 (S.B. No. 1435, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 946 be adopted and S.B. No. 1435, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise to speak in favor of S.B. No. 1435, Relating to Hydrogen Research and Development.

"Mr. President and fellow colleagues, this bill establishes a public and private partnership within the Department of Business, Economic Development, and Tourism to support and promote hydrogen use in Hawaii. I commend the department for their testimony stating they can research this project without a budget from the Legislature. Their honesty is appreciated.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 946 was adopted and S.B. No. 1435, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HYDROGEN RESEARCH AND DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 947 (S.B. No. 1558):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 947 was adopted and S.B. No. 1558, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 948 (S.B. No. 59, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 948 was adopted and S.B. No. 59, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 951 (S.B. No. 1242, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 951 be adopted and S.B. No. 1242, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

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

"I was very disappointed at the hearing when I asked questions as other members of the Committee did, and we did not get answers or we got conflicting answers. What I got from the so-called development-training program is that basically it's to pay wages for students.

"So far there's only nine students who have taken up the program at the UH and the cost that came out of the committee was \$5,000 per student. I don't know where the dollars are going. I don't know what the benefits are. I don't think it's a good bill.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 951 was adopted and S.B. No. 1242, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MILLENNIUM WORKFORCE DEVELOPMENT TRAINING PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 953 (S.B. No. 598, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 953 be adopted and S.B. No. 598, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Again, Mr. President, I'm in opposition to the bill.

"I think the purposes are worthy, but it establishes yet another special fund – the birth defects special fund. So I'm voting in opposition.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 953 was adopted and S.B. No. 598, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 954 (S.B. No. 1114):

Senator Taniguchi moved that Stand. Com. Rep. No. 954 be adopted and S.B. No. 1114, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 954 was adopted and S.B. No. 1114, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 957 (S.B. No. 1216, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 957 be adopted and S.B. No. 1216, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Yes, Mr. President, again I rise in opposition.

"Good bill, good purpose, special fund – opposition.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 957 was adopted and S.B. No. 1216, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 958 (S.B. No. 678, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 958 be adopted and S.B. No. 678, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise to speak in favor of S.B. No. 678, Relating to Technology, that your Committee on Economic Development and Technology passed.

"This bill would incorporate those ideas that encourage the development of Hawaii's High Technology while protecting local businesses.

"First, the New Economy Transition program will allow businesses to increase productivity and efficiency by utilizing technology. By emphasizing the partnership between government and business, this program will make our local and global businesses competitive.

"As Chair of the Economic Development and Technology Committee, my focus to build from the ground up as a strong foundation is essential to success. This bill requires all infrastructures at existing technology state parks to receive legislative appropriations before the Governor allocates funds for the construction of any new technology parks.

"Let me tell you in terms of the experience that I've had . . . last year I visited the southern part of China to attend the government's technology fair. While there, I was pleased to meet a friend from Japan who is in technology. He has several businesses in the United States – one in New York and, I believe, another in California. He wants to establish a biotech technology park facility in Maui.

"Senator Jan Buen, who accompanied me to China, also met him. He indicated he was very interested in developing a Maui Technology Park. But he expressed disappointment over the raw land, which was bare, with no infrastructure, no roads, no sewers, no water. He realized he would have to develop everything himself. That's a state facility basically . . . how depressing.

"I had to persuade him to continue to come here and look at the future. Today he is convinced and will return in April.

"Four other important Technology improvements contained in this bill are:

1. The Legislature will authorize the issuance of general obligation bonds to extend the community-based economic development loan and grant program to enhance information technology in the distressed rural areas.
2. All legislative documents and reports, including budget material, received by the legislature from state agencies shall require conversion from hard to electronic copy. Further, all bill payments will be processed electronically to reduce transactions in administration. This will lead to improvements in our state procurement system, thus making it more efficient, productive, and less costly for our taxpayers.
3. Basically, when we request something in writing, even budgetary material, we have had to wait several days, which is ridiculous.

Let me tell you what's happening in Congress. Congress has direct electronic online to the federal administration's budget and expenditures. We should have that capability also, if we are to do our work efficiently.

4. Finally, S.B. No. 678, as amended, will establish a task force on technology. It is clear that Hawaii's high technology industry is growing and Hawaii based companies are succeeding in many high-tech areas, including telecommunications, electronic commerce, networking infrastructure and hardware, software development and biotechnology. While there has been a great deal of progress in Hawaii's high technology industry, there is also a need to have a clearer focus on the problems and solutions currently existing within this community. This task force will also bring together industry, government and educational leaders to develop clear short and long-term goals for Hawaii's high technology industry with a specific implementation plan with a timeline to achieve these goals. This is a business approach. I have found that the business community generally is not in agreement with the Governor's current goals and objectives. In fact, the technology industry has not been fully involved and informed by the Governor of his goals and objectives, or the direction he plans to take to fulfill these goals and objectives.

"I urge my colleagues to vote in favor of this bill. Thank you."

Senators Chumbley, English and Hogue then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 958 was adopted and S.B. No. 678, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY,"

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 961 (S.B. No. 1188, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 961 be adopted and S.B. No. 1188, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Chumbley rose to speak in favor of the measure with reservations as follows:

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

"I have some very lengthy comments and concerns as they relate to the impact to the drug court that this proposed bill may have, so I'd like to have those inserted into the Journal. I just ask that the Chairs of the various Committees associated with this bill be very cautious on this, because it could have a devastating effect to treatment and counseling and drug control in our State.

"Thank you."

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

"Jail time for addicts
Ballot initiative would hamstring drug courts

It's really sad that California's public debate over treatment for addicted criminals could be co-opted by a few multimillionaires like George Soros on one side and the corrections officers' union on the other. Neither knows much about the disease of addiction.

But instead of the public and lawmakers learning from the exhaustive research on addiction treatment and then crafting sound policies, we're in for another divisive, superficial battle over a ballot initiative.

Soros, who is a New York financier, and a couple of other wealthy men are funding the campaign for the California Substance Abuse and Crime Prevention Act, which will appear on the November ballot. It would spend \$120 million for addiction treatment and prevent nonviolent drug offenders from being sent to jail. The investment in treatment is widely supported. The ban on jailing offenders is viewed by many drug court officials as a dangerous experiment.

Corrections officers say the ballot initiative would remove judges' discretion in sentencing. Weighing in is San Diego Superior Court Judge James Milliken, presiding judge for the juvenile court and chairman of the Superior Court's substance abuse policy committee. Milliken runs a very successful drug court for addicted parents of kids in foster care. His court has increased reunification rates for families from 30 percent to 70 percent. San Diego judges and the National Association of Drug Court Professionals overwhelmingly oppose the Soros initiative.

Said Milliken: 'It's well-intentioned, but it eviscerates the power of the court. . . . The hallmark of drug courts is to sentence substance abusers to short terms in jail for relapses. . . . If you tolerate relapse and don't have consequences, these people will use (drugs) again and again. . . . We are successful because we use the coercive power the court judiciously.'

Clients in San Diego County drug courts are tested regularly. If they test dirty, they get an automatic 36 hours in jail for their first relapse, with graduated sanctions thereafter. Under the Soros initiative, judges no longer could send addicts to jail for using drugs or alcohol. The only choice would be to send them to prison if they relapsed many times. There's no middle ground.

Milliken just returned from Maricopa County in Arizona, a state that passed a very similar initiative to the Soros measure. He visited their drug court, where the judge is not allowed to send people to jail if they relapse. The result? Forty percent tested dirty that very day.

In Milliken's court, only one or two test dirty at each session, precisely because of the threat of jail.

Alcohol and drug addiction is the leading cause of crime. If we prohibit the jailing of addicts on probation who relapse, we will wind up with more addicts on our streets, more families torn apart by drugs and alcohol, and more addicts committing serious crimes because they were never coerced into treatment."

"The Arizona Experience

Arizona and California are very different states, with a common experience: both have been successful targets of initiative processes that have changed criminal penalties for drug use. Both states are still in the process of sorting out the consequences of those changes and reacting to them. In the case of Arizona, passage of Proposition 200 (Prop. 200) took place in 1997, but its implementation is still being disputed in the courts.

My intention is not to attempt a comprehensive analysis of the Arizona experience, but to suggest how information coming from another state, in this case Arizona, can play an influential role in creating momentum for similar initiatives elsewhere.

In January 2000, I visited Phoenix, Arizona, and had the opportunity to talk to criminal justice professionals concerning Prop. 200. I visited several courts impacted by the initiative and over the next several months, had numerous conversations with individuals involved in the implementation of Prop. 200.

I came away with the conclusion that the Arizona ballot initiative has provided little relevant data to California's initiative debate; instead, it has provided a great deal of misleading and distorted information that was accepted at face value by many important California policy makers, and by the public generally.

For example, the California ballot initiative misleadingly quoted a report by the Arizona Supreme Court 'that the initiative is resulting in safer communities and more substance abusing probationers in recovery.' What is not addressed is that 'fifty percent (50%) of Prop. 200 funds were put aside for programs that increase and enhance parental involvement and increase education about the serious risks and public health problems caused by the abuse of alcohol or controlled substances' (Arizona Supreme Court, Administrative Office of the Courts; Drug Treatment and Education Fund, Legislative Report, Fiscal Year 1997-1998, p. 4, March 1999).

Although there is virtually no relevant outcome data concerning the Arizona experience, that did not prevent the California ballot initiative proponents from declaring that Prop. 200 has 'already saved state tax payers millions of dollars, and is helping more than 75% of program participants to remain drug free.' Incredibly, the Arizona Supreme Court data upon which

Prop. 36 proponents relied, makes no distinction between the 21% of probationers mandated to non-jail sentences under Prop. 200 (569 participants) and the remaining 1690 traditional probationers sent to treatment services enhanced by an infusion of funds under Prop. 200 [ibid, p13].

Clearly, the Arizona Supreme Court's 'safer communities and more substance abusing probationers in recovery' commentary was not intended to describe the impact of just 10% of Prop. 200 funding on the limited number of probationers impacted by Prop. 200's mandatory sentencing requirements (a total of 569 participants statewide who were not separately monitored), but that was precisely the message delivered in California."

Senators Slom, Matsunaga, English and Hogue then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 961 was adopted and S.B. No. 1188, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING FOR DRUGS AND INTOXICATING COMPOUNDS OFFENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 962 (S.B. No. 1580, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 962 be adopted and S.B. No. 1580, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

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

"This bill cuts way too close to the bright line between the division of church and state, and I see many problems with this down the line, so I'm voting 'no.'

"Thank you."

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

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

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

"Mr. President, interesting enough, I stand in opposition to this bill for almost the opposite reason of the honorable Senator from Maui.

"I don't believe it cuts any differences between religious or non-religious institutions. In fact, I think it discriminates against religious institutions by prohibiting religious education institutions from availing themselves of the benefits of the special purpose revenue bond.

"If the concern of the Committee of taking secular education schools had to do with the first amendment freedoms in the United States Constitution, the report filed by the Legislative Reference Bureau clearly indicated that there is no first amendment federal violations by the State supporting neutral kinds of transportation or costs. I think what we're trying to do over here is, rather than going so far as avoiding any kind of connection with it, you are basically discriminating against

institutions based upon their content of what they believe in, which is in violation of the first amendment.

"You're not establishing a religion, but you are preventing the free exercise thereof. I feel that the pendulum is swinging way too much on that, and I would oppose that bill because it fails to delineate any reason why you're discriminating against religious education institutions.

"For that reason, Mr. President, I will vote against this bill."

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

"Mr. President, I voted against this measure in both subject matter Committees.

"Mr. President, I ask my colleagues to realize what we're doing here. We're passing or we're asking to have a constitutional amendment put on the ballot. The Legislative Reference Bureau, in January of this year, came up with the study SPRBs for Private Schools: Practical and Constitutional Considerations.

"What we have heard today beginning at ten o'clock whenever the issue of education came up, was a constant reminder that we have said that education is first. What this amendment does and the reason why we require a constitutional amendment to do it is because Hawaii has clearly defined that under the case of *Spears v Honda* and the predecessor section to Article X, Section 1, of our Constitution, that our constitutional people who've implemented the Constitution, the people who voted back then (many of us weren't able to vote back then) made it very clear that we would never sacrifice public school education for anything else, and that meant the expenditure of public funds for the benefit of any private school education.

"The case of *Spears v Honda* was such a situation where it involved a provision of bus service for every student. It was ruled unconstitutional because of not only the fact that students may have gone to sectarian schools, but also the fact that students may have gone to private schools, and that took away funds from public school education.

"There is no question according to the Legislative Reference Bureau that special purpose revenue bonds are considered public funds. As a result, when we implement this, for those of us who stand behind public school education and feel that that's our obligation, we are in essence saying that part of those public funds that we feel should be used for public school education can in fact be shared by others in the private school area.

"The issue of what was raised by both my colleagues, the Senator from Kauai, and the Senator from Maui, also causes me concern. The words were changed from sectarian to secular. However, nowhere in the bill is sectarian or secular defined. So I don't know at what point a school goes over to sectarian or a school remains in secular, and we cannot propose a constitutional amendment on those lines.

"So colleagues, I ask that you vote in opposition to this measure. Thank you."

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

"Mr. President, I rise in support.

"Obviously there's concerns with the measure, and the bill, as many others, is a work in progress.

"This bill proposes for special purpose revenue bonds to assist not-for-profit private sectarian educational institutions serving the general public. And private schools, like public schools, are faced with the same mounting problems associated with aging facilities, accelerating deterioration of facilities, and lack of infusion for capital improvements to keep up with modern and high technology demands for the young people.

"Mr. President, special purpose revenue bonds for private schools will benefit all of Hawaii's children and there are 36,000 that go to these private schools. If indeed private schools didn't have these children, they would further overburden our public schools. In fact, if these bonds are authorized and it does provide jobs, there will be taxes – more taxes to help support public education. And yes, it's a long-standing policy not to help private schools – questions about the impact. But, Mr. President, the Department of Education testified that the issuance of these bonds are not opposed as long as these don't affect these funds in their facilities special improvement fund. Certainly, Mr. President, if these jobs don't go ahead, we won't have jobs and taxes for these jobs.

"We have given other special purpose revenue bonds to high technology, agriculture, hospitals, candy factories. So are we saying if those indeed are public funds, and indeed those take away from education, should we give no special purpose revenue bonds? Because they all take away from public education because it's the special purpose revenue bond.

"So certainly, I know there's some concerns about sectarian, secular, and those terminology, but the fact that they're special purpose revenue bonds and just the fact that they are for these schools, in fact they are special purpose revenue bonds. But that shouldn't be picked out just because these are schools. We've done all these other special purpose revenue bonds.

"The Legislative Reference Bureau also said that special purpose revenue bonds indicated that financing for benefit of public schools would 'seem to be allowable.' Certainly there are other issues. The bill hopefully can go forward and clarify some of those issues and certainly hopefully by the end of session a product that will satisfy many of the concerns voiced today, Mr. President."

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

"I rise to speak in opposition to this bill.

"I voted against it in subject matter Committee. I share the sentiments of the Senator from Waianae. In addition, we have trouble enough financing our public school system. What resources we have should be going that direction primarily. I am concerned that . . . look at our school system. We are really looking at a two-tier system of education in Hawaii – private schools for those who are better off and public schools for others.

"It is a concern of mine. Again, may I reiterate what resources we have to be placed in the public schools.

"Thank you."

Senator Hemmings rose to speak in favor of the measure and stated:

"Mr. President, I rise to speak in favor of this bill. I was not going to, but after the previous remarks, I think they should be rebutted.

"There was a constitutional argument made that public monies should be used for public education because we have an obligation. I think that argument fails in logic because it assumes that the parents who sacrifice and pay their taxes, much of which is used for public education, and then send their kids to a private school are paying twice. And the assumption is that they're not a member of the public. They certainly should receive the benefit of their tax dollars in education.

"There's another basic concept that I think the Majority Party is trying to defend exclusive use of public schools for public education. This constitutes a monopoly. Monopolies eliminate choice and competition in the marketplace, and that might be one of the reasons why public education is failing so miserably here in the State of Hawaii. A monopoly does not allow the consumer a choice. Public monies are spent only on public schools. If those monies would be diverted to the many private institutions that provided educational opportunities for all our children, maybe we would get more productivity from our public education dollars.

"The last point I want to make regards class envy. I happen to know, coming from a poor family – grew up in Kaimuki; I served lunch at Punahou School on scholarship – many of the children that go to private schools and parochial schools aren't rich kids. They're kids whose parents sacrificed for them. The great hypocrisy of all of this is, many of the self-righteous that stand up on this floor, and in prior Legislative Sessions, and defend public education and say we must all support it, are the very people that then turn around and send their kids to private schools. Think about it.

"So I support this bill. Let's promote opportunity, competition, and performance in the marketplace of education by eliminating the failing monopoly of the public schools."

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

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

"Members, I think we need to separate some of the debate. This should not be a fiscal debate because the special purpose revenue bonds are not money that comes out of the state general obligation bonds or general funds. They come from a private market sector. So when you argue this, the fiscal aspect of it has some bearing, but not that much.

"It's more of a philosophical issue, and I think that there are constitutional overtones to this. When I look at public school versus private school, there's one simple distinction – and that is, a private school does not have to take public students. If the private schools would take public students at a no cost tuition, maybe this would be a good idea. But until they do, it's a bad idea."

Senators Matsunaga, Kim, Ige and Ihara requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 962 was adopted and S.B. No. 1580, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Buen, Chumbley, Chun, English, Fukunaga, Hanabusa, Kawamoto, Kokubun, Nakata, Tam).

Stand. Com. Rep. No. 963 (S.B. No. 233, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 963 be adopted and S.B. No. 233, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, I'll be brief. I rise in opposition to this bill because over the past few weeks, we've been asked way too many times here to put on our referee shirts. We've heard bills from chiropractors who want to be physicians, physicians who want to be acupuncturists, psychologists who want to be psychiatrists, pharmacists who want to be nurses, social workers who want to be clinical social workers, and the list goes on and on.

"Obviously the positive impact on one profession has a negative impact on another. I will no longer be a referee except when I'm refereeing my daughter's games. I'm not going to stand here and pick one profession over another. I will vote 'no.'

"Thank you."

Senator Sakamoto rose to speak with reservations on the measure as follows:

"Mr. President, I rise with reservations.

"During the workers' comp long sessions – '94, '95 – one of the reasons workers' comp costs were driven up and one of the reasons chiropractors left our State was because there's two kinds of care I learned. One is curative, and one is palliative. Curative in fact cures what's wrong with your back, your neck, your arm, your nerves. Palliative makes you feel good and then you come back for next week's Tuesday, Thursday, Saturday treatments, and then you come back for next week's Tuesday, Thursday, Saturday treatments. And in that process in that time, the chiropractic profession were one of the main cost drivers, and people feel good so they went back.

"I'm concerned that now they claimed that they were experts at manipulation of the spine, and this bill says now they're experts of the human body. Take out spine manipulation, put in human body. Take out spinal column, put in human body. In addition to chiropractic spinal, you say extra spinal, which means everything else. And in fact, this bill also says you don't need a license, you can have a diploma. A diploma? Now, are we moving in the right direction? I think not. I think certainly this would need a lot more discussion if we're going to open up a profession from spinal column to body, from having a license to just having a diploma. Mr. President, this isn't a good bill."

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

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

"It sounds like they're trying to manipulate their customer's wallets. Therefore, I'm voting 'no.'"

Senator Sakamoto rose and said:

"Mr. President, I said reservations, but I should be in opposition based on my comments and my colleague's comments."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 963 was adopted and S.B. No. 233, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC,"

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

Ayes, 22. Noes, 3 (Hemmings, Hogue, Sakamoto).

Stand. Com. Rep. No. 964 (S.B. No. 449, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 964 be adopted and S.B. No. 449, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, with reservations.

"My only reservation is a concern in Section 3 of the bill, which basically adopts verbatim the provisions from Chapter 386 regarding employees who file workers' comp injury. Basically, those protections are already there in another chapter of the state statutes. I'm not quite clear of the impact of taking that portion of verbatim and putting it in another section of the law. I don't know the necessity of that. I don't know the impact, and that's why I'm confused.

"I will support the bill in terms of the protection. It needs to be there. I believe protection is there already, so I will continue to support the bill with reservations."

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

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

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

"We already have a very strong whistleblowers bill. What this bill does is to create additional causes of action for disgruntled employees or terminated employees. It also raises the stakes so it makes it very attractive for attorneys in this particular situation. It also, I think, shifts the balance in terms of the managerial powers and authorities of employers because in certain sections it even tells whom the employer has to hire or rehire. So I'm opposed to it.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 964 was adopted and S.B. No. 449, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Sakamoto, Slom).

Stand. Com. Rep. No. 966 (S.B. No. 1600, S.D. 1):

Senator Kanno moved that Stand. Com. Rep. No. 966 be adopted and S.B. No. 1600, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator English rose to speak in opposition to the measure and stated:

"Mr. President, as was the case with S.B. Nos. 1606, 1599 and 1514, I rise in opposition to S.B. No. 1600, S.D. 1.

"Here again, Mr. President, I believe this bill vests too much discretion in the hands of the individual police officer. I would remind my colleagues once again that the implied consent law

and the choice in the types of tests to be taken arise out of the plain fact that a blood test is inherently more intrusive than a breath test. Thus, the driver is given an option to have his or her body violated by a needle.

"Mr. President, I would like to urge my colleagues to join me in voting 'no' on S.B. No. 1600, S.D. 1."

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

Senator Chumbley rose to speak in opposition to the measure and stated:

"Mr. President, I also rise in opposition to this measure. It appears that the good Senator from Maui has been looking at my notes over here . . . he sounds a lot like me.

"I do have concerns about this that it may not allow for sufficient probable cause and could result in the police in a 'fishing expedition' to determine if the individual is in fact impaired by alcohol or drugs. I think this is another one of those bills that just goes too far by empowering the police department to do things that we never really intended for the police to do.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 966 was adopted and S.B. No. 1600, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL, DRUGS, AND HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Chumbley, English, Fukunaga, Ihara, Matsunaga).

S.B. No. 1466, S.D. 1:

Senator Kanno moved that S.B. No. 1466, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose and said:

"Mr. President, I would like to insert my comments in opposition to this measure into the Journal. Thank you."

"The Chair having so ordered, Senator Chumbley's remarks in opposition read as follows:

"This is another example in which the Prosecutor's Office lost another case and is now attempting to get the Legislature to overturn the court's decision.

"The Legislature's primary duty is to enact the laws of the state and the Judicial branch of government is entrusted with the responsibility of interpreting the laws under its jurisdiction and to insure that the laws are applied consistently and fairly to all. It sets forth bad precedent when the Legislature begins to get involved in interpreting the same laws that it adopted. Granted, when an ambiguity exists in the law, legislative intent becomes the primary focus as to why a certain rule was adopted and what did the Legislature truly mean when it adopted such legislation.

"As adopted by the Legislature when first consolidating all the common-law theft statutes and adhering to the principles of

the Model Penal Code (MPC), this very Legislature defined theft to require that the accused intended to deprive another person of property or services. The scienter (actual knowledge) of the value of the property being taken is IRRELEVANT. Theft is a specific intent crime. The theft law was designed to punish the offender according to the severity of the intended theft.

"Any tinkering with the elements of an offense should be fully explored and discussed and not done in a piecemeal fashion."

The motion was put by the Chair and carried, S.B. No. 1466, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Chumbley, Matsunaga).

At 7:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:05 o'clock p.m.

Stand. Com. Rep. No. 975 (S.B. No. 664, S.D. 2):

Senator Taniguchi rose and said:

"Mr. President, on behalf of the Committee on Ways and Means, I request that the amendments to S.B. No. 664, S.D. 2, be withdrawn. The reason for this is we want to go back to S.D. 1 and pass it 'as is.'"

Senator Slom rose and said:

"Mr. President, ever cooperative, the Minority is very happy to acquiesce to the Senator's request."

Senator Hemmings then added:

"Mr. President, I'd like the record to note that I'm as equally confused by S.D. 1 as I was by S.D. 2." (Laughter.)

By unanimous consent, the amendments to S.B. No. 664 proposed in S.D. 2 were withdrawn, Stand. Com. Rep. No. 975 was received and placed on file, and S.B. No. 664, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE SMALL BOAT HARBORS," was placed on the calendar for Third Reading on Thursday, March 8, 2001.

Stand. Com. Rep. No. 976 (S.B. No. 834, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 976 be adopted and S.B. No. 834, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in support of the measure with reservations and stated:

"Mr. President, I rise in support with reservations.

"During the testimony, it was brought out by those people that support the so-called clean elections bill, where we would raid the public treasury to support poor politicians, that the current system of the voluntary check-off is not working at the \$2.00 level. So their proposal was, since it doesn't work at \$2.00, raise it to \$10.00. This bill modifies that and only raises it to \$5.00 for an individual.

"I'm willing to give it a try as long as it's a voluntary provision, but with reservations. Thank you."

Senators Hogue and Hemmings then requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 976 was adopted and S.B. No. 834, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HAWAII ELECTION CAMPAIGN FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Inouye).

Stand. Com. Rep. No. 978 (S.B. No. 1366, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 978 be adopted and S.B. No. 1366, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak in favor of the measure with reservations and said:

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

“I call this a sea-flight bill, Mr. President. The private sector has tried numerous times before with transportation of this sort. There’s also been a great public expense with several efforts to get this concept in the water and running, and it hasn’t worked. It seems like we’re continuing to pursue a form of transportation that is unpalatable to the public.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 978 was adopted and S.B. No. 1366, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Hogue). Excused, 1 (Inouye).

Stand. Com. Rep. No. 979 (S.B. No. 1469, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 979 be adopted and S.B. No. 1469, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

“Mr. President, I rise to speak in favor of S.B. No. 1469, S.D. 1.

“There are three primary purposes of this bill – one is kind of an obtuse way of addressing the constitutional provision regarding the identification and protection of important agricultural lands. That’s been before this body or before the Legislature for 22 years now, and there really has been no action. Primarily, I think it’s because the idea was to try to identify criteria that could be applied statewide to identify the important ag lands, which doesn’t work in the individual counties.

“Because those efforts have been unsuccessful, there have been various attempts by groups to take a look at the marginal ag land aspect, and by default, perhaps identifying the important ag lands. I think the important thing is that through the county planning process, there have been a number of attempts to

identify those marginal lands. In fact, all ag lands are under pressure now for development. So I think in that regard, the marginal ag lands are a good first step in looking at the constitutional provision.

“The second purpose of this bill is to establish a working group that actually integrates the county planning departments into the effort with the state. I think that’s going to be very, very important because the counties have really become quite sophisticated in their planning and land use regulations and, through their general plans and their community development plans, have really looked at the issue to a great extent. I think this taskforce or this working group would actually formalize that relationship and really bring the two land use/planning sectors into agreement.

“The third and final primary purpose in my mind is to really maximize the use of our state land use classification Rural District, which is very much underutilized at this point in time. I think that the Rural District, as we know in the history of the development of the land use laws, was developed after conservation, agriculture, and urban districts were established and has really not been used a great deal, but I think it really provides that kind of transition area between our urban areas and our active ag uses. It’s for that reason this working group would be looking at identifying those marginal ag lands and would also be looking at processing those marginal lands into the rural district which would allow the maintaining of that sort of lifestyle, that rural lifestyle.

“So with that, I ask all my colleagues to support this measure. Thank you.”

Senators Ihara, Fukunaga and Chumbley requested their votes be cast “aye, with reservations,” and the Chair so ordered.

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

“Mr. President, I support this bill and I would like the comments of the honorable Senator from the Big Island to be adopted as my own.”

Senator Hogue then requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 979 was adopted and S.B. No. 1469, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAND USE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 982 (S.B. No. 711, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 982 be adopted and S.B. No. 711, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose to speak in favor with reservations and said:

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

“Prior to this Legislative Session, there were surveys taken and the majority of legislators in both houses expressed their support for raising the age of consent to 16, some to 17, some to 18, but generally to 16. Of the social issues that the public has gotten very concerned and exercised about and has spoken out

publicly about time and time again, they have always listed the age of consent as one of the top issues. They wanted 16 as a minimum. Most wanted a higher age.

"Can you imagine their surprise and their disappointment with us when we compromised already, in opposition to most of the testimony that we heard, and went down to 15 as the age of consent. I think it's really a sad message that we're sending out because it certainly is anti-woman/anti-girl that we're sending out, and it is anti-parent and it is anti-the-public. They have made their impressions very clear as to what they expect us to do in this area, and we've not been able to do it.

"It's interesting also, as I mentioned previously, that a number of my colleagues were quoting the city prosecutor's questions and objections to this measure. Although, when the city prosecutor usually comes and asks for stiffer law enforcement penalties, some of these same colleagues object to the police powers of the prosecutor. In addition to that, I do recall that the Chair of the Health and Human Services Committee had asked the prosecutor and the prosecutor's office for help in drafting legislation that would meet their concerns and would overcome some of the vagaries that they were complaining about in terms of enforceability, but we didn't do these things.

"So we're going into a weak position from the beginning, and as I said, I think it sends the wrong message from this body and to the community. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 982 was adopted and S.B. No. 711, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1457, S.D. 1:

Senator Kanno moved that S.B. No. 1457, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose to speak on the measure and said:

"Mr. President, unless I'm misinterpreting this bill, and if my colleagues can correct me, I have a real problem here in that we're going to give original jurisdiction over a number of areas currently in the domain of the Supreme Court to the Circuit Court.

"I really don't have too much problems when we're talking about the Hawaii Tourism Authority, Hawaii Community Development Authority, and the procurement process, but I have a lot of problems with giving original concern to the Circuit Court in the area of elections. I think that was one of the things that we've talked about here – about how difficult it was to try to get adjudication if you now have to go to the Circuit Court and start out with anything having to do with elections and then go through an appeal process. People will be very old indeed before they get any kind of reconciliation, if that at all.

"So as I said, I don't have any problem with the other parts of the bill, but if I am correct in this assessment of this bill, I will vote 'no' unless it can be shown to me why the election process does not remain with the Supreme Court.

"Thank you."

Senator Kanno rose to respond as follows:

"Mr. President, I would like to correct the previous speaker.

"The bill was amended to make the adjustment so that the jurisdiction on elections would remain with the Supreme Court. Thank you."

Senator Slom rose and said:

"I thank the Judiciary Chairman for that correction, and I will vote with reservations. Thank you."

The motion was put by the Chair and carried, S.B. No. 1457, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORIGINAL JURISDICTION OF THE HAWAII SUPREME COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Kim).

Stand. Com. Rep. No. 989 (S.B. No. 181, S.D. 3):

Senator Taniguchi moved that Stand. Com. Rep. No. 989 be adopted and S.B. No. 181, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hogue rose to speak in favor of the measure with reservations as follows:

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

"I wanted to point out that Sections 11 and 12 of this bill might be unconstitutional, going against the fourth amendment because they allow for warrantless searches and seizures without probable cause or justification. I think that we should at least look into that.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 989 was adopted and S.B. No. 181, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Kim).

Stand. Com. Rep. No. 991 (S.B. No. 204, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 991 be adopted and S.B. No. 204, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 991 was adopted and S.B. No. 204, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Kim).

At 7:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:22 o'clock p.m.

Stand. Com. Rep. No. 995 (S.B. No. 582, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 995 was adopted and S.B. No. 582, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CYBERSPACE ENTREPRENEURS ACADEMIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 996 (S.B. No. 1577, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 996 be adopted and S.B. No. 1577, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against the bill.

"Very briefly, this invests continually into the failures of DAGS rather than looking at systemic reform. Therefore, I'm voting 'no' in the hopes that we'll consider, in the rest of this Legislative Session, ways to put repair and maintenance resources in the hands of the principals in the schools rather than in the hands of DAGS.

"Thank you, Mr. President."

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

"Mr. President, I rise to speak in support of the measure and some of the concerns of the Senator from Waimanalo hopefully will be addressed as DAGS and DOE work together.

"Mr. President, I know the hour is late, but this is a very important measure – fixing our schools. This bill provides the framework to fulfill our commitment to address the \$600 million backlog of public school repairs. Your Committees have worked to develop a system that assures appropriate allocation of these funds, a fair and equitable system of prioritization of projects, and an ongoing maintenance program that assures timely repairs to prevent secondary damage and wholesale deterioration of our school facilities – facilities, Mr. President and colleagues, that represent an investment of over \$1.7 billion.

"During the 2000 Legislative Session, DAGS and the DOE estimated that we faced a backlog of \$240 million in the public schools. During the interim, they revised their estimate to \$600 million.

"In response to the growing backlog, the Senate Education and Ways and Means Committees established a working group to work during the interim with industry stakeholders to come up with long-range solutions. The Group met with DAGS and DOE staff, school staff, parents, students, industry and trade organizations, reviewed current and proposed policies and procedures and researched past studies and reports.

"Those efforts have resulted in S.B. No. 1577, S.B. No. 493 and S.B. No. 1211. Together these bills can provide a comprehensive approach to school repair and maintenance and emphasize systemic improvements that require planned long-term funding. It assures that the backlog can be eliminated over a ten-year period and hopefully we'll find the funds to do that and really do ongoing maintenance to prevent future backlogs.

