

## SIXTIETH DAY

Thursday, May 3, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 10:20 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Ron Arnold, Kaimuki Christian Church, after which the Roll was called showing all Senators present.

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

At this time, the following introductions were made to the members of the Senate:

Senator Kawamoto introduced Nancy Miyashiro as follows:

"Mr. President and colleagues, I'd like to first recognize and congratulate Nancy Miyashiro on her retirement. Nancy is in the gallery watching her last Session. Nancy, please rise. (Mrs. Miyashiro rose to be recognized.)

"Nancy is from Waipahu, God's country, and is retiring after working over 30 years in the State Legislature. She has worked in the Senate accounting office since 1990. Thank you for being so pleasant, efficient, and always delivering our checks promptly, with a smile. That's why she got a big hand, because she handles our money. Nancy, thank you very much. Aloha, mahalo, and happy retirement."

Senator Hemmings then rose and said:

"Mr. President, may I be permitted to add accolades to Nancy and her retirement.

"Nancy, on behalf of the Senate Minority, we're very pleased with your tenure and we're going to sorely miss you and we really feel that you don't have a partisan bone in your body. Our checks arrived just as quickly as everybody else's, and for that, we're immensely grateful, although it seems that the Senator's checks are oftentimes smaller than most others are.

"I would also like to enter into the record the fact that, of the three branches of government, Nancy, I believe that this is the most efficient branch. People here come to work because they like to come to work, and they get the job done no matter how long or how hard the work is. I think when you cost out the effectiveness of the three branches of government, the Legislature is by far and away the most cost effective, and it's people like you that make it so, Nancy.

"Thank you so much for all you've done for us. Aloha."

Senator Ige then made the following introduction and said:

"Mr. President, if I might be permitted an introduction also.

"I just wanted to introduce Marilyn J. Chinen. Marilyn first joined the staff of Representative Joe Kuroda in the Regular Session of 1971 and little did she know that temporary job would last, or how much a part of her life the Legislature would become.

"Marilyn has gone on to serve in 31 Sessions, and she is about to retire. Marilyn was also very, very active in her community, serving as President of the Pearl City Community Association.

"I just wanted to extend my heartfelt aloha to Marilyn Chinen on her retirement. Marilyn could you rise to be recognized. (Mrs. Chinen rose to be recognized.)

"I would just like to add, for any of you Senators who ever happened to stop by the Majority Office on deadline night, in the chaos of all the staff members working, Marilyn could always be counted on to be calm and in control of everything that was happening. So I just wanted to thank her again."

Senator Kawamoto then congratulated the 2001 University of Hawaii Warriors Men's Volleyball Team on their outstanding season and introduced the following individuals: Head Coach Mike Wilton, Assistant Coach Tino Reyes, Assistant Coach Aaron Wilton, Team Captain Torry Tukuafu, Brenton Davis, Dejan Miladinovic, Eyal Zimet, Vernon Podlewski, Kimo Tuyay, Costas Theocharidis, Geronimo Chala, Kyle Denitz, Rob Drew, Maulia LaBarre, Jake Muise, Scott Panaro, Daniel Rasay, Marvin Yamada, and trainers Marlo Torres and Renee Shigemaru.

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

The Senate reconvened at 10:58 o'clock a.m.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 326, informing the Senate that on May 2, 2001, he signed into law Senate Bill No. 483 as Act 79, entitled: "RELATING TO RESTRAINT OF TRADE," was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 674 to 678) were read by the Clerk and were placed on file:

Hse. Com. No. 674, informing the Senate that the following bills passed Final Reading in the House of Representatives on May 1, 2001:

H.B. No. 11, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 16, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 77, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 94, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 118, H.D. 3, S.D. 2, C.D. 1;  
H.B. No. 123, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 135, H.D. 2, S.D. 1, C.D. 1;  
H.B. No. 152, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 160, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 161, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 168, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 173, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 175, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 186, S.D. 1, C.D. 1;  
H.B. No. 200, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 201, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 204, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 210, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 236, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 271, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 284, H.D. 1, S.D. 2, C.D. 1;  
H.B. No. 407, H.D. 1, S.D. 1, C.D. 1;  
H.B. No. 429, S.D. 1, C.D. 1;  
H.B. No. 432, H.D. 2, S.D. 2, C.D. 1;  
H.B. No. 462, H.D. 1, S.D. 2, C.D. 1;

H.B. No. 469, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 480, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 498, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 503, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 513, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 526, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 533, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 583, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 594, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 596, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 599, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 600, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 614, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 624, S.D. 1, C.D. 1;  
 H.B. No. 632, H.D. 3, S.D. 2, C.D. 1;  
 H.B. No. 638, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 644, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 645, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 646, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 653, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 702, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 731, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 786, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 840, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 860, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 861, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 862, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 868, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 896, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 945, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 946, S.D. 2, C.D. 1;  
 H.B. No. 962, S.D. 1, C.D. 1;  
 H.B. No. 986, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1000, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1004, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1074, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 1089, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 1100, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1111, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1115, S.D. 1, C.D. 1;  
 H.B. No. 1211, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1216, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1233, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1234, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1243, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1255, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1287, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1339, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1391, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1400, S.D. 1, C.D. 1;  
 H.B. No. 1556, S.D. 1, C.D. 1;  
 H.B. No. 1561, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 1586, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1662, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1667, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 1668, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1685, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 1686, H.D. 1, S.D. 1, C.D. 1;  
 S.B. No. 18, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 41, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 48, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 105, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 118, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 119, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 123, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 178, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 204, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 221, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 224, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 469, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 493, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 498, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 530, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 549, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 589, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 606, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 638, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 643, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 654, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 683, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 684, H.D. 1, C.D. 1;  
 S.B. No. 704, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 710, H.D. 1, C.D. 1;  
 S.B. No. 755, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 838, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 865, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 900, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 927, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 932, S.D. 2, H.D. 4, C.D. 1;  
 S.B. No. 950, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 981, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 986, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 992, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 1011, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1028, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 1030, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 1034, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 1035, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1036, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1044, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1046, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1058, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1060, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 1061, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1066, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1068, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 1071, H.D. 1, C.D. 1;  
 S.B. No. 1079, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1081, H.D. 1, C.D. 1;  
 S.B. No. 1096, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1102, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 1110, S.D. 2, H.D. 3, C.D. 1;  
 S.B. No. 1113, H.D. 1, C.D. 1;  
 S.B. No. 1115, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1119, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 1123, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1144, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 1162, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1178, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 1193, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1199, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 1209, H.D. 1, C.D. 1;  
 S.B. No. 1211, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 1212, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 1213, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 1214, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 1236, H.D. 2, C.D. 1;  
 S.B. No. 1276, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1349, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1362, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 1365, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 1379, H.D. 1, C.D. 1;  
 S.B. No. 1382, H.D. 1, C.D. 1;  
 S.B. No. 1385, H.D. 1, C.D. 1;  
 S.B. No. 1390, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1405, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 1414, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1435, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1455, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1460, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 1512, H.D. 1, C.D. 1;  
 S.B. No. 1535, S.D. 2, H.D. 1, C.D. 1;

S.B. No. 1550, S.D. 2, H.D. 1, C.D. 1;  
S.B. No. 1561, S.D. 1, H.D. 2, C.D. 1; and  
S.B. No. 1577, S.D. 2, H.D. 2, C.D. 1.

Hse. Com. No. 675, informing the Senate that the following concurrent resolutions were finally adopted in the House of Representatives on May 1, 2001:

H.C.R. No. 161, S.D. 1;  
H.C.R. No. 129, H.D. 1, S.D. 1, C.D. 1;  
S.C.R. No. 156, S.D. 1, H.D. 1, C.D. 1; and  
S.C.R. No. 23, S.D. 2, H.D. 1, C.D. 1.

Hse. Com. No. 676, informing the Senate that the House reconsidered its actions taken in disagreeing to the amendments made by the Senate to the following House bills and the amendments proposed by the Senate were agreed to by the House and said bills passed Final Reading in the House of Representatives on May 1, 2001:

H.B. No. 159, H.D. 1, S.D. 1;  
H.B. No. 369, H.D. 2, S.D. 1;  
H.B. No. 539, H.D. 1, S.D. 1;  
H.B. No. 1273, H.D. 2, S.D. 1;  
H.B. No. 1309, S.D. 2; and  
H.B. No. 1405, H.D. 1, S.D. 1.

Hse. Com. No. 677, returning S.B. No. 1048, S.D. 1, which passed Third Reading in the House of Representatives on May 1, 2001.

Hse. Com. No. 678, returning S.B. No. 1126, S.D. 1, which passed Third Reading in the House of Representatives on May 1, 2001.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

#### MATTER DEFERRED FROM TUESDAY, MAY 1, 2001

Stand. Com. Rep. No. 1810 (Gov. Msg. No. 178):

Senator English moved that Stand. Com. Rep. No. 1810 be received and placed on file, seconded by Senator Hemmings and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of DAVID M. LOUIE to the Board of Directors, Aloha Tower Development Corporation, term to expire June 30, 2005, seconded by Senator English.

Senator Tam rose to speak against the nominee and said:

"Mr. President, I rise to not confirm the nominee.

"Mr. President and fellow colleagues, as a Chairman of the Committee on Economic Development and Technology, which according to the Rules of the Senate has jurisdiction of the program overseeing State parks and beaches, I rise in opposition to the confirmation of Mr. David M. Loui as the Director of the Aloha Tower Development Corporation during this Legislative Session.

"Your Committee, upon the two confirmation hearings of Mr. Loui, which he did not attend respectively, recommended that the Senate not advise and consent to the nomination of Mr. Loui for a second term as Director.

"The recommendation of negative confirmation for Mr. Loui is centered on his opposition to the required preservation of the historic State park called Irwin Memorial Park under the administrative care of the Aloha Tower Development Corporation, an agency of the State of Hawaii.

"The first specific reason for the Committee's recommendation for denial of confirmation for Mr. Loui is that, as a current board member of the Aloha Tower Development Corporation, Mr. Loui voted in the board meeting on November 20, 2000, to question the retention and preservation of the historic memorial park by petitioning the land court of the State of Hawaii to remove the restrictions that are present in the certificate of title number 6983.

"The correspondence that Mr. Loui sent us yesterday about Mrs. Helen Irwin Fagan waiving the provisions in the deed dated November 7, 1930, on January 31, 1952, is questionable as to the bona fide signature of Mrs. Fagan, as questioned by Mr. John Hoshibata of the law firm of Bronster Crabtree & Hoshibata in my conversation with him yesterday.

"He also sent me a copy of a handwritten letter from Mrs. Fagan to the former Governor John Burns that she made no comments to the existing street level parking now there. As I recall, Governor Burns, at that time in 1952, was not Governor.

"In fact, as the Chairman of the Board of the Aloha Tower Development Corporation, Mr. Loui stated, per the November 20, 2000, minutes, that Irwin Memorial Park is still a viable site for a parking structure to be built, instead of a historic park.

"Fellow Senators and general public, as background historic information, I wish to submit to you the following information about the historic Irwin Memorial Park:

1. Mrs. Helen Irwin Fagan deeded the historic Irwin Memorial Park to the Territory of Hawaii based on restrictive deeds of 1930 and 1939 to reserve the land for park use.
2. There was acceptance of the Irwin Memorial Park land for park usage by Governor's Executive Order No. 472 in March of 1931.
3. Section 206J-6(c), Hawaii Revised Statutes, reserves the preservation of the historic Irwin Memorial Park.
4. The historic Irwin Memorial Park was officially registered in the Hawaii State Register of Historic Places in December of 1999.
5. The Irwin Memorial Park is subject the National Historic Preservation Laws and Guidelines, including the National Historic Preservation Act of 1966.

"The second reason in opposition to the nominee is that on Monday, April 23, before the confirmation, Mr. Loui came to my office and we talked story and he stated to me that he would compromise – compromise on retaining half of the existing Irwin Memorial Park and using the other half of the park for a parking structure. I asked him what his future plans were for the park and he stated outright that, 'I did not state in terms of what my preference was at that time.' By stating his comments or his desire, he would destroy the historic State owned Irwin Memorial Park.

"Also, Mr. Loui stated that he represents Hawaiian Electric Company and would object to removing the nearby power plant close to Aloha Tower Marketplace in place of building a parking structure. Former Governor John Waihee wanted to

remove the power plant and build a parking structure. In fact, in the previous minutes of the authority meetings, he stated that he opposes building any parking structure at the power plant.

"Thirdly, Mr. Loui is defying the adoption of H.B. No. 1028 from the Legislative Session of 1999 which protects and preserves the historic Irwin Memorial Park. Governor Cayetano signed H.B. No. 1028 into law.

"Fourthly, Mr. President and fellow Senators, this Legislative Session we adopted S.R. No. 41, S.D. 1, requesting the development of a comprehensive massive plan for state parks, whereby stating very strongly that we want to preserve the historic State owned Irwin Memorial Park.

"My recommendation to you, my fellow colleagues, is to not confirm David Loui due to the above stated deficiencies in order to protect the preservation of State parks and our precious environment.

"Thank you."

Senator Chun rose to speak in favor of the nominee and said:

"Mr. President, I stand in favor of the nominee.

"Mr. President, in all due respect to the Honorable Chair of the Committee which the nomination was referred to, I understand his concerns. Those have been his concerns for a very long time. He's been extremely consistent in keeping Irwin Park as a park and not turning it into a parking lot. That is very admirable and that has been his position all along.

"However, we must go beyond that position and re-look at the qualifications of Mr. Loui and the positions he has taken. I have been afforded a copy of the November 20 ATDC board meeting in which Mr. Loui supposedly took some actions to force the Attorney General to petition to remove the restrictions that are contained in the deed.

"In reviewing the board's minutes though, Mr. President, Mr. Loui first of all did not make the motion, he did not second the motion, and the motion passed the entire board with only one person voting against it. In fact the board minutes also specifically stated that Mr. Loui, in response to a question by Mr. Hoshibata, specifically stated that the board does not have any firm plans for the development of a parking lot on Irwin Park and that there is no time frame for such.

"So I don't feel, after reading the formal minutes, that Mr. Loui has taken a position that definitely includes a parking lot on Irwin Park. I also don't feel that Mr. Loui has acted improperly in these matters. In fact, if there is a question of whether or not a deed restriction contained in the deed requiring that property be kept as a park in perpetuity, the proper way to question that is the actions that were taken by the board and that is to petition the land court for instructions whether or not the restriction is there or not. I do not fault the board, nor do I fault Mr. Loui for taking such a proper action.

"On that basis, Mr. President, I don't feel that I have any legitimate basis to vote against Mr. Loui. On top of that, I happen to know Mr. Loui in my other profession as an attorney. I've been on a case with him personally, and I have always known Mr. Loui to be a person who is upright, honest, and will follow the law diligently. I believe that he can and he will do the same if serving on the board of the ATDC.

"Finally, Mr. President, there was one comment made about Mr. Loui's representation of Hawaiian Electric. I don't know whether or not he represents Hawaiian Electric or not, but I do

know, Mr. President, that if any potential, even potential conflict arises between his representation of Hawaiian Electric and his duties as president or as a member of the ATDC board, Mr. Loui will do the right thing and he will not participate in those actions.

"So Mr. President, it is with a sad heart that I will have to vote against the Chair on this even though I do respect his position that Irwin Park is an important piece of property that we should seriously consider before we take any action of putting a parking lot on that. I don't fault Mr. Loui for any kind of action that the board took in regards to that park.

"So Mr. President, I stand in support of the nomination."

Senator Slom rose to speak against the nominee and said:

"Mr. President, I rise in opposition to the nomination.

"It's very unusual when a Committee sends down a notice of a negative comment to advise and consent. In fact, every year we go through hundreds of nominees, and as you know, all but a few go through and usually those that don't go through have been withdrawn by the Governor or for personal reasons.

"I was present at both confirmation hearings. I listened to material that was brought forth and certainly there has been, since that time, conflicting testimony as to what has taken place or what the various positions are. Let me make it clear that my actions have nothing to do with either support or non-support of the Chair itself or in opposition to Mr. Loui personally. I'm sure that the good Senator from Kauai is quite right, that there's no question of integrity or his abilities in other fields.

"However, as members of this Committee, we were charged with looking at the specific responsibilities of Directors of the Aloha Tower Development Corporation. Just as we were responsible for looking at the people involved with the Hawaii Tourism Authority, for example. I think for the first time this year that Senators were looking at the actions as it related to the responsibilities and duties to that position more directly and more specifically. It certainly is true that over the last several years we have debated the fate of Irwin Park and were it not for a number of individual citizens, relatives of the estate, and environmentalists, I have no doubt in my mind that we would see a parking lot, a multi-level parking lot right now, because that has been the intent all along.

"As the good Senator from Nuuanu had said, this Legislature had gone on record in preserving Irwin Park as a park, had gone on record again in terms of making it a historic location, and with this year's resolution, further reinforce that, in looking at the park's redevelopment and plans statewide.

"In addition to that, I'm very concerned about what we do to people's estates, their wills, and their very clear objectives, particularly when they are donating property or possessions to the state or county governments. There can be no question as to why that land was given. It was given for the people of Honolulu, the people of Hawaii, as a park, an open park.

"That brings us back to the Aloha Tower Development. I am very pro business, I am very pro development, but I'm also very pro in terms of listening to the wishes of people that are directly involved. And part of the problem has been that that project from the very outset, from the State's involvement, was a project that was doomed to very difficult times because there was a lack of parking. And the State made representations to a number of individuals, investors, and business people, business owners, and business merchants that the State would provide the adequate and necessary parking for that development aside

from and separate from Irwin Park. And when the State did not do that, and when problems continued with that development, as they will in any area where there's not adequate parking, then the position changed and shifted and it became an idea of let's take the park and let's have a little bit of parking or semi-covered parking or other parking. In other words, to thwart the wishes of the estate and the decedents of the estate.

"So, really it goes back to a problem that has been discussed in this Legislature, a problem that goes far beyond this individual. However, when you serve on a board or a commission, you have responsibility and accountability. When you are, particularly, the chairman, you help determine where the policies are going to be. And as I say, there is a clear and honest difference as to where some of those policies are right now. But in that November meeting of last year, the chairman did not make it specifically clear that his or the board's position was to honor the sanctity of that estate, the will, and to keep that parcel as a park.

"And so, because Mr. Loui did not attend personally and did not give answers to these questions, I am left with the difficulty in trying to support a nominee that, as I say, has not taken a very clear and decisive position from an environmental standpoint, from a contractual standpoint, and from a standpoint of the will. So I will be voting 'no.'

"Thank you."

Senator Chumbley rose to speak in support of the nominee and said:

"Mr. President, I rise to speak in support of the nomination.

"Mr. President and colleagues, I also respect the work that the good Senator from that area has done to preserve the Aloha Tower Marketplace area, and I commend him and encourage him to continue that effort.

"I am willing to support this nominee because I believe that there is a process in place. The board, which has the governance over that area, cannot act as individuals and unilaterally by themselves. I trust that process, and I believe that process is one that we should all respect also.

"In addition, Mr. President, I have some lengthy comments both in opposition from individuals to this nominee and some rebuttals in support of the nominee, and I'd also like to have those submitted into the Journal for the record.

"Thank you."

The Chair having so ordered, Senator Chumbley's documents are identified as ATTACHMENT "A" to the Journal of this day.

Senator Kim rose in opposition to the nominee and said:

"Mr. President, I rise to speak in opposition as well.

"This is not in opposition to Mr. Loui himself. I think it's in opposition to the so-called process that was just mentioned.

"We seem to have a process of confirming individuals, and I am surprised that we don't insist that they appear before us. I have made this comment to you that I believe that all nominees should come before us if they want to serve. We've been lax, and certainly, people from the outer islands have had difficulty, and I've been lenient as well. But when you have a nominee that is of question and of controversy, then they need to come

before us. We need to be able to ask these people questions and shouldn't just be rubber-stamped and allowed to proceed.

"As a newcomer, I have never met Mr. Loui. He has never contacted me. I've never had the opportunity to talk to him. And so for those reasons, I will be supporting the Chair and opposing the nomination.

"Thank you."

At 11:18 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:22 o'clock a.m.

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

Senator Slom rose and said:

"Mr. President, a Roll Call vote, please."

The motion was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Bunda, Hemmings, Hogue, Ihara, Kanno, Kawamoto, Kim, Slom, Tam).

At this time, Senator Tam rose and said:

"Mr. President, I have a few remarks.

"This has been a very trying morning, if I may, and I want to say this . . . I don't blame anybody. I just had to express myself in terms of the desires for the State of Hawaii. To restate what I said earlier, it's for our State parks' protection and also the environment. I hold no bounds against anybody for their vote and I will continue to work with my colleagues in the best interest of our State.

"Thank you."

## FINAL READING

### MATTERS DEFERRED FROM TUESDAY, MAY 1, 2001

Conf. Com. Rep. No. 99 (H.B. No. 1667, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Ige and carried, Conf. Com. Rep. No. 99 was adopted and H.B. No. 1667, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 134 (S.B. No. 530, S.D. 2, H.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 134 be adopted and S.B. No. 530, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nakata.

Senator Hogue rose in support of the measure with reservations and said:

"Mr. President, I rise in support of this measure with reservations.

"I want to point out that on page 1 of this bill, which I think is very well-intended, it says we will 'keep exemplary principals and vice-principals at the school level, and encourage exemplary principals and vice-principals to accept long-term assignments to hard-to-staff schools, special needs schools, and schools with high teacher turnover.' But if you turn to page 4, it says that 'principals shall meet the department's certification requirements and shall have not less than 5 years of appropriate school-level experience of which at least 3 have been as a teacher, while vice-principals shall meet the department's certification requirement and shall have appropriate school-level experience as determined by the department.' In other words, they don't have to be a teacher.

"In other words, vice-principals will be encouraged to be 'exemplary,' but the catch-22 is they will not be allowed to be principals unless they've spent 3 years in the classroom. So for that, I'll vote with reservations.

"Thank you."

Senators Slom, Hemmings, Ige, Fukunaga, Chumbley and Ihara then requested their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Sakamoto rose to speak in support of the measure and said:

"Mr. President, with all the reservations, I guess I should say something in support.

"We've addressed this in a similar measure before. Let me reiterate that principals are the curriculum leaders or should be. Unfortunately, due to all of these other issues before them, before the principals and vice-principals, many are hampered with non-curriculum type issues. I believe that due to the current shortage and future shortage of qualified school administrators, we need to adjust the requirements to allow people who are experts in some of the paper shuffling, that the principals and vice-principals don't feel is their job, to do things like facilities management, to do things like procurement, do many of the things that all businesses do, that the military does, and many other institutions do. If these burdens can be lifted from our current curriculum leaders, they can focus on their primary job and let other people do these other tasks.

"Mr. President, this is an aim to support the principals and support them as curriculum leaders and allow some of those tasks to be done by others."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 134 was adopted and S.B. No. 530, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ADMINISTRATORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 138 (S.B. No. 704, S.D. 1, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 138 be adopted and S.B. No. 704, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

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

"Mr. President, I rise in opposition to this bill.

"While I certainly support the process of compensation for crime victims, this bill actually is a bureaucratic bill to establish executive director and staff for the Crime Victims Compensation Commission.

"If my memory serves me correctly, in 1999 there was passage of legislation which allowed fees and so forth to guarantee that this would be a self-sufficient process. However, in this bill now, S.B. No. 704, C.D. 1, we are now making an appropriation out of the general funds of \$450,000 for this fund that was supposed to be self-financing. Also in the conference draft, we're deleting the repeal date of Section 4 of Act 278 of 1999, which we're also repealing the temporary requirement that not more than 30 percent of funds deposited into the fund be used for operating expenses and salaries.

"So the question remains, How much is going to go to crime victims and how much is going to go to new bureaucrats in salaries? I think it's a question that we should have spent more time on. I don't like the way the bill has been handled, and I'll vote 'no' on it.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 138 was adopted and S.B. No. 704, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 140 (S.B. No. 1058, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 140 and S.B. No. 1058, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 141 (S.B. No. 992, S.D. 2, H.D. 2, C.D. 1):

Senator Matsuura moved that Conf. Com. Rep. No. 141 be adopted and S.B. No. 992, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom rose in opposition to the measure and said:

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

"Again, this bill creates two special funds. Since I'm in opposition to all special funds, I'm voting 'no.'

"Thank you."

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 141 was adopted and S.B. No. 992, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Conf. Com. Rep. No. 146 (S.B. No. 1382, H.D. 1, C.D. 1):

Senator Nakata moved that Conf. Com. Rep. No. 146 be adopted and S.B. No. 1382, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak in support of the measure with reservations and said:

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

"What this bill seeks to do is to provide salary adjustments, which of course we know means salary increases and greater costs to the taxpayers, for the Office of the Auditor, Ethics Commission, Office of the Legislative Reference Bureau, and Office of the Ombudsman.

"What stands out from this bill is that the Ethics Commission really is not a part of all of the legislative staff agencies and yet the Ethics Commission Executive Director who tried to get a salary increase last year and was denied, is now being lumped together in this bill.

"I'm forced to support it because the other agencies, particularly the Legislative Reference Bureau, which was recognized last year as the top reference bureau in the United States, has done a great job. I don't think, however, that either the Executive Director of the Ethics Commission deserves a salary increase, or that this is the purview of the State Legislature. We probably should have a separate salary commission.

"With those reservations, I'll vote for the bill. Thank you."

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 146 was adopted and S.B. No. 1382, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 147 (S.B. No. 1115, S.D. 1, H.D. 1, C.D. 1):

Senator Nakata moved that Conf. Com. Rep. No. 147 be adopted and S.B. No. 1115, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

"Mr. President, I rise in opposition to this bill also.

"It appropriates \$600,000 from the Human Resources Development Special Fund and creates yet another special fund.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 147 was adopted and S.B. No. 1115, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Conf. Com. Rep. No. 150 (S.B. No. 838, S.D. 2, H.D. 1, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 150 be adopted and S.B. No. 838, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Hogue rose to speak in opposition to the measure and said:

"Mr. President, I rise in opposition to this measure.

"While I am not totally against the idea of setting aside some monies to protect our homes from potential hurricanes, I still am in total opposition to this hurricane fund being set up to what is now approximately \$200 million dollars and not some relief given to the people who have paid in to this particular fund.

"For that reason, I will vote 'no.' Thank you."

Senator Slom rose to speak against the measure and said:

"Mr. President, I also vote 'no' on this bill not only for what the good Senator from Kaneohe has said – we really owe the taxpayers and specifically the premium holders a refund and reimbursement for money that they had spent – but in addition, as we have seen and has been well documented, the fund is still collecting monies even though no new policies have been issued since November of last year.

"During the period of November 2000 to July 2001, the fund will have accumulated an additional \$2 million dollars. This is absurd, this is outrageous, we should not allow this to continue, and again, the taxpayers are being denied money that they have paid into a fund, not into an insurance program.

"Thank you."

Senator Hemmings rose to speak against the measure and said:

"Mr. President, I rise to speak against this legislation.

"We might remember why this hurricane relief fund was instituted in the first place, and part of the reason was because the state agency in charge of regulating insurance companies failed to do an adequate job of insuring the interest of the policyholders. One particular company doing business on Kauai went bankrupt and left all the insured holding the bag. Therefore, this hurricane relief fund came about because of the failures of the State.

"To continue to have this fund does not make sense, therefore I urge my colleagues to join us in doing the responsible thing in giving the money back to the people who paid it."

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 150 was adopted and S.B. No. 838, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 11:35 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

Conf. Com. Rep. No. 152 (H.B. No. 1000, H.D. 1, S.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 152 be adopted and H.B. No. 1000, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Sлом rose to speak in support of the measure with reservations and stated:

"Mr. President, I rise in support of the bill with reservations.

"I think there are many good things in this judiciary budget. There are a number of good programs that have taken off and that are going to be expanded and several new other programs.

"I'm very concerned, however, about the judiciary's construction binge that they're going on and development of new facilities and the expenditures thereon, and particularly certain projects like Kaikoo Mall on the Big Island where small businesses are being displaced. There was a great concern in the community, but there was not, I feel, adequate debate and public input in terms of location.

"We've also heard in Ways and Means, when the judiciary came there, that they have a tendency of getting very high priced buildings and facilities when everybody else is being told to cut back. So these are my reservations. As I say, the programs themselves, I think, are doing quite well and need to be supported.

"Thank you."

Senators Hemmings and Hogue then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 152 was adopted and H.B. No. 1000, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 153 (H.B. No. 1100, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 153 be adopted and H.B. No. 1100, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Hemmings rose to speak in favor of the measure with reservations and said:

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

"There is a big cry from the more extreme elements in the Hawaiian community for total autonomy from the State of Hawaii. It should be noted the State of Hawaii is continuing to underwrite the budget of OHA in spite of the fact of them having somewhere between \$393 million and \$300 million.

"We in the Hawaiian Affairs Committee could never get a clear handle on exactly what their assets are, or more importantly, how much of that huge vested interest they have in cash and investments is being used to benefit the Hawaiians. It has not been clearly delineated.

"Second to that, there was an audit of OHA showing that there are many shortcomings in the management of their resources. Therefore, I think it's incumbent upon this body to proceed very judiciously in handing out the taxpayer's money to the Office of Hawaiian Affairs.

"Thank you, Mr. President."

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 153 was adopted and H.B. No. 1100, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 154 (H.B. No. 1400, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 154 be adopted and H.B. No. 1400, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Buen.

Senator Sлом rose to speak in favor of the measure with reservations as follows:

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

"This bill will authorize state bonds, general obligation bonds, in the amount of \$697,458,000. Debt service is becoming an increasingly large and important part of our budget. It is handcuffing us in terms of other things that we want to do, and I notice that the debt limit for the year 2001 was \$598,604,967.

"So we continue to raise the amount, this time by nearly \$100 million. And let's not fool ourselves – when we're talking about bonds, they may be out of sight but they're not out of mind, because eventually we have to pay them and it can come from increased taxes.

"Also, we are the sixth highest debtor state in terms of per capita outstanding state and county debt as reported by the tax foundation.

"Thank you."

Senators Hogue and Hemmings then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 154 was adopted and H.B. No. 1400, S.D. 1, C.D. 1,



entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 158 (H.B. No. 1561, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Nakata and carried, Conf. Com. Rep. No. 158 was adopted and H.B. No. 1561, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 161 (H.B. No. 432, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Nakata, seconded by Senator Tam and carried, Conf. Com. Rep. No. 161 was adopted and H.B. No. 432, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MILLENNIUM WORKFORCE DEVELOPMENT PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 162 (H.B. No. 1662, H.D. 1, S.D. 2, C.D. 1):

Senator Tam moved that Conf. Com. Rep. No. 162 be adopted and H.B. No. 1662, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

"Mr. President and fellow colleagues, I wish to speak in favor of this bill.

"I want to first of all thank all of you for supporting technology, not just high technology, but technology in general, because how do we define high technology? It's very questionable.

"This bill is in reference to the High Technology Development Corporation, an agency of the State of Hawaii. Though the amount may sound small, \$150,000, it goes a long way. With this amount, we got commitments from the private sector to add in for marketing of the technology industry here in Hawaii.

"This bill represents part of the package for technology legislation this year. The other is what we passed two days ago – that is tax incentives for the technology industry.

"Thank you."

Senator Slom rose to support the measure with reservations and said:

"Mr. President, I rise in support of the measure with reservations.

"The bill has come a long way and I think it's a better bill thanks to the House and Senate conferees, and I can support it, but I still have reservations. One of them is that the High

Technology Development Corporation is allowed to enter into special facility leases and issue SPRBs. It does now require, however, that the Legislature give approval.

"So my message to my colleagues is that we will have to be vigilant in the future in terms of looking at these individual projects.

"In addition to that, the \$150,000 appropriation for marketing, I thought that's already what the State Department of Planning and Economic Development and Tourism is supposed to be doing – marketing all aspects of business and all aspects of technology.

"So I think at a very near juncture, either in Special Session this year or in next year's Session, we should be looking very closely at how those funds are actually being utilized for marketing purposes.

"Thank you."

Senators 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, Conf. Com. Rep. No. 162 was adopted and H.B. No. 1662, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 173 (S.B. No. 1028, S.D. 2, H.D. 2, C.D. 1):

Senator Tam moved that Conf. Com. Rep. No. 173 be adopted and S.B. No. 1028, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Inouye.

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

"Mr. President, I stand to speak in favor of this bill.

"This bill is a very favorable bill. It takes hold of the Barber's Point Community, which has been given over to the State of Hawaii from the federal government.

"Now that the Barber's Point Commission is coming to an end, by June 30<sup>th</sup> of this year it will be integrated with the Hawaii Community Development Authority.

"I'm not all in favor of the Hawaii Community Development Authority. I think we gave too much power to them. We need to oversee them more carefully, because they're not having enough public hearings to address the needs of our community and State.

"But this bill goes one step further, to protect those in the community of Barber's Point. There is a mandate that the HCDA will have to do. That mandate is a good mandate. It states that HCDA, when they speak about the Barber's Point community, they will have to have community forums. That also means that if the community has their input or desires as to what they would like to see within their backyard, they have the right to do so. Right now, HCDA is not doing that, even within my community. Therefore, I strongly support this bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 173 was adopted and S.B. No. 1028, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT DISTRICTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 716, S.D. 2, H.D. 1:

Senator Hanabusa moved that S.B. No. 716, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsuura.

Senator Slom rose to speak in opposition to the measure and said:

"Mr. President, I rise in opposition to this bill.

"While I generally support the purposes of projects for healthcare particularly, and using the special purpose revenue bond mechanism, this particular project has a checkered past and one in which I think that the Legislature has gone down the wrong path before, and I'm very concerned about it going down the same path again.

"Some of my colleagues may recall that originally this was a project by the Episcopal Housing or Community Living Corporation that resulted in the loss of funds to many investors, a fraud upon the Episcopal Church in this State. People did not get millions of dollars back that was invested. It created a number of problems all in the name of providing senior living.

"We can all support senior living, we can all support healthcare facilities, but I'm very concerned that the Legislature gets involved in these projects and does not know the full extent of what may in fact be their liability presently or in the future.

"I'm also very concerned because the amount of money has been increased to upwards of \$142 million. For these and other reasons, I'm going to vote 'no' on this project at this time.

"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. 716, S.D. 2, and S.B. No. 716, S.D. 2, 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1473, S.D. 2, H.D. 1:

Senator Inouye moved that S.B. No. 1473, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, there's something not so smart about this particular bill. And that is, Mr. President . . ."

Senator Chumbley interjected:

"Mr. President, is the speaker for or against the measure?"

Senator Hemmings replied:

"I'm speaking against the legislation since it's not smart.

"This bill attempts to address the problem of growth here in the State of Hawaii where informed people get together and plan where and how we're going to grow. But it doesn't address the real problem, and that is the excessive explosion of population worldwide and the need for housing, the need for jobs, the need for more development to accommodate the people of this State.

"Unfortunately, because of the population explosion, really what we're doing with smart growth initiatives is moving the problem out of one NIMBY's yard into another NIMBY's yard and the NIMBY, of course, is the 'not in my back yard' mentality. No one is addressing the underlying problem of the need for continued growth.

"There is another pitfall to downsizing growth on this island, because everything is subject to the forces of the supply and demand market. When you restrict the number of homes on an island, in a state, in a place, you drive up the demand, and therefore you drive up the prices. I dare say one of the reasons why small lots of 4,000 square feet with a very small house in my district can range in price from \$500,000 to \$700,000 – the supply is just not there.

"Really, smart growth should be concerning itself with how to stabilize population growth, because otherwise, growth is absolutely necessary.

"Thank you, Mr. President."

Senator English rose in support of the measure with reservations and said:

"Mr. President, I rise to speak in support with reservations.

"Mr. President, this is one of those bills that sounds good and looks good, but when you start looking at it, there's some problems. The problem is that it really almost overrides some of the counties' authority with land use issues. It creates a special advisor for smart growth, special advisor to the Governor. What is our land board, Mr. President? What is the county land use mechanisms?

"On page 2, line 7, it says 'lack of coordination between state and county capital improvement programs.' I think it should be lack of coordination between state and counties.

"So, Mr. President, I think the idea is okay. I think that perhaps we should look at empowering the counties more, instead of creating a top-down management land use in Hawaii.

"So I'll support this, but with reservations, Mr. President. Thank you."

Senator Slom rose in opposition to the measure and stated:

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

"I value the comments of my colleague from the beautiful island of Maui, but I don't think that this bill is okay. I think it is flawed from the beginning. If we look across the country at this so-called smart growth movement, we can see very specifically what's happened. If we look in Maryland, which has been used and cited here as a good reason for this, and we look in Portland, Oregon, and other places, we find that what's happened is that there has been a great deal of down-zoning,

which has raised the cost of residential properties and the cost to homeowners in terms of additional fees and taxes. It has also impacted businesses and has basically taken the place of the marketplace with governmental planners in terms of what should go where, who should do what, and how much they should be paid.

"The interesting thing that my colleague from Kailua/Waimanalo brought out is that we talk about it being smart growth but we're using some of the dumb principles and individuals that we've used for years, because the new position of special advisor for smart growth really is going to be the existing director of planning. And if we're saying that we've had a problem with planning all along, then why would we want that same person in that same office to be involved in this? We're now going to have an additional council that's going to help us with this, but that too is going to be made up of the same kinds of people that have made the planning policies that have created additional costs and density problems within our State.

"The point about the State usurping county, regional, and local zoning and other decisions I think is a considerable point and one in which we should be very concerned about. As we know, this State is the only state in a number of activities where it is the state and not the counties, not the cities that have responsibility. So if we really want to move away from that, then we should say so. If we keep talking about home rule and autonomy and decentralization, this is not the plan, this is not the bill to do this.

"In addition, smart growth policies have taken advantage of down-zoning property owners, whether they be commercial or residential, in terms of what they can do with their own property. Now the Supreme Court has held, particularly in the constitutional amendment, the Fifth Amendment, that you can't do that without providing payment. The only problem is that the court cases that have come up have already said that it is a question of how much the law says then. And in a case where you've only lost some of your property and some of your revenue and some of your choices, the courts have held that the government has a right to do this.

"The government may have a right to do it, but is it right? Is it morally right? Is it ethically right? And I would advocate that it is not.

"Finally, Mr. President, this bill has a blank amount for appropriations. We're given a new program, which we know is going to continue to grow and expand because that's what's happened in the so-called smart growth areas all across the country, and yet we don't know what the bill and the cost is going to be.

"For these and other reasons, I would urge my colleagues, if they really believe in zoning and planned development and the ability of people at the local level to do this, to vote 'no' on this bill.

"Thank you."

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Kokubun rose to support the measure and said:

"Mr. President, I rise in support of this measure.

"Mr. President, I would urge my colleagues to support this measure. For one thing, this is an advisory committee. This is not going to be run by one individual, although at this point in time he will chair the advisory committee.

"The very good thing about this bill is that this advisory committee is created to have a forum for the county planning directors and the state planning efforts to be coordinated, and I think everyone would support that. It seems to me that at this point if you look at the planning efforts within our State, it's going at two different levels and there is hardly ever an opportunity for that to be integrated. A prime example of that is the capital improvement projects that are developed both at the county level and at the state level – there is no coordination. So I think this would provide that opportunity to do that.

"There is also a repeal date with respect to this measure. It's going to run for 12 years. So I don't think there's going to be any kind of need to be concerned about how this is going to hamper development. In fact I think it will actually help that scenario here.

"The other point I think I want to make is that this is normally in our planning efforts, and I speak from a county perspective. It's primarily reactionary, and that is where you get into the situation where people don't want it in their backyards and there's inadequate infrastructure to address that. I think what this will do is provide the opportunity to be proactive in our visioning for the State and have that kind of land use planning with a future growth in mind.

"With respect to the funding – yes this bill, as amended by the House, did have a blank in the appropriation. But my understanding in discussion with the Office of Planning is that they have adequate funding to begin to address this issue to administer this council and that there are also grants that they're looking at that they can leverage this money to gain more funding to run this program.

"So again, I think this is a very positive step for planning efforts in this State and I would urge my colleagues to vote in support.

"Thank you."

Senator Chun rose to support the measure and said:

"Mr. President, I rise in support of the measure.

"Mr. President, I understand the concerns of my colleagues regarding the growth of government and the need for another commission, another advisory committee. Mr. President, that's not the intent of this bill. This advisory committee is there to begin the process of finding out how we can incorporate smart growth principles within the way we do business today. There is nobody here right now in our state government doing that.

"We need to get on the bandwagon and find out how we're going to comprehensively develop our property and to preserve what is Hawaii both on the state level and the county level. If there's anything that I want to say in support of this bill, it's that I've been one of the very staunch advocates of home rule and a staunch advocate of making sure that the counties' development plans are not thwarted by the efforts of the State.

"This bill does that. If there's anything worthwhile of preserving in this bill, this bill begins the process of requiring everybody to sit down and require the state departments to work with their county counterparts to make sure that the State is not going in one direction with their infrastructure developments and the counties going in another. That is one of the hallmarks

of smart growth – that both state and county, in fact all government levels, work together to make sure that they are on the same page when it comes to what can be developed and what shouldn't be developed.

"Yes, this is not a perfect bill. This is the beginning, though, of having a bill before us to firmly and fully incorporate smart growth strategies within our state government. This is an advisory committee to look at how we do business here and what needs to be changed. I anticipate that when this committee finishes its work, we will have a formal recommendation as to what the Legislature can do to enact laws to make sure that this concept is incorporated in everything we do.

"Yes, there is a concern about money, but I have also talked with our Office of State Planning and they have indicated that they have funds and they will try to do the best they can, given that there are no additional funds being appropriated.

"I appreciate the concerns by the Minority Party. I think they are correct in some respect that this should not be – should not be – a sign that government will be growing by adding a new layer of bureaucracy. If that was what this bill is going to do, I would also vote against it. However, it is my intent in supporting this bill to start the process and, if it goes beyond what it's intended to do, yes, to come back and reel the advisory committee in.

"I have confidence that the people appointed to this advisory committee will do their job correctly, will look at the problems of coordination between state and county, and will make solid recommendations of how to correct that.

"Thank you, Mr. President."

Senator Hogue rose in support of the measure with reservations and said:

"Mr. President, I rise in support of this measure with reservations.

"I note the concerns about home rule and levels of bureaucracy, but one of the things that I used to say so much when I'd be driving in the car and listening to the things that are going on in our State is, Why doesn't anybody ever talk to the folks across the aisle? Why don't we ever talk to each other? Why doesn't the State know what the city and county is doing and vice versa?

"So this at least sets in motion some discussion, and maybe one hand will actually know what the other hand is doing. I think that smart growth, if it actually means smart growth, can lead us to the right conclusions in relations to planning, hopefully, also our highways and transportation system, our park system, and others as well.

"We just need to know what everybody's thinking and doing out there. So this at least starts that process. Thank you."

Senator Kim rose to speak in favor of the measure with reservations and stated:

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

"Mr. President, it boggles my mind as to why this can't be done without this legislation. If this concern is so prevalent, then why isn't the planning director getting together with the counties?

"We do talk about home rule, and coming from the counties, we've always said that the counties should be responsible for the growth and for land use policies.

"If I read this correctly, it says here that this advisory council will be 'assisting the governor, the legislature, and special advisor in monitoring progress in the achievement of the State's smart growth objectives' and 'advising the governor, the legislature, the special advisor, and state agencies on matters relating to smart growth.' What about the counties? There's nothing in there about the counties. The counties are the ones that are supposed to be doing most of the land use issues and the growth issues, and yet, for some reason, they're left out of that.

"So maybe we need to go back to the drawing boards to rethink what we're doing in this matter.

"Thank you."

Senator Chumbley rose to speak in support of the measure with reservations and said:

"Mr. President, I rise to speak in support of the measure with some reservations.

"Colleagues, maybe the first thing we should have done was try to localize this a little by calling it the 'akamai' growth as opposed to 'smart' growth. Maybe in Maryland they do it one way but I think we could do it a little bit better here.

"I do have concerns that this will add another of layer of review to the already extremely burdensome land use process, thus resulting in a potential increase to the cost of government.

"There have been comments about why we even need this measure and I think that those are accurate, because this is duplicative. The Governor can already designate the Director of the Office of State Planning as the akamai growth advisor. In fact, the goals that are listed in this bill are already contained in HRS 225 and 226.

"Smart growth, right now, can mean anything to everybody. It could mean anti-growth or it could mean pro-growth, depending on your own views. I think that as we move forward with this, we have to look at where the counties are and where we are with home rule. Because while this statewide akamai growth panel may recommend something for the state of Honolulu, I can assure you that on the neighbor islands, and I can speak specifically for Maui and Kauai, we may not want to do exactly what this organization is doing.

"Thank you."

Senator Sakamoto rose to support the measure with reservations and said:

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

"I agree with the previous two speakers about why we need this. I do have concerns when I read the committee report on the people in favor – the Office of Planning, Hawaii's Thousand Friends, People for the Environment and Community Health. I'm concerned that people like the Hawaii Association of Realtors are in opposition. The Hawaii Leeward Planning Conference is in opposition. The Land Use Research Foundation of Hawaii is in opposition.

"I do have concerns if this is a mechanism to stop balanced growth, if this is a mechanism that will raise the cost of housing. I don't dispute the facts of many of the things they're

saying, and I think all parties would agree we need improvement. But I am concerned that this is going to be a Trojan horse, Mr. President.

"For those reasons, I have reservations."

Senator Slom rose again and said:

"Mr. President, a brief rebuttal.

"If you took all of the remarks that have just been made in the last 10 minutes and put them together in terms of reservations, you'd say, How could anybody vote for this bill? Because all of those reservations everybody agrees with are correct. Of course they're correct. We don't need the legislation except for one reason – one reason – if you look at where so-called smart growth has gone in the past . . . and by the way, you can use the term if it makes you feel good. In fact I have a pacifier for the junior Co-Majority Leader from Kauai which I'll give him later on so he will feel better.

"You can substitute the term social engineering because that's what it's all about. We're not talking about smart growth. In fact in most of these areas you're talking about limited, restricted, or prohibited growth. And instead of allowing people to make those decisions themselves, we're allowing the government planners to do that. Again, we are taking the same planners that have misplanned this State thus far and we're going to put them in those positions.

"So if you really say that you believe in local home rule, then get the State out of this process and put the responsibility and accountability on the counties where it belongs, so that people have direct input.

"We talk about getting on the bandwagon. It's really interesting. We don't get on the bandwagon for tax cuts. We don't get on the bandwagon for regulatory reform. We don't get on the bandwagon for economic growth. We just get on the bandwagon when it comes to adding more people on the government payroll. And when we say we have to have a bill to get people to talk, hey, these people and these positions already are getting paid to talk and to listen, and they haven't been doing it. So we're going to give them their salaries. We're going to anoint them and say we're going to include additional ways in which they can do it.

"If you have these serious reservations, then vote 'no' on this bill. Let's come back and let's look at the whole process honestly and objectively.

"Thank you."

Senator Tam rose to speak in favor of the measure with reservations and said:

"Mr. President, I speak in favor of this bill with reservations.

"Looking at this bill, Mr. President, the concept is good, but what worries me, like I've always said in the past, is the Governor appoints all the members. Is it true representation? Why not have each county respectively choose their own representatives?

"In the Chinese culture, historically, the parents choose the bride and the groom, matchmakers. Today, that no longer happens. Why? Because everybody wants to choose their own mate. So why can't we do it here? Basically have the counties choose their own.

"My recommendation to the counties is to be bold. Select your representation, tell the Governor that these are your selections, and force him to appoint these representatives on a technical basis. Otherwise, quite frankly, this bill will accomplish nothing.

"I'm waiting to see what it can accomplish on the positive side. But I'm most concerned about why we should have the Governor name the representatives for the counties. Will they really represent the counties or will they be the 'yes' people for the Governor?

"One other point, it's good to bring ideas together, but there's no map for the plan of action. Talk is cheap. Thank you."

Senator Kim rose and said:

"Mr. President, our good Senator from Hawaii Kai moved me. I'll be voting 'no' on this measure.

"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. 1473, S.D. 2, and S.B. No. 1473, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Kim, Slom).

### THIRD READING

#### MATTERS DEFERRED FROM TUESDAY, MAY 1, 2001

Stand. Com. Rep. No. 1736 (H.B. No. 647, H.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1736 be adopted and H.B. No. 647, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition to the measure and stated:

"Mr. President, again I rise to vote in opposition to a bill.

"I'm forced to vote 'no' on the bill. I have nothing against the Disability and Communications Access Board, the new name that we've chosen for this agency. I'm all for the things that they do, but I continue to be opposed to the creation of a special fund.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1736 was adopted and H.B. No. 647, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DISABILITY AND COMMUNICATION ACCESS BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 1739 (H.B. No. 708):

Senator Taniguchi moved that Stand. Com. Rep. No. 1739 be adopted and H.B. No. 708, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak against the measure as follows:

"Mr. President, we're coming to the end of the calendar and I regret this looks like the last special fund bill I can vote against.

"Unfortunately, H.B. No. 708 creates a special fund for revenue enhancement. It is the federal reimbursement maximization special fund . . . I vote 'no.'"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1739 was adopted and H.B. No. 708, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

At 12:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:47 o'clock p.m.

### MOTION TO OVERRIDE VETO

S.B. No. 207:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hemmings moved that the Senate override the veto of S.B. No. 207, as contained in Gov. Msg. No. 301, seconded by Senator Hogue.

Senator Hemmings rose to speak in favor of the motion and said:

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

Senator Chun interjected:

"Mr. President, point of order.

"I appreciate the motion being made, but in light of the fact that the House has already voted on and denied that motion, any action by the Senate on this is totally moot.

"It would not make any sense to continue this. On that basis, I would like to make a motion to table."

Senator Chun then moved that the motion to override the veto of S.B. No. 207 be laid on the table, seconded by Senator English.

At 12:48 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:50 o'clock p.m.

At this time, Senator Chun withdrew his motion to lay the motion to override the veto of S.B. No. 207 on the table, and Senator English then withdrew his second.

Senator Hemmings rose in favor of the motion to override and said:

"Mr. President, I appreciate the opportunity to speak to this motion which I think is historic, number one; and number two, long overdue.

"I'm rising to ask the Senate body to override the veto of a fairly simple piece of legislation and certainly by no means a hallmark piece of legislation, but the timing and opportunity is perfect to do so.

"This legislation is designed basically to eliminate the requirement that the registered owner of a vehicle being shipped between islands obtain the written consent of the vehicles legal owner when the registered owner is not the legal owner, before shipping the vehicle.

"The Governor chose to veto this and of course he has his reasons, but nevertheless, both Chambers of the Legislature passed this bill unanimously.

"For well over 40 years, the State of Hawaii has had a monolithic government and, unfortunately, the Legislature has been lost in the process. The will of the people oftentimes has been overruled by the dictatorial power of one person, the Governor.

"It's in the Constitution – the effectiveness of our government depends on the checks and balances between the three branches of government, and I don't think we want to acquiesce our power and our constitutional responsibility.

"There's another benefit to overriding the veto of this bill, and that is that this Legislature and your Committee Chairmen have worked tremendously hard on the legislation we've passed this Session.

"We in the Minority Party are not Chairs. We don't have to put the time and the hours into crafting the legislation, hearing and scheduling all the different interest groups to participate in the process.

"To have all your work go upstairs and simply be vetoed with one stroke of the pen, when its overwhelmingly supported by the people you represent, is quite frankly undemocratic. I think our people and this Legislature deserves better.

"Now, I do have to address the issue of it being mute. Yes, on April 26 I sent you a letter requesting this matter be brought to the Floor, and Mr. President, you have been open enough and, I might add, bold enough to address these issues. It's unprecedented. But as far as the issue being moot, it's mute in the House. Obviously, the initiative is dead, but we're not mute. Vote . . . send a message to the Governor that we worked hard on legislation, and in the future if he chooses to veto something that we send up there, we can easily reconvene and override his veto and do what we were sent here to do.

"I wasn't elected to be a rubber stamp to the Governor of the State of Hawaii. We're the only state in the nation that consistently lays down and plays dead at the Legislative level to the Executive branch of government. It's time it changed.

"This has been a hallmark year in the history of the Legislature, and I am so proud, Mr. President, under your leadership and the leadership of your Committee Chairmen, that the process has become more open and that I'm afforded the opportunity in a democratic manner to discuss this issue. Therefore, I would want you to vote not for any party or political entity, but vote for the integrity of this organization – vote for the integrity of the people you represent, and help make the process more democratic.

"I request a Roll Call vote, Mr. President."

Senator Chumbley rose to speak against the motion and said:

"Mr. President, I rise to speak against this motion.

"Mr. President, I want to say that the good Senator from Waimanalo raises some very valid points. However, when I

took the oath of office to become a Senator, I took that oath very seriously. And now to take this action to support the motion, I think, would politicize my constituent responsibility and my obligations to be serious about a veto.

"We all know that the House voted on this earlier and it failed. That obligation I have under the Constitution and that right that we all have under the Constitution is one that I take very seriously. And to now vote for this motion would be a hollow vote and I feel one that would be politicized.

"Therefore, I urge all of my colleagues to vote 'no.' Thank you."

The motion was put by the Chair and, Roll Call vote having been requested, the veto of S.B. No. 207, entitled: "A BILL FOR AN ACT RELATING TO INTERISLAND VEHICLE TRANSFERS," failed to be overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 4. Noes, 21 (Buen, Bunda, Chumbley, Chun, Chun Oakland, English, Fukunaga, Hanabusa, Ige, Ihara, Inouye, Kanno, Kawamoto, Kim, Kokubun, Matsunaga, Matsuura, Menor, Nakata, Sakamoto, Taniguchi).

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

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

"I'm very proud that in spite of the close vote on this issue, that I was able to unite the dissidents with your leadership. Thank you, Mr. President." (Laughter.)

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

"Mr. President, I rise on a point of personal privilege to explain my vote. I think there's a need for clarification.

"People are wondering why I voted yes. Although people have said that the House adjourned already, I say, well, we're separate bodies, respectively, the House and the Senate.

"I take the Constitution of the State of Hawaii very seriously, and that's why I think I had the right to vote my conscience on the merits of the bill – not in terms of whether we're going to override the Governor's veto message or not, but in terms of what is the right measure before us. I'm here to do a job. I can only speak for myself.

"Once again, I do not condemn anybody in terms of how they vote, but you must understand that I vote my conscience, and that's me.

"Thank you."

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 591, S.D. 2, H.D. 1:

Senator Menor 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. 591, S.D. 2, seconded by Senator Matsuura and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 591, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Menor, Matsuura, Hogue). Noes, none. Excused, 1 (Taniguchi).

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 591, S.D. 2, seconded by Senator Matsuura.

Senator Menor noted:

"Mr. President, this bill would make some amendments to the law with respect to the occupational therapy practice law. Basically, the Senate version contains technical differences with the House version.

"DCCA expressed its support for the House version and recommended that we adopt the House amendments."

The motion was then put by the Chair and carried.

On motion by Senator Menor, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 591, S.D. 2, and S.B. No. 591, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:01 o'clock p.m.

S.B. No. 1013, S.D. 3, H.D. 1:

Senator Kawamoto 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. 1013, S.D. 3, seconded by Senator Inouye and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1013, S.D. 3, on the following showing of Ayes and Noes:

Ayes, 3 (Kawamoto, Inouye, Taniguchi). Noes, none. Excused, 1 (Hemmings).

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 1013, S.D. 3, seconded by Senator Inouye.

Senator Kawamoto noted:

"Mr. President, the purpose of the bill is to increase HCDA revenue bonds authorization.

"The House amended the bill to insert the dollar amount of \$150 million."

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

The motion was then put by the Chair and carried.

Senator Kawamoto moved that S.B. No. 1013, S.D. 3, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Inouye.

Senator Slom rose to speak against the measure and said:

“Mr. President, I rise to speak against the bill.

“The problem that I have with his bill is a continuing problem I’ve had with the Hawaii Community Development Authority and also with the Kakaako projects.

“I noticed that the original amount that we were discussing for this infrastructure was \$35 million and the amount in the final version of the bill, the H.D. 1, is \$150 million.

“We talk about it just being basically for parking structures and infrastructure, but as we’ve seen, Kakaako is going to be used for all kinds of things including fish tanks and other facilities and everything else. I think that we have not taken a long and hard look. We have not had public input on both the use of funds and also the impact to our residents on this fund, so I’m going to be voting ‘no.’

“Thank you.”

Senator Hemmings then said:

“In spite of the previous speakers adroit move, I’m still with reservations, Mr. President.”

Senator Tam rose with reservations and said:

“Mr. President, I wish to register my vote of ‘yes, with reservations.’

“To explain why, basically it’s because at this time there is no massive plan for Kakaako at all. There are bits and pieces coming together in terms of creating the overall picture, but nothing concrete.

“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. 1013, S.D. 3, and S.B. No. 1013, S.D. 3, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hogue, Slom).

At 1:04 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:05 o’clock p.m.

#### DISCHARGE OF CONFEREES

S.B. No. 1054, S.D. 2 (H.D. 1):

The President discharged the managers who were appointed on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1054, S.D. 2.

S.C.R. No. 90, S.D. 1 (H.D. 1):

The President discharged the managers who were appointed on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.C.R. No. 90, S.D. 1.

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 1054, S.D. 2, H.D. 1:

Senator Kawamoto 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. 1054, S.D. 2, seconded by Senator Taniguchi and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 1054, S.D. 2, seconded by Senator Taniguchi.

Senator Kawamoto noted:

“Mr. President, on S.B. No. 1054 the House made technical, non-substantive amendments.”

The motion was then put by the Chair and carried.

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1054, S.D. 2, and S.B. No. 1054, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.C.R. No. 90, S.D. 1, H.D. 1:

Senator Kawamoto moved that the Senate reconsider its action taken on April 24, 2001, in disagreeing to the amendments proposed by the House to S.C.R. No. 90, S.D. 1, seconded by Senator Taniguchi and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 90, S.D. 1, seconded by Senator Taniguchi.

Senator Kawamoto noted:

“Mr. President, on S.C.R. No. 90 the House included additional issues to explore the law enforcement and public safety efficiency task force.”

The motion was then put by the Chair and carried.

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 90, S.D. 1, and S.C.R. No. 90, S.D. 1, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES,” was Finally Adopted.

S.C.R. No. 45, H.D. 1:

Senator Buen moved that the Senate reconsider its action taken on April 24, 2001, in disagreeing to the amendments proposed by the House to S.C.R. No. 45, seconded by Senator Chun and carried.

Senator Buen moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 45, seconded by Senator Chun.

Senator Buen noted:



"Mr. President, the introduction of alien species to Hawaii, such as brown tree snakes, Caribbean tree frogs, biting sand flies, and fruit flies, and many, many others, is the single greatest threat to Hawaii's economy, environment, and lifestyle. They cause millions of dollars in crop losses and destroy native species and ecosystems.

"Through S.C.R. No. 45 and S.B. No. 622, we attempted to address what the alien species action plan identified as the single greatest obstacle to improving the effectiveness of alien pest programs – the lack of leadership and coordination among participating groups and agencies.

"S.B. No. 622 failed to pass and S.C.R. No. 45 has been amended to its present form. Although S.C.R. No. 45 calls for yet another study, perhaps it will focus on this lack of leadership and finally provide for the establishment of a strong leader to direct and coordinate alien pest programs.

"Thank you, Mr. President."

The motion was then put by the Chair and carried.

At 1:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:10 o'clock p.m.

On motion by Senator Buen, seconded by Senator Chun and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 45 and S.C.R. No. 45, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY POLICY RECOMMENDATIONS AND FUNDING OPTIONS FOR A COMPREHENSIVE INVASIVE SPECIES PROTECTION AND CONTROL PROGRAM FOR THE STATE OF HAWAII," was Finally Adopted.

S.C.R. No. 62, S.D. 1, H.D. 1:

Senator Kanno moved that the Senate reconsider its action taken on April 24, 2001, in disagreeing to the amendments proposed by the House to S.C.R. No. 62, S.D. 1, seconded by Senator Matsuura and carried.

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 62, S.D. 1, seconded by Senator Matsuura.

Senator Kanno noted:

"Mr. President, the resolution requests the Department of Public Safety, in consultation with a number of agencies and private groups, to implement programs of restorative justice and establish wellness centers.

"The House amendments include adding to the list of entities to be consulted: the Judiciary, the Office of the Public Defender, and the Office of Youth Services.

"The resolution also made a number of clarifying changes."

The motion was then put by the Chair and carried.

On motion by Senator Kanno, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 62, S.D. 1, and S.C.R. No. 62, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, IN CONSULTATION WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, THE PROSECUTING ATTORNEY

OF EACH COUNTY, THE POLICE DEPARTMENT OF EACH COUNTY, THE JUDICIARY, THE OFFICE OF THE PUBLIC DEFENDER, THE OFFICE OF YOUTH SERVICES, AND PRIVATE GROUPS SUCH AS THE OHANA HO'OPAKELE, TO IMPLEMENT PROGRAMS OF RESTORATIVE JUSTICE AND ESTABLISH WELLNESS CENTERS TO REDUCE THE RATE OF INCARCERATION AND INCREASE OPPORTUNITIES FOR INMATE REHABILITATION, PARTICULARLY AMONG NATIVE HAWAIIANS," was Finally Adopted.

## HOUSE COMMUNICATION

Hse. Com. No. 679, transmitting H.R. No. 202, entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," which was adopted in the House of Representatives on May 3, 2001, was read by the Clerk and was placed on file.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 105 to 112) were read by the Clerk and were disposed of as follows:

### Senate Resolution

No. 105 "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE INDIVIDUALS WHO OPENED A DAY OF THE SENATE, TWENTY-FIRST LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 2001, WITH AN INSPIRATIONAL INVOCATION."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 105 was adopted.

No. 106 "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE TWENTY-FIRST LEGISLATURE, REGULAR SESSION OF 2001."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 106 was adopted.

No. 107 "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 107 was adopted.

No. 108 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 108 was adopted.

No. 109 "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 109 was adopted.

No. 110 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 110 was adopted.

No. 111 "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWENTY-FIRST LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 111 was adopted.

No. 112 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Chun, Kawamoto, Slom.

On motion by Senator English, seconded by Senator Hemmings and carried, S.R. No. 112 was adopted.

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

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

"Mr. President, I want to express a concern I have about our adopting legislation (three bills today) without giving any public notice. This is about the last three bills we passed – S.B. No. 591, H.D. 1; S.B. No. 1013, H.D. 1; and S.B. No. 1054, H.D. 1. We passed these bills and they are going to the Governor contrary to the Constitution. The Constitution requires open, public decision-making. In that constitutional requirement, there is implied public notice, because without public notice, the public doesn't know that we're going to vote in public.

"It is like having a committee. Luckily we have some people and the media here, but if they weren't here, we could have taken up anything and, in effect, taken action, and there would not have been public notice.

"We did not give public notice for those three bills, and I'm concerned that we're getting awfully close to violating the State Constitution. I guess I do mean to smudge a little bit of the shine of this Legislature, but more my point is so that next year we don't let this happen.

"I should also note that the House has been doing this today for all the House bills that the Senate amended that they agreed to and voted on. They did not give notice either.

"I'm making a point of it today so that we don't have to hopefully bring it up again.

"Thank you, Mr. President."

President Bunda responded:

"Your concerns are noted. We'll try to strive to open up the process a little more."

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

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

"I wish to enter into the Senate Journal a message in regards to S.B. No. 1169. First of all, I'd like to thank all the parties, namely the Department of Land and Natural Resources, the environmentalists, the general public, and so forth for their interest in this bill, S.B. No. 1169, entitled, 'A Bill for an Act Relating to State Parks.'

"Basically, what it's for is to add funds for the maintenance of our parks. At this time, it's unfortunate that we cannot accept the House version, and let me put into the record as to why. Basically it's because the House version has included, in the interest of tourism, money. And with due respect to the Committee members on the Tourism Committee in the Senate, this bill did not go through that Committee.

"Although I was put in charge as the lead of this bill, leadership, by error, forgot to send it to the Committee on Tourism.

"Also, we should send a message to the Governor. This message to the Governor is please do not restrict the money for the Department of Land and Natural Resources. Our state parks need as many dollars as possible. Any restrictions of the dollars will badly influence the repairs and maintenance of our parks statewide.

"Lastly, I will be calling upon all interested parties to work with me through the Committee on Economic Development and Technology on S.R. No. 41, relating to state parks, to come up with a detailed plan on the maintenance of our parks statewide so all dollars are accountable.

"Thank you very much."

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

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

"Fellow colleagues, I'm rising here today just to say thank you very much. I have to be very honest with you, as I sat as a member of the media and as just a citizen for the past several years, I will admit that I had a relatively low opinion of this particular body.

"It wasn't until I got in here that I realized that there were so many good people working very, very hard with many divergent opinions. We've passed a lot of good measures. Unfortunately, I think we passed some that weren't so good, but people put their input in and there was openness here, and I appreciate all the hard work, all the kind words, the help, and your professionalism. You are very, very good people. I now have a very high opinion of all of you.

"Thank you all from the bottom of my heart. Mr. President, if I could be so bold after I give this point of appreciation, could I please ask you all to put your hands together and applaud yourselves, because I think you did a very good job.

"Thank you."

Senator English also rose on a point of personal privilege as follows:

"Mr. President, a point of personal privilege, please.

"Likewise, in my first Session here I would like to say thank you and mahalo to all of the members for a very steep learning curve (what can I say?) and for a very, very good, productive Session. But, Mr. President, I would be remiss if I didn't recognize a number of people that helped me to make some very wise decisions.

"Very quickly, Mr. President, I'd just like to acknowledge my Chief of Staff, Mele Carroll; my Deputy Chief of Staff, Alan Ibrao; my advisors: Julie Hugo, David Kraul, and Ola Souza; my other staff members: Oren Yakovee, Megan Lytle, and Rebekah Hoyt. Without these people, the tons and tons of information that we've gotten would not have been processed and digested down so that I could understand it and make the right decisions.

"So Mr. President, I say mahalo to my loyal staff and also to all of you for teaching me some of the ins and outs of this place, but also for giving me the respect and the opportunity to work equally with all of you. Mahalo.

"Thank you, Mr. President."

Senator Kim also rose on a point of personal privilege and remarked:

Mr. President, I, too, rise for a point of personal privilege. I'm not sure of the procedure on this last day, but I might not be as brief as my other colleagues.

"As I conclude my first Legislative Session as the Senator from Kalihi, Moanalua, and Aiea, I'd like to take this opportunity, colleagues, to share some of the thoughts from one who is new to this Chamber but not necessarily new to the Legislature.

"In fact, all four of us in this year's Democratic freshman class, Senators Menor, Kokubun, English, and myself, have all had experience in previous elective office and collectively we bring 18 years of State government experience and 34 years of county government experience here to this Chamber. I don't know if this is good or bad, Mr. President.

"Having returned to the Capitol following 14 years on the Honolulu City Council, I've had to adjust to a much different pace and way of doing business. I'm sure you will all probably agree that a year-round legislative calendar gives greater opportunity for thoughtful deliberation on complex issues. It's a real luxury compared to the frantic, hurried environment of this legislative body. Because of this pace, it is important that we as a body find ways to further improve the process.

"During the past election, as I went door to door, I learned that people were desperate for change. I believe it was on that basis that I was elected. That's why I've been troubled many times because oftentimes when suggestions were made, they have been resisted for no other reason than, 'We've always done it this way.' It is my hope that we work to implement several new policies or practices over the interim.

"The first that should be adopted is that of a year-round professional staff. It's a proposal I've been advocating from the beginning of my term, and one that I know you, Mr. President, and others in this Chamber have supported. But support is one thing, implementing it is another. It was very effective at the Council in ensuring the smooth management of legislative matters and easier access to information. The retention of trained staff would provide this ever changing body with continuity and the retention of historical data that will allow us to better address the concerns of our constituents. This need

may become more apparent as we're forced to consider larger and more complex issues and budgets, tackle difficult social and economic problems, and better represent our diverse constituencies in the years ahead.

"We urgently need the resources and support to ensure that we effectively represent our constituents – and I know the benefits will far outweigh the additional costs.

"The next proposal involves committee structures and scheduling. It amazes me that we are able to pass meaningful legislation when so few of us are able to attend all the necessary hearings because of scheduling conflicts. I served on committees that met concurrently, a situation I found frustrating, if not disturbing, because the conflicting meeting times did not permit me to participate in important decision-making. I'm sure we could minimize some of these conflicts by more judicious scheduling if we, especially the committee chairs, really tried hard.

"I would also like to see more committee chairs and members engaged in legislative oversight by questioning officials of state agencies not just on bills that are before us but the effects of past legislation on how they are spending tax dollars and then holding them accountable.

"I commend you, Mr. President, for doing your part to institute curbs in the Senate spending by setting limits in individual's printing, postage and travel expenditures. We must set an example to state agencies and the public that we, too, can follow in all aspects of prudent spending.

"But at the same time, Mr. President, I hope we will not scrimp on the necessary expenditures that will further streamline our legislative information system and maintain a professional working environment for members and the general public.

"As one example, when I moved into my office on the second floor, I was appalled at the condition of the office furniture. The desks and bookshelves are made of expensive koa, but lack of upkeep has left them in a deplorable condition – a real waste, considering the amount of money that was originally spent to purchase them. I implore you, Mr. President, to adopt a two-year plan to have the Sergeant-at-Arms refurbish and maintain this very expensive furniture so future Legislators can also enjoy them.

"I might add that our elevators are the mechanical equivalent of clogged arteries. I've asked that our elevator be repaired on numerous occasions, and months later it continues to malfunction. The worst part is that my colleagues tell me it's been that way for years. In fact, the Senator from Pearl City has promised me a lunch if the elevators ever get fixed. I hope complacency has not resulted in neglect of the State Capitol. That would be a waste of taxpayer's monies.

"I'm not sure what goes on during the interim, but certainly the maintenance and repair of Senate equipment should be at the top of the list.

"I join the Senator from Palama and ask the Senate Clerk that the Order of the Day be made more user-friendly. It's absurd that it cannot be fashioned in a way that we and the public can follow easily. I challenge our hard-working Clerk to put aside old practices and suggest ways on how we can improve it.

"The purpose of all legislative staff, Mr. President, is to support this body and be proactive in helping us to better serve the public. With their years of experience, I challenge them to devise an agenda that is less challenging.

"Finally, I thank you, Mr. President, and my colleagues for the privilege of serving as the Chair of the Tourism and Intergovernmental Affairs Committee. I believe our major achievement was putting the Hawaii Tourism Authority on notice that the Senate will be expecting much greater accountability and oversight on its part for the expenditure of \$61 million. Committee members spent many hours questioning HTA officials and scrutinizing the HTA's many programs and contracts, only to discover that the authority had failed to deliver on their stated mission and to exercise the controls needed to ensure that tax dollars were spent prudently.

"I praise this body for approving a number of tourism-related measures, particularly those that would have streamlined and improved, and even sunsetted, the HTA. A concurrent resolution calling for the Legislative Auditor to conduct a full audit of the agency did pass both houses, and its findings should prove to be enlightening.

"Regrettably, the House killed all of the other measures we passed, including one to create a tourist registry that might have provided an economical means of working with residents to promote Hawaii on their overseas trips. However, I know that actions by the Senate sent a clear message to the HTA that we will be monitoring them carefully. I'm happy that our work has not escaped the attention of the news media or the public. Just this week, our actions were hailed by the Honolulu Advertiser. Additionally, I plan to attend HTA meetings during the interim and invite all of you to join me.

"One controversial tourism measure that was deferred was the tax on tour wholesalers. I also will be examining this issue very closely during the interim to determine if there really is a problem with the tax and its true impact on the visitor industry. I call upon HTA to take a proactive approach on this issue and others like it. This is another example of the kinds of tasks that HTA should be taking a leadership role on.

"I hope those of you with oversight on other key boards and commissions will scrutinize their performance and the nature of their deliberations as yardsticks for Senate confirmations, if not the continued existence of those entities.

"While the Session was not without its frustrations and disappointments, Mr. President, I think our accomplishments, most notably our support of our teachers and education, will set the stage for further progress during the next Session.

"I extend my mahalo to you, Mr. President, my hard-working staff, the members of the Tourism and Intergovernmental Affairs Committee, and to my Senate colleagues for your boldness and support. While we may not always agree on every issue, I believe we all share the common goal of wanting to represent those who have placed their trust and confidence in us. I look forward to continuing to cooperate with all of you on matters that affect the future of Hawaii and our people.

"Thank you."

Senator Slom then rose on a point of personal privilege and stated:

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

"On January 17, when we started our 2001 Legislative Session, I stood here and asked that we think out of the box, that we look to change, and that we try to re-earn the respect, the confidence, and the trust of the people that send us here, pay our bills, and pay for everything that we do.

"I'm happy to say that at the end of this Session, I think that we can all share in a feeling that we have worked hard and that we have done things differently. Changes were made. It may be an overworked expression, but this will be remembered as a historic Legislative Session.

"In many ways, thanks to you, Mr. President, and the leadership, this year will erase some of the hard memories of the 1996 Senate and some of the years that occurred after that, where people lost faith and confidence in this body as being truly independent. I think that we have reestablished our independence and openness in debate.

"Mr. President, you and the leadership have shown us in the Minority, the emerging Majority, a great deal of courtesy and openness. Those among us who are counted by the media and others as dissidents have had full and open discussion. We have not dodged issues. We have confronted them and discussed them openly.

"We face, as Legislators and as Senators, a wide array of issues every year, and people expect us to know all the answers. The simple truth is – we don't know all the answers. We're not experts. And depending on our background and our experience or lack of experience, we approach problems and issues differently. But I think the hallmark of this Session was that we were more willing to listen to people, to be inclusive, and to try to reach answers after understanding what the various segments of the population really thought, knowing that in very few cases are there really black and white issues.

"I'm also encouraged and enthused that we are on the track to really establishing priorities. I think we demonstrated this. We did put our money where our mouth was, in talking about education being our number one priority and taking care of our teachers adequately and making the first steps towards true educational reform.

"A couple of decades ago, many of us saw originally