

## FIFTY-FOURTH DAY

Monday, April 23, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Larry Engel, The Waianae Seventh-day Adventist Church, after which the Roll was called showing all Senators present with the exception of Senator Ige who was excused.

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

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 316, dated April 9, 2001, transmitting the Community-Based Economic Development Annual Report for Fiscal Year Ending June 30, 2000, was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 609 to 615) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 609, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 588, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 588, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 19, 2001, was placed on file.

Hse. Com. No. 610, returning S.C.R. No. 19, which was adopted by the House of Representatives on April 20, 2001, was placed on file.

Hse. Com. No. 611, returning S.C.R. No. 26, S.D. 1, which was adopted by the House of Representatives on April 20, 2001, was placed on file.

Hse. Com. No. 612, returning S.C.R. No. 124, S.D. 1, which was adopted by the House of Representatives on April 20, 2001, was placed on file.

Hse. Com. No. 613, returning S.C.R. No. 85, which was adopted by the House of Representatives on April 20, 2001, in an 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.C.R. No. 85, and requested a conference on the subject matter thereof.

Hse. Com. No. 614, returning S.C.R. No. 129, S.D. 1, which was adopted by the House of Representatives on April 20, 2001, in an 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.C.R. No. 129, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 615, returning S.C.R. No. 136, S.D. 1, which was adopted by the House of Representatives on April 20, 2001, in an 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.C.R. No. 136, S.D. 1, and requested a conference on the subject matter thereof.

## CONFERENCE COMMITTEE REPORT

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1193, S.D. 1, presented a report (Conf. Com. Rep. No. 1) recommending that S.B. No. 1193, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1 and S.B. No. 1193, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX ON NONPROFIT ORGANIZATIONS," was deferred for a period of 48 hours.

## STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1698) recommending that H.B. No. 1118, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1698 and H.B. No. 1118, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," was deferred until Wednesday, April 25, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1699) recommending that S.R. No. 15 be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 15, entitled: "SENATE RESOLUTION REQUESTING THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO REVIVE ITS PROPOSAL FOR THE REACTIVATION OF THE NOPI O PUNA RESEARCH CENTER," was adopted.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1700) recommending that H.C.R. No. 64, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 64, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT STRONGER ENERGY POLICIES THAT WILL IMPROVE ENERGY EFFICIENCY, DEVELOP AND ENCOURAGE RENEWABLE ENERGY, REDUCE GASOLINE CONSUMPTION FOR TRANSPORTATION, AND SWITCH FROM FOSSIL FUELS TO ALTERNATIVE FUELS," was adopted.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1701) recommending that H.C.R. No. 122, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 122, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PRELIMINARY ASSESSMENT OF ENERGY SUSTAINABILITY IN HAWAII," was adopted.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1702) recommending that H.C.R. No. 87, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 87, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS AND THE U.S. DEPARTMENT OF AGRICULTURE TO ESTABLISH AND FUND A U.S. DEPARTMENT OF AGRICULTURE - PACIFIC BASIN AGRICULTURAL RESEARCH CENTER - MANAGED CACAO GERMPASM CENTER IN HAWAII," was adopted.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1703) recommending that H.C.R. No. 56 be adopted.

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

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1704) recommending that H.C.R. No. 95, H.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 95, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE FUTURE PRESERVATION OF MAHA'ULEPU," was adopted.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1705) recommending that H.C.R. No. 23, H.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 23, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING FEDERAL SUPPORT OF HAWAIIAN SELF-GOVERNANCE," was adopted.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1706) recommending that H.C.R. No. 54 be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE STATUS OF THE NATIVE HAWAIIAN REHABILITATION FUND," was adopted.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1707) recommending that H.C.R. No. 75, H.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 75, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO NEGOTIATE WITH KAMEHAMEHA SCHOOLS, BISHOP MUSEUM, AND THE OFFICE OF HAWAIIAN AFFAIRS TO LEASE KALIHI VALLEY NATURE PARK FOR A NATIVE HAWAIIAN EDUCATION CENTER," was adopted.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1708) recommending that H.C.R. No. 125 be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING PROJECT KA HALE PONO'S PETITION TO THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR A PARCEL OF LAND TO BUILD A YOUTH CENTER," was adopted.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1709) recommending that H.C.R. No. 33, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 33, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CREATE A PROGRAM THAT WILL FACILITATE THE VOLUNTARY PARTICIPATION OF HIGH SCHOOL STUDENTS IN COMMUNITY SERVICE, WORK EXPERIENCE, OR SERVICE LEARNING," was adopted.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 1710) recommending that H.C.R. No. 91 be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE COMPREHENSIVE STUDENT SUPPORT SYSTEM OF THE DEPARTMENT OF EDUCATION," was adopted.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1711) recommending that H.C.R. No. 100, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 100, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONTINUE TO OVERSEE, ON THE LEGISLATURE'S BEHALF, THE STATE'S EFFORTS TO PROVIDE EFFECTIVE SERVICES TO FELIX CLASS CHILDREN," was adopted.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1712) recommending that H.C.R. No. 163, H.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 163, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD AND DEPARTMENT OF EDUCATION TO REEVALUATE READING GOALS FOR STUDENTS IN HAWAII'S PUBLIC SCHOOLS AND INCREASE SYSTEM ACCOUNTABILITY FOR ATTAINING THOSE GOALS," was adopted.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1713) recommending that H.C.R. No. 161, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 161, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, IN CONJUNCTION WITH THE KAMEHAMEHA SCHOOLS, TO JOINTLY CONDUCT A FEASIBILITY STUDY ON ESTABLISHING A RESOURCE CENTER FOR STUDENTS, PARENTS AND TEACHERS ON THE ISLAND OF KAUAI," was adopted.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1714) recommending that H.C.R. No. 50 be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING EQUAL TREATMENT FOR JAPANESE LATIN AMERICANS INTERNEED IN THE UNITED STATES DURING WORLD WAR II," was adopted.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1715) recommending that H.C.R. No. 89, H.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 89, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO CONVENE A TASK FORCE TO STUDY SAFE ACCESS TO VIEW AND LEARN ABOUT HAWAII VOLCANOES," was adopted.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1716) recommending that H.C.R. No. 88, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 88, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO CONSIDER HOW THE HILO AREA CAN MAXIMIZE THE ECONOMIC OPPORTUNITIES PRESENTED BY THE CRUISE INDUSTRY," was adopted.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1717) recommending that H.C.R. No. 115, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 115, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE

PACIFIC BASIN ECONOMIC COUNCIL AND ENCOURAGING EFFORTS TO HOLD THE 34TH INTERNATIONAL GENERAL MEETING IN HAWAII," was adopted.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 1718) recommending that H.C.R. No. 182, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 182, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN EXPERIMENTAL SWORDFISH FISHERY TO ADOPT ALTERNATIVE TURTLE MITIGATION MEASURES AND AVOID ADVERSE ECONOMIC IMPACT," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1719) recommending that H.C.R. No. 71, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 71, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING THE WORK OF ISLAND TENANTS ON THE RISE FOR THEIR CONTINUING EFFORTS TO BRING LOW-INCOME PEOPLE INTO ACTIVE PARTICIPATION IN THE DEMOCRATIC PROCESS," was adopted.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1720) recommending that H.C.R. No. 129, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 129, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO ESTABLISH A JOINT LEGISLATIVE ADVISORY PANEL TO REVIEW MANDATED HEALTH INSURANCE BENEFITS, EXPANSION OF HEALTH CARE PROVIDERS, AND HEALTH CARE REGULATION," was adopted.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1721) recommending that H.C.R. No. 151, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 151, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENTS OF HEALTH, AGRICULTURE, AND EDUCATION TO PROMOTE HEALTHY EATING AND FURTHER URGE THE DEPARTMENT OF EDUCATION TO CONSIDER OFFERING FRUIT JUICES, MILK, AND BOTTLED WATER IN SOFTDRINK VENDING MACHINES ON PUBLIC SCHOOL CAMPUSES," was adopted.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1722) recommending that the Senate advise and consent to the nominations of COLETTE P. MACHADO and CRAIG NEFF to the Kaho'olawe Island Reserve Commission, in accordance with Gov. Msg. No. 254.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1722 and Gov. Msg. No. 254 was deferred until Tuesday, April 24, 2001.

### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 1677 (Gov. Msg. No. 224):

Senator Kawamoto moved that Stand. Com. Rep. No. 1677 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of LINDA C. TSEU to the Civil Defense Advisory Council, term to expire June 30, 2005, seconded by Senator Fukunaga.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1678 (Gov. Msg. No. 240):

Senator Kawamoto moved that Stand. Com. Rep. No. 1678 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations to the Commission on Transportation of the following:

STEPHEN E. SMITH, term to expire June 30, 2004; and

JANE N. YAMASHIROYA, term to expire June 30, 2005,

seconded by Senator Fukunaga.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1679 (Gov. Msg. No. 242):

Senator Kawamoto moved that Stand. Com. Rep. No. 1679 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations to the Advisory Board on Veterans' Services of the following:

WILLIAM W. DAVES, terms to expire June 30, 2001, and June 30, 2005; and

RAMONA GREMAN, THOMAS L. JOAQUIN and DELBERT M. NISHIMOTO, terms to expire June 30, 2005,

seconded by Senator Fukunaga.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1680 (Gov. Msg. No. 252):

Senator Kawamoto moved that Stand. Com. Rep. No. 1680 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations of KELVIN DANG, LYNN N. FALLIN and JOHN T. KAIZUKA to the State Highway Safety Council, terms to expire June 30, 2005, seconded by Senator Fukunaga.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1681 (Gov. Msg. No. 258):

Senator Kawamoto moved that Stand. Com. Rep. No. 1681 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of VIT U. PATEL, M.D., to the Medical Advisory Board, term to expire June 30, 2005, seconded by Senator Fukunaga.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1682 (Gov. Msg. No. 228):

Senator Matsuura moved that Stand. Com. Rep. No. 1682 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of ALISON M. DINGLEY, BART S. HUBER and THELMA C. NIP to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, terms to expire June 30, 2005, seconded by Senator Buen.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1683 (Gov. Msg. No. 229):

Senator Matsuura moved that Stand. Com. Rep. No. 1683 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of COLETTE BROWNE, DR.P.H., ANTONE KAHAWAIOLAA, JR., and ARTHUR W. MARTIN to the Policy Advisory Board for Elder Affairs, terms to expire June 30, 2005, seconded by Senator Buen.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1684 (Gov. Msg. No. 232):

Senator Matsuura moved that Stand. Com. Rep. No. 1684 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Emergency Medical Services Advisory Committee of the following:

JAMES S. MAEDA, term to expire June 30, 2003;

BEVERLY I. TAKABA, term to expire June 30, 2004; and

ROBERT CONRAD, M.D., term to expire June 30, 2005,

seconded by Senator Buen.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1685 (Gov. Msg. No. 235):

Senator Matsuura moved that Stand. Com. Rep. No. 1685 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of RICHARD DE JOURNETT, M.D., STEVEN H. HOSAKA, W. PHILIP KAU, D.V.M., and HOLLY ENGEL WALTERS to the Radiologic Technology Board, terms to expire June 30, 2005, seconded by Senator Buen.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1686 (Gov. Msg. No. 246):

Senator Matsuura moved that Stand. Com. Rep. No. 1686 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of FAYE W. KURREN and MAILE MEYER to the State Commission on the Status of Women, terms to expire June 30, 2005, seconded by Senator Buen.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1687 (Gov. Msg. No. 247):

Senator Matsuura moved that Stand. Com. Rep. No. 1687 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations of MICHAEL H. LYONS II and GEORGE F. MUKAI to the Board of Directors of the Hawai'i Health Systems Corporation, terms to expire June 30, 2005, seconded by Senator Buen.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1688 (Gov. Msg. No. 251):

Senator Matsuura moved that Stand. Com. Rep. No. 1688 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Board of Health of the following:

JOHN J. ING, term to expire June 30, 2002;

LIBBY P. OSHIYAMA, term to expire June 30, 2003;

GENEVIEVE A.L. KINNEY, PH.D., JANE Y. PANG and BARRY SHITAMOTO, M.D., terms to expire June 30, 2004; and

JULIA ORRICK ABBEN, term to expire June 30, 2005,

seconded by Senator Buen.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1689 (Gov. Msg. No. 260):

Senator Matsuura moved that Stand. Com. Rep. No. 1689 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

ROBIN S. CHOY and JENNIFER DUTRO, terms to expire June 30, 2004; and

VICKY M. FOLLOWELL, PAULA HEIM, PAULA T. MORELLI, PH.D., ALBERT H. PEREZ, LESLIE ROSS, PH.D., and NANCY WRIGHT SLAIN, terms to expire June 30, 2005,

seconded by Senator Buen.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1690 (Gov. Msg. No. 184):

Senator Inouye moved that Stand. Com. Rep. No. 1690 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations of P. ROY CATALANI, ISAAC FIESTA JR. and PETER YUKIMURA to the Land Use Commission, terms to expire June 30, 2005, seconded by Senator Chun Oakland.

At this time, Senator Inouye rose in support and said:

"Mr. President, I speak in support of Stand. Com. Rep. Nos. 1690, 1691, 1692, 1693, 1694, 1695, 1696, and 1697.

"As Chair of the Committee on Water, Land, Energy, and Environment, we support all the governor's messages as stated. Thank you."

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1691 (Gov. Msg. No. 234):

Senator Inouye moved that Stand. Com. Rep. No. 1691 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations to the Hawai'i Community Development Authority of the following:

JAMES S. KOMETANI, term to expire June 30, 2002; and

ALLAN LOS BANOS, JR., term to expire June 30, 2005,

seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1692 (Gov. Msg. No. 244):

Senator Inouye moved that Stand. Com. Rep. No. 1692 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of ALLEN SOUZA to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, term to expire June 30, 2005, seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1693 (Gov. Msg. No. 264):

Senator Inouye moved that Stand. Com. Rep. No. 1693 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations of PASCUAL DABIS, ANNA C. KAOHELAULII, MICHAEL H. KIDO and SCOTT K. ROWLAND, PH.D., to the Natural Area Reserves System Commission, terms to expire June 30, 2005, seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1694 (Gov. Msg. No. 261):

Senator Inouye moved that Stand. Com. Rep. No. 1694 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations to the Molokai Irrigation System Water Users Advisory Board of the following:

THOMAS DECOURCY and GEORGE W. MAIOHO, terms to expire June 30, 2003;

RICHARD WHEELER, term to expire June 30, 2004; and

ROBERT M. GRANGER, PH.D., and JOSEPH C. WAMPLER, terms to expire June 30, 2005,

seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1695 (Gov. Msg. No. 245):

Senator Inouye moved that Stand. Com. Rep. No. 1695 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of HAROLD HART to the Board of Certification of Operating Personnel in Water Treatment Plants, term to expire June 30, 2005, seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1696 (Gov. Msg. No. 255):

Senator Inouye moved that Stand. Com. Rep. No. 1696 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations of KELVIN K.F. CHING and DAVID D. HIGGINS to the Kaneohe Bay Regional Council, terms to expire June 30, 2005, seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 1697 (Gov. Msg. No. 256):

Senator Inouye moved that Stand. Com. Rep. No. 1697 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations of KATHRYN WHANG INOUE and TED K. YAMAMURA to the Board of Land and Natural Resources, terms to expire June 30, 2005, seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

# FINAL READING

S.B. No. 212, S.D. 1, H.D. 1:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 212, S.D. 1, and S.B. No. 212, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY INSTRUCTION PERMIT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

S.B. No. 1341, S.D. 1, H.D. 1:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1341, S.D. 1, and S.B. No. 1341, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNITED STATES SELECTIVE SERVICE SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

### RE-REFERRAL OF SENATE RESOLUTIONS

The Chair re-referred the following resolutions that were offered:

Senate Resolution	Referred to:
No. 75	Committee on Economic Development and Technology
No. 100	Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment

At 12:03 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.

### SENATE RESOLUTION

The following resolution (S.R. No. 104) was read by the Clerk and was disposed of as follows:

Senate Resolution

No. 104 "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE OF THE TWENTY-FIRST LEGISLATURE OF THE STATE OF HAWAII, 2001-2002."

Offered by: Senators Ihara, Chumbley, Chun Oakland, Matsunaga, Ige, Fukunaga.

By unanimous consent, action on S.R. No. 104 was deferred until Tuesday, April 24, 2001.

At 12:10 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.

### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 982 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the

amendments proposed by the House to S.B. No. 982, seconded by Senator Hanabusa and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 982, seconded by Senator Hanabusa.

Senator Taniguchi noted:

"Mr. President, this is an emergency appropriation request that was requested by the Governor and relates to the state irrigation program."

Senator Slom rose to speak with reservations and said:

"Mr. President, please permit me to make a statement on this in support with reservations of these bills.

"We've been told that we have emergency appropriations all the time and my definition of an emergency is something that has come up that reasonable people could not have anticipated. All of these things that we're discussing today and we're reconsidering today we have talked about before, we have considered them before. And while some of them may be very worthy, to call them emergency and to continue to budget this way and to pass legislation with emergency shows a lack of planning, it shows a lack of fiscal restraint.

"In addition to that, we have a problem because our State Constitution has an expenditure level. I noticed that in the change for the House drafts, the language referring to the exceeding of the state expenditure level has been removed. It is not discussed in these bills.

"In addition to that, all of the measures are required to disclose what the emergency conditions are and what the urgency is that requires us to act in an emergency fashion and none of these bills really do that. So we're asked again to spend millions upon millions of dollars when the real emergency that we can see is up in the gallery and outside in the front and we don't settle that.

"So, Mr. President, I will be voting for these bills with reservations because I know that many of them are Felix related. But even here again, for the first time we have questioned how the expenditures are being monitored and accounted for under Felix. We need to do a much better job and that really is the basis for whether or not we have money for other priorities.

"Thank you."

At 12:17 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:18 o'clock p.m.

Senator Taniguchi rose in rebuttal as follows:

"Mr. President, just a short rebuttal.

"I think the Senator from Hawaii Kai is aware or he should be aware that when we talk about emergency, emergency is a term that means that the monies that we're appropriating will be used in the current biennia, not in the future one. Therefore, that's the term and it has to come from the Governor. That's why it's an emergency.

"Thank you."

The motion was put by the Chair and carried.

Senator Taniguchi then moved that S.B. No. 982, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Slom requested his vote be cast “aye, with reservations,” and the Chair so ordered.

Senator Hemmings rose with reservations and said:

“Mr. President, reservations. I share the similar concerns as articulated by the Senator from east Oahu. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 982 and S.B. No. 982, H.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE IRRIGATION PROGRAM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

S.B. No. 1084, S.D. 2 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 1084, S.D. 2, seconded by Senator Hanabusa and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 1084, S.D. 2, seconded by Senator Hanabusa.

Senator Taniguchi then noted:

“Mr. President, this is an emergency appropriation request that was requested by the Governor and relates to Felix.”

The motion was put by the Chair and carried.

Senator Taniguchi then moved that S.B. No. 1084, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Slom requested his vote be cast “aye, with reservations,” and the Chair so ordered.

Senator Hogue rose with reservations as follows:

“Mr. President, I also rise in support with reservations.

“I think I understand the volatility of the issue right now before us regarding emergency appropriations for Felix but there are so many concerns out there regarding reporting, accountability, and communication between the departments. I applaud the Legislature’s efforts to set up some sort of investigative task force on this particular issue, but we are not there yet. The numbers have changed too many times throughout this Session and we need to look at the process.

“Therefore, I will be voting with reservations. 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, the Senate agreed to the amendments proposed by the House to S.B. No. 1084, S.D. 2, and S.B. No. 1084, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EDUCATION,” having been read

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

Ayes, 24. Noes, none. Excused, 1 (Ige).

S.B. No. 1106, S.D. 1 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 1106, S.D. 1, seconded by Senator Hanabusa and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 1106, S.D. 1, seconded by Senator Hanabusa.

Senator Taniguchi then noted:

“Mr. President, this is an emergency appropriation request that was requested by the Governor and relates to Felix.”

The motion was put by the Chair and carried.

Senator Taniguchi then moved that S.B. No. 1106, S.D. 1, H.D. 1, having been read throughout, pass Final 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, the Senate agreed to the amendments proposed by the House to S.B. No. 1106, S.D. 1, and S.B. No. 1106, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

S.B. No. 1114 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 1114, seconded by Senator Hanabusa and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 1114, seconded by Senator Hanabusa.

Senator Taniguchi then noted:

“Mr. President, this is an emergency appropriation request that was requested by the Governor and relates to Felix.”

The motion was put by the Chair and carried.

Senator Taniguchi then moved that S.B. No. 1114, H.D. 1, having been read throughout, pass Final 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, the Senate agreed to the amendments proposed by the House to S.B. No. 1114 and S.B. No. 1114, H.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES,” having been



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

Ayes, 24. Noes, none. Excused, 1 (Ige).

S.B. No. 1127, S.D. 1 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 1127, S.D. 1, seconded by Senator Hanabusa and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 1127, S.D. 1, seconded by Senator Hanabusa.

Senator Taniguchi then noted:

“Mr. President, this is an emergency appropriation request that was requested by the Governor and relates to Felix.”

The motion was put by the Chair and carried.

Senator Taniguchi then moved that S.B. No. 1127, S.D. 1, H.D. 1, having been read throughout, pass Final 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, the Senate agreed to the amendments proposed by the House to S.B. No. 1127, S.D. 1, and S.B. No. 1127, S.D. 1, H.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

S.B. No. 1142 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 1142, seconded by Senator Hanabusa and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 1142, seconded by Senator Hanabusa.

Senator Taniguchi then noted:

“Mr. President, this is an emergency appropriation request that was requested by the Governor and relates to Felix.”

The motion was put by the Chair and carried.

Senator Taniguchi then moved that S.B. No. 1142, H.D. 1, having been read throughout, pass Final 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, the Senate agreed to the amendments proposed by the House to S.B. No. 1142 and S.B. No. 1142, H.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EARLY INTERVENTION SERVICES,” having been read

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

Ayes, 23. Noes, none. Excused, 2 (Ige, Kanno).

#### DISCHARGE OF A CONFERE

H.B. No. 1245, H.D. 1 (S.D. 1):

The President discharged Senator Hemmings as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1245, H.D. 1.

#### ADJOURNMENT

At 12:23 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., Tuesday, April 24, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate