

## FORTY-SIXTH DAY

Thursday, April 5, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Woodrow Yasuhara, District Superintendent, First Assembly of God Church, after which the Roll was called showing all Senators present with the exception of Senators Ige and Matsuura who were excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 218 and 219) were read by the Clerk and were placed on file:

Gov. Msg. No. 218, dated March 19, 2001, transmitting the 2001 Report to the Governor on Hawaii Workforce Development prepared by the Workforce Development Council, pursuant to Section 202-2, HRS.

Gov. Msg. No. 219, dated April 4, 2001, transmitting the Department of Transportation's Annual Report for Fiscal Year Ending June 30, 2000.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 26 and 27) were read by the Clerk and were placed on file:

Dept. Com. No. 26, from the State Auditor dated April 3, 2001, transmitting a report, "Review of Revolving Funds, Trust Funds, and Trust Accounts of the Judiciary and the Departments of Commerce and Consumer Affairs, Hawaiian Home Lands, Health, and Human Services," (Report No. 01-07).

Dept. Com. No. 27, from the Department of Business, Economic Development and Tourism dated March 22, 2001, transmitting a report, "Department of Business, Economic Development and Tourism, 2001 Goals and Objectives," pursuant to Act 100, SLH 1999.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 369 to 376) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 369, returning S.B. No. 1065, which passed Third Reading in the House of Representatives on April 4, 2001, in the amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1065, and requested a conference on the subject matter thereof.

Hse. Com. No. 370, returning S.B. No. 1066, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2001, in the amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments

proposed by the House to S.B. No. 1066, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 371, returning S.B. No. 1067, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2001, in the amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1067, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 372, returning S.B. No. 1069, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2001, in the amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1069, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 373, returning S.B. No. 1079, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2001, in the amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1079, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 374, returning S.B. No. 1390, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2001, in the amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1390, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 375, transmitting H.C.R. No. 56, which was adopted by the House of Representatives on April 4, 2001, was placed on file.

By unanimous consent, action on H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," was deferred until Friday, April 6, 2001.

Hse. Com. No. 376, transmitting H.C.R. No. 203, H.D. 1, which was adopted by the House of Representatives on April 4, 2001, was placed on file.

By unanimous consent, H.C.R. No. 203, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION HONORING RICHARD 'BUFFALO' KALOLO'OKALANI KEAULANA AS AN AMBASSADOR OF SURFING AND HAWAIIAN WATER SPORTS," was placed on file.

## STANDING COMMITTEE REPORTS

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1335) recommending that S.C.R. No. 63, as amended in S.D. 1, be referred to the Committee on Education.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ADOPTION OF AN OFFICIAL STATE TARTAN," was referred to the Committee on Education.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1336) recommending that the Senate advise and consent to the nomination of JOY B.Y. SHIMABUKU to the State Board of Barbering and Cosmetology, in accordance with Gov. Msg. No. 154.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1336 and Gov. Msg. No. 154 was deferred until Friday, April 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1337) recommending that the Senate advise and consent to the nomination of GLENN Y. TANGO to the Board of Electricians and Plumbers, in accordance with Gov. Msg. No. 160.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1337 and Gov. Msg. No. 160 was deferred until Friday, April 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1338) recommending that the Senate advise and consent to the nominations of AIPOPO AIPOPO JR., and KURT H. MITCHELL to the Board of Directors, Housing and Community Development Corporation of Hawai'i, in accordance with Gov. Msg. No. 167.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1338 and Gov. Msg. No. 167 was deferred until Friday, April 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1339) recommending that the Senate advise and consent to the nomination of RICHARD W. CARMICHAEL, R.N., to the State Board of Nursing, in accordance with Gov. Msg. No. 171.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1339 and Gov. Msg. No. 171 was deferred until Friday, April 6, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1340) recommending that H.B. No. 11, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1340 and H.B. No. 11, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1341) recommending that H.B. No. 14, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1341 and H.B. No. 14, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ADDITIONAL SCHOOL CLERICAL POSITIONS," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1342) recommending that H.B. No. 94, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1342 and H.B. No. 94, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTER PROGRAMS," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1343) recommending that H.B. No. 100, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1343 and H.B. No. 100, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AUTISM," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1344) recommending that H.B. No. 159, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1344 and H.B. No. 159, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1345) recommending that H.B. No. 282, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1345 and H.B. No. 282, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1346) recommending that H.B. No. 284, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1346 and H.B. No. 284, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1347) recommending that H.B. No. 301, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1347 and H.B. No. 301, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC DISPLAY," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1348) recommending that H.B. No. 480, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1348 and H.B. No. 480, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BUSINESS SPECIALIST POSITIONS," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1349) recommending that H.B. No. 1048, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1349 and H.B. No. 1048, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LIBRARIAN," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1350) recommending that H.B. No. 1111, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1350 and H.B. No. 1111, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR AN INTERGENERATIONAL CARE CENTER AT EWA VILLAGES," was deferred until Tuesday, April 10, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1351) recommending that H.B. No. 527, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1351 and H.B. No. 527, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE FAMILY SUPPORT," was deferred until Tuesday, April 10, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1352) recommending that H.B. No. 630, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1352 and H.B. No. 630, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION ON THE NATURAL PARENTS OF THE ADOPTED MINOR CHILD," was deferred until Tuesday, April 10, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1353) recommending that H.B. No. 637 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1353 and H.B. No. 637, entitled: "A BILL FOR AN ACT RELATING TO OHANA CONFERENCING," was deferred until Tuesday, April 10, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1354) recommending that H.B. No. 498, 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. 498, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 10, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1355) recommending that H.B. No. 523 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. 523, entitled: "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED PRACTICE OF

LAW," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 10, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1356) recommending that H.B. No. 531, 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. 531, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 10, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1357) recommending that H.B. No. 1159 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. 1159, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1358) recommending that H.B. No. 186, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1358 and H.B. No. 186, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1359) recommending that H.B. No. 212, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1359 and H.B. No. 212, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1360) recommending that H.B. No. 369, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1360 and H.B. No. 369, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1361) recommending that H.B. No. 502, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1361 and H.B. No. 502, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYMENT ORGANIZATIONS," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1362) recommending that H.B. No. 511, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1362 and H.B. No. 511, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REMEDIES OF PART VII, CHAPTER 103D, HAWAII REVISED STATUTES," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1363) recommending that H.B. No. 516, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1363 and H.B. No. 516, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1364) recommending that H.B. No. 584, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1364 and H.B. No. 584, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," was deferred until Tuesday, April 10, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1365) recommending that H.B. No. 613, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1365 and H.B. No. 613, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS," was deferred until Tuesday, April 10, 2001.

#### ORDER OF THE DAY

#### REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

#### MATTERS DEFERRED FROM WEDNESDAY, APRIL 4, 2001

The President made the following committee assignments of House concurrent resolutions that were received on Wednesday, April 4, 2001:

House Concurrent Resolution	Referred to:
No. 124	Committee on Water, Land, Energy, and Environment
No. 161	Committee on Education

#### ADOPTION OF RESOLUTIONS

#### MATTERS DEFERRED FROM WEDNESDAY, APRIL 4, 2001

Stand. Com. Rep. No. 1325 (S.C.R. No. 130):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was

adopted and S.C.R. No. 130, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS AND THE HEALTH CARE FINANCING ADMINISTRATION TO ADJUST HAWAII'S AEROMEDICAL REIMBURSEMENT RATES BY PROVIDING FOR IMMEDIATE PHASE-IN OF THE PROPOSED MEDICARE FEE SCHEDULE," was adopted.

Stand. Com. Rep. No. 1326 (S.R. No. 93):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 93, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS AND THE HEALTH CARE FINANCING ADMINISTRATION TO ADJUST HAWAII'S AEROMEDICAL REIMBURSEMENT RATES BY PROVIDING FOR IMMEDIATE PHASE-IN OF THE PROPOSED MEDICARE FEE SCHEDULE," was adopted.

Stand. Com. Rep. No. 1327 (S.C.R. No. 132):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 132, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FOOD INDUSTRY AND OTHER INTERESTED PARTIES, WITH THE COOPERATION OF THE DEPARTMENT OF HEALTH AND THE COUNTIES, TO CONTRACT WITH AN EXPERT CONSULTANT TO CONDUCT A COMPREHENSIVE ANALYSIS OF HAWAII'S SOLID WASTE AND LITTER SITUATION," was adopted.

Stand. Com. Rep. No. 1328 (S.C.R. No. 45):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 45, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO SUBMIT A REPORT ON ALIEN SPECIES PROGRAMS," was adopted.

Stand. Com. Rep. No. 1329 (S.R. No. 36):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 36, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO SUBMIT A REPORT ON ALIEN SPECIES PROGRAMS," was adopted.

Stand. Com. Rep. No. 1330 (S.C.R. No. 43, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 43, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF AND IMPROVEMENT RECOMMENDATIONS FOR THE MOLOKAI IRRIGATION SYSTEM," was adopted.

Stand. Com. Rep. No. 1331 (S.R. No. 34, S.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 34, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN ASSESSMENT OF AND IMPROVEMENT RECOMMENDATIONS FOR THE MOLOKAI IRRIGATION SYSTEM," was adopted.

**THIRD READING**

H.B. No. 1257, H.D. 1:

On motion by Senator Kim, seconded by Senator English and carried, H.B. No. 1257, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEI DAY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ige, Matsuura, Menor).

H.B. No. 415, H.D. 2:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, H.B. No. 415, H.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, 22. Noes, none. Excused, 3 (Ige, Matsuura, Menor).

H.B. No. 824:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, H.B. No. 824, 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, 22. Noes, none. Excused, 3 (Ige, Matsuura, Menor).

H.B. No. 1473, H.D. 2:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, H.B. No. 1473, H.D. 2, 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, 22. Noes, none. Excused, 3 (Ige, Matsuura, Menor).

H.B. No. 660, H.D. 1:

By unanimous consent, H.B. No. 660, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," was recommitted to the Committee on Water, Land, Energy, and Environment.

H.B. No. 688:

Senator Inouye moved that H.B. No. 688, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

The motion was put by the Chair and carried, H.B. No. 688, 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, 22. Noes, none. Excused, 3 (Ige, Matsuura, Menor).

**RE-REFERRAL OF  
SENATE RESOLUTION**

The Chair re-referred the following resolution that was offered:

Senate  
Resolution

Referred to:

No. 41  
and Technology

Committee on Economic Development

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:54 o'clock a.m.

Senator Kanno, Chair of the Committee on Judiciary, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following House Bills:

H.B. No. 526;  
H.B. No. 771; and  
H.B. No. 978,

and the Chair granted the waiver.

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. Nos. 173 and 223, and the Chair granted the waiver.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

Senator Taniguchi, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following House Bills:

H.B. No. 87;  
H.B. No. 593;  
H.B. No. 632;  
H.B. No. 733; and  
H.B. No. 1662,

and the Chair granted the waiver.

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

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

"I wanted to inform you, Mr. President, formally, and my colleagues who do not serve on the Ways and Means Committee, that we've been having ongoing frank and honest discussions about the Senate budget. We worked very diligently over the weekend on the Senate budget worksheets and now that the Senate budget is a property of the Senate as S.D. 1 has passed, we feel it's appropriate to request the Senate Ways and Means Chairman to release the worksheets for public discernment.

"This is something that has been discussed in years past. I believe the time has now come in the history of this State that we can all afford to have the public know what's going on. Now that we've made the formal request, we will anxiously await the Chairman's decision tomorrow.

"Thank you, Mr. President."

The President then said:

"We'll consider your request and the Chair will confer with the Chairman of the Ways and Means Committee."

At 12:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 o'clock p.m.

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. No. 1282, and the Chair granted the waiver.

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

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

"Yesterday, we were talking about your optimism in averting the strike, which is now upon us. Despite that optimism, despite the hopes that all of us had, we are now in that strike situation. I think it is a real black eye for the State and it shows a failure all around, on all sides that were involved in this situation.

"Quite frankly, Mr. President, the State is broken! This State government has demonstrated that it does not know how to solve the simplest and most basic of problems. It still does not know how to prioritize, does not do what everyone else is called upon to do.

"You may recall a couple of weeks ago, I asked that the Senate, particularly, become involved, since all we get to do is sit back and be reactive after everything is done, to see if we can come up with the money to pay for this. Then we pass that burden along to the taxpayers because they wind up paying for everything anyway.

"I think it's a real shame that we spend so much time talking about the new economy, the new technology, and yet we still have the same old boys and old government and the same problems because we approach them from the same way. It's shown up in our budgetary process; it's shown up in the ways that we've done things.

"We talked boldly in January about thinking out of the box, and yet we haven't done any thinking out of the box. We've done the same thing. We talk about being concerned about our children, but the only thing that we've done with our children is make them economic hostages in this battle over who's right, who's got more power, and who can stay the longest.

"We need, as the Minority Floor Leader has said on a number of occasions, systemic changes and reforms, and yet we have not even approached these. We've not listened to different voices. We've not made any attempt to try to make these changes.

"Well, the good news is that, as bad as things are right now . . . and again we always like to be number one; we couldn't be number one at the NCAA, but we're now the first State in the Union ever to have a statewide bottom-to-top strike of all their educational instructors. The good news is that we are going to have changes and we are going to learn how to do things differently. We are going to have more openness, and we're going to start in terms of looking at options that we should have looked at before.

"There is no reason that we should have this strike right now. There is no reason that we have to go right up until hours before, so that parents don't know what to do with their children. We don't have enough resources for alternate providers. We should have set a time limit. We should have done this early in the Session. We should have set a time limit

as to if certain things didn't happen by that day, at least we knew that we could advise the parents and the taxpayers in this community as to what to expect.

"We have compulsory schools in this State. We have compulsory unionization in this State. We have basically a one party monopoly state that has not looked at things differently. But I'm saying that a new day has started and we're going to write this down, April 5, 2001. It is going to be the start of doing things differently, and the voters and the taxpayers are going to help us do it. Because if they believe that we can't do it ourselves with the same kind of lineup that we have, they will make the necessary changes. We can no longer afford to hide behind things that we've done in the past. We must make changes and we must listen to different voices.

"So I'm optimistic, Mr. President, that your optimism, at least long term, will be reassured. But it requires that all of us try to heal the wounds in this community, try to keep the divisiveness at a minimum, and try to deal with the economic realities as they are and that everyone knows about so that we're all talking from the same page and so that we make meaningful and long lasting reforms not based just on money, but on leadership and management.

"Thank you, Mr. President."

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

"Mr. President, a point of personal privilege and comments partly in response to the previous speaker's remarks.

"Certainly, no one is happy with the situation we're in with the strikes, but I can say that looking at education from the perspective of a Senator, and all of us, we've done things to improve the system. We've done things for systemic change. We've done things that are out-of-the-box thinking and some things remain undone, no question. But I don't think it's a correct statement to say we've done nothing. And I don't believe it's a correct statement to say we've sat back and done nothing.

"I believe, as individuals, and certainly not based on a vote in this body, but as individuals, many of us have tried to talk to both parties or people representing both parties to help matters come to a resolution. We hope they still will.

"I am happy that the rhetoric has subsided. I hope the rhetoric will continue to be in the back seat and working to resolution will be in the front seat, Mr. President.

"Thank you."

## ADJOURNMENT

At 12:15 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, April 6, 2001.