"Mr. President, these measures were strongly supported by the stakeholders, community members, the schools, and we hope that we will get strong support in this body as well, Mr. President.

"Thank you."

Senator Kawamoto rose in support of the measure and said:

"Mr. President, besides the repair and maintenance that we all support, I'd like to thank the Chair for putting in this bill, something that I've been concerned about for the last six years, and that's the concern about business managers in our schools. We have 19 in this bill; we hope to get some more.

"Thank you very much, Chairman."

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

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

"As the last Senator from Waipahu said, it does have several good features in it but it also creates the state educational facilities repair and maintenance special fund. We have to get rid of that \$640 million backlog in maintenance. We had the money. The money was cockroached out of the maintenance funds in the past. It's criminal as to what we did or what we allowed to happen, but we don't solve that by creating more special funds.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 996 was adopted and S.B. No. 1577, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 999 (S.B. No. 1473, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, Stand. Com. Rep. No. 999 was adopted and S.B. No. 1473, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1096, S.D. 1:

Senator Taniguchi moved that S.B. No. 1096, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in support of the measure with reservations and stated:

"Mr. President, I rise in support with reservations.

"I remain a staunch supporter for privatization, true and meaningful privatization. This bill really doesn't do that. It's not clear. I think that we have really decided not to make a very clear statement on privatization to services and it does not address the Konno v County of Hawaii decision, but we'll move it along and I'll support it with reservations."

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

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

"Mr. President, I speak on this bill with reservations.

"It was approved without a proper hearing. I believe we need to look at ways to increase government efficiency and decrease costs, but I do not agree with how it was done in this case.

"As Chair of the Water, Land, Energy, and Environment Committee, I am committed to public participation on legislation. We must be accountable. As Legislators, we should fully comply with this obligation. I understand the bill contains a defective effective date, however the addition of this date does not save the Senate from criticism.

"If we allow this kind of bill processing to continue, it will further cloud the negative appearance and feelings that the public has on the political process and the legislators.

"While most legislation we have passed takes a giant step forward, the approval process this bill went through takes a GIANT step backwards. With that, Mr. President, I vote on this bill with reservations."

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

The motion was put by the Chair and carried, S.B. No. 1096, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1005 (S.B. No. 940):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1005 was adopted and S.B. No. 940, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE UNFAIR PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1007 (S.B. No. 848, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 1007 be adopted and S.B. No. 848, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, I rise to speak in support of S.B. No. 848, S.D. 2.

"In a nutshell, Mr. President, the purpose of this bill is to ensure that our law enforcement officers are not relegated to

second-class citizens who, by nature of their jobs, are denied their Fifth Amendment rights under the constitution. Currently, officers in the State can and are being ordered to make statements that may incriminate themselves under the threat of losing their jobs. This is to say that administrative orders within our county police departments allow for discipline of an officer up to and including termination for refusing to answer questions posed to them during the course of an administrative investigation.

"It has been said that a law enforcement bill of rights is unnecessary because law enforcement officers are afforded what has been called Garrity rights. Under Garrity, statements made by an officer during the course of an administrative investigation cannot be used against the officer in criminal proceedings. However, Mr. President, without going into too much detail, there have been instances where statements made under Garrity have been produced in court. It is my understanding that some of these rulings have been overturned by the US Supreme Court. However, I'd like to assert to my colleagues that none of the police officers I know have the means to appeal a case all the way to the Supreme Court.

"In sum, Mr. President, I would like to say that it is important that we remember that police officers, merely because they have chosen to serve the public, should not and cannot be made to give up their rights as citizens of the United States. These men and women are citizens with rights first, who also happen to be police officers. I'm confident that officers who require discipline can be disciplined without forcing them to waive their Fifth Amendment rights and that this bill provides a method by which that right can be protected.

"Thank you."

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

Senator Chumbley rose in support of the measure with reservations and stated:

"Mr. President, I rise to support the measure with reservations.

"Although I agree that affording the due process and the constitutional protections that every citizen is entitled to under article V to police officers is important, I feel that the bill may go beyond some of its stated purposes with regards to the superseding of existing state laws, preempting county laws, and overriding chapter 91.

"So until we see a final version of this bill, Mr. President, I do have some concerns. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1007 was adopted and S.B. No. 848, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1008 (S.B. No. 864, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 1008 be adopted and S.B. No. 864, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1008 was adopted and S.B. No. 864, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1009 (S.B. No. 796, S.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 1009 was adopted and S.B. No. 796, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 7:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:35 o'clock p.m.

**MATTER DEFERRED FROM
EARLIER ON THE CALENDAR**

THIRD READING

Stand. Com. Rep. No. 926 (S.B. No. 1170, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 926 and S.B. No. 1170, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISPLACED LESSEES," were recommitted to the Committee on Economic Development and Technology.

ADJOURNMENT

At 7:36 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 12:00 o'clock noon, Thursday, March 8, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate