

THIRTY-EIGHTH DAY

Thursday, March 22, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Fili Tualaulelei, Vineyard Christian Fellowship Church, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

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

STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1103) recommending that H.B. No. 118, H.D. 3, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 118, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1104) recommending that H.B. No. 518, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 518, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1105) recommending that H.B. No. 1111, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1111, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR AN INTERGENERATIONAL CARE CENTER AT EWA VILLAGES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1106) recommending that H.B. No. 1288, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1288, H.D. 1, 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," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1107) recommending that H.B. No. 1587 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1587, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF HOSPITALS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1108) recommending that H.B. No. 77, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 77, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the majority of the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1109) recommending that H.B. No. 123, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 123, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEEDING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1110) recommending that H.B. No. 216, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 216, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1111) recommending that H.B. No. 407, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 407, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1112) recommending that H.B.

No. 728, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 728, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCREASING DEVELOPMENT FLEXIBILITY OF PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1113) recommending that H.B. No. 741, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 741, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL LIABILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1114) recommending that H.B. No. 828, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 828, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the majority of the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1115) recommending that H.B. No. 830, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 830, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Nakata, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 1116) recommending that H.B. No. 860, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 860, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1117) recommending that H.B. No. 1405, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1405, H.D. 1, S.D. 1, entitled: "A BILL

FOR AN ACT A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1118) recommending that H.B. No. 1547, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1547, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 27, 2001.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 1119) recommending that H.B. No. 469, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 469, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 1120) recommending that H.B. No. 613, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 613, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 1121) recommending that H.B. No. 1561, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 1561, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1122) recommending that H.B. No. 1666, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1666, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPAIR AND MAINTENANCE OF SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 1123) recommending that H.B. No.

1668, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 1668, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1124) recommending that H.B. No. 210, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 210, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1125) recommending that H.B. No. 212, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 212, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1126) recommending that H.B. No. 508 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 508, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1127) recommending that H.B. No. 861, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 861, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OPERATIONS AND MAINTENANCE OF CERTAIN AGRICULTURE-RELATED INFRASTRUCTURE ON KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1128) recommending that H.B. No. 869 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 869, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1129) recommending that H.B. No. 1089, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1089, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1130) recommending that H.B. No. 1556, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1131) recommending that H.B. No. 986, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 986, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTIFICATION DOCUMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 27, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1132) recommending that H.B. No. 1001 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1001, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 27, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1133) recommending that H.B. No. 1004, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1004, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORIGINAL JURISDICTION OF THE HAWAII SUPREME COURT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 27, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1134) recommending that H.B. No. 587, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 587, H.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO MORTGAGE BROKER LICENSING,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 27, 2001.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1135) recommending that H.B. No. 925, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 925, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LOANS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Matsuura, for the Committee on Education and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 1136) recommending that H.B. No. 840, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 840, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1137) recommending that H.B. No. 152, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 152, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1138) recommending that H.B. No. 513, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 513, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS’ CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1139) recommending that H.B. No. 708 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 708, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1140) recommending that H.B. No. 862, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 862, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF SOCIAL WORKER POSITIONS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1141) recommending that H.B. No. 962 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 962, entitled: “A BILL FOR AN ACT RELATING TO A SENTENCING SIMULATION MODEL,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1142) recommending that H.B. No. 1000, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1000, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1143) recommending that H.B. No. 645, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 645, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF INCOMPETENT PERSONS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 27, 2001.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1144) recommending that H.B. No. 16, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 16, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS,” passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1145) recommending that H.B. No. 17, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 17, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TIME SHARE PROJECTS,” passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1146) recommending that H.B. No. 18, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 18, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1147) recommending that H.B. No. 20, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 20, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALES AGENTS OF TIME SHARE UNITS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1148) recommending that H.B. No. 22, H.D. 2, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 22, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1149) recommending that H.B. No. 505, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 505, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1150) recommending that H.B. No. 1552, H.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1552, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1151) recommending that H.B. No. 643, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 643, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MERIT APPEALS BOARD," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

H.B. No. 692:

On motion by Senator Inouye, seconded by Senator Chun Oakland and carried, H.B. No. 692, 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, 22. Noes, none. Excused, 3 (Menor, Sakamoto, Tam).

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill Referred to:

No. 177, H.D. 1 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then jointly to the Committee on Judiciary and the Committee on Ways and Means

No. 1127 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1335, H.D. 1 Committee on Economic Development and Technology, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means

Senator Matsunaga, for the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. No. 1256, and the Chair granted the waiver.

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

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

"Yesterday in the Senate Labor Committee, there was an action that was taken that at the very least was scurrilous, dishonest, fraudulent, immoral, and unethical. Besides that, it was poor sportsmanship.

"We have had in this Session probably more attempts to reconsider bills than in any other Session that I can remember. Now, sometimes there's a good reason to reconsider a bill – if someone who had voted against the bill, and the bill was killed, has changed his or her mind; if there is new evidence that comes before the group; if we voted because we were all doing drug rehab and didn't understand what the bill was about, then there's a reason to reconsider if we were to follow procedures that are understandable and recognized not only by the public, but also by the Senate and its Rules.

"But that's not what happened yesterday. What happened yesterday was a blatant and naked abuse of power. A bill had been voted upon fairly and squarely last Friday. After hours of testimony, after the public had left, a vote was taken and the bill was defeated. Believe me, Mr. President, I know about being on the wrong end of a bill and how the votes go, but what was done yesterday was a clear message of disrespect for the people that came forward to testify, a disrespect for the integrity and the position that the Senate had already taken on a particular issue, and a bald-faced attempt to try to buy a change in the vote by making a promise that will not be kept.

"I'm very disheartened, Mr. President, because we did not follow the letter or the spirit of either the Senate Rules or either our procedures in Mason's. Maybe, Mr. President, we should call for a reconsideration of the Senate Rules since some people do not know how to apply them equally and at all times.

"I think it is really unfortunate also that when we take a vote and Senators spend their time and they listen to the testimony that's given and they ask questions, and then their vote is taken away because at the end a phantom majority comes in, a phantom quorum – people who have not been in the hearing, who have not heard the testimony, who did not listen to the pleas made by the people testifying on whatever the issue was – they come in and they just vote aye, aye, aye, aye, aye – not questioning, not listening, and not adhering to the Rules. And that's what we did yesterday.

"The fact that a statement was made that we will add a tip credit to minimum wage, when the people making the statement are opposed to and have removed and have broken promises in the past about this tip credit, makes this all the more outrageous. By all means, let's debate the issues – whatever the issue may be – in full and open hearings, and then let's take a vote, but then let's live by that vote. Let's not fool the people into thinking that they have witnessed the process, only to have somebody reconsider merely because the vote did not go their way – no new evidence, nothing new to offer, and no person who had voted against that provision asking to reconsider.

"As I say, Mr. President, I'm very disheartened. At the very least, it sends a message of bad precedent.

"We have teachers coming down here lobbying everyday. We have students in our halls. They look to us for moral and ethical leadership. And what do we show them? We show them that our promises are not worth anything, that we will manipulate and do anything we can to get the vote to come out the way we want it. I think that's unfortunate, and I'm sorry, Mr. President.

"Thank you for your consideration."

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

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

"The Senator from Hawaii Kai has made his point. As the Labor Chair, after the original vote I did consult with members of my Committee, as I think is fairly normal in terms of looking at reconsideration. One of those members who had voted against the bill on the first go-around said that if I put the tip credit back in, he would change his vote. I think that's proper and all that was required, so I asked for the reconsideration. Reconsideration, under the Rules of the Senate is something that can happen in Committee under those circumstances, and I asked the Committee to reconsider and vote for the bill with the amended recommendation and that was passed.

"Thank you."

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

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

"I'd like to make the prediction, in spite of the commitment from the Senator from Koolauloa, the previous speaker, that the tip credit will indeed be removed and that the change in vote was just a buy-off, as the good Senator from Hawaii Kai has so clearly enunciated.

"I do want to laud, though, the Majority Party for one thing – for their consistency. They're quite in step with their colleagues in Florida who consistently want to recount until they get the results they want.

"Thank you, Mr. President."

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

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

"I was there at the meeting and the Chair had announced that he received a ruling from the Senate legal office. The ruling was that he could have done what he did, and diligently he went and did that.

"I give the Chair credit for reviewing and going to the legal office or attorney to make a decision or to get an opinion on what the Chair of Labor did. So, we got the decision. It was in light of that that we proceeded with the vote.

"Thank you."

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

"Mr. President, a point of personal privilege and brief rebuttal.

"First of all, on the matter of the legal opinion from the attorney, let's make sure that we understand this was a Majority Attorney – a member of the same party of the Chair and Majority members of the Committee. At no time was this ruling or decision shared with anyone else. At no time did anyone have an opportunity to question the Majority Attorney about his interpretation, and that's what it is, an interpretation.

"And finally, we know we can talk about things being legal and yet they're not right. And we know that this action taken yesterday violates the very spirit, the very core of what it is that we've pledged to do and how we represent the people here.

"And this idea . . . I will give credit to the good Senator from God's country, Waipahu. He voted with reservations because he said that's not our position; we don't believe in the tip credit; we don't want the tip credit. That was the position; that was the bill that we passed out of this body. And for somebody to say, 'Oh, I'll support it now,' knowing full well that somebody down the line has the ability to change it and to kill it because that is the position of this body, is hypocritical.

"Again, we have to talk about the spirit of things, and we've butchered the spirit yesterday! Thank you, Mr. President."

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

ADJOURNMENT

At 12:02 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 23, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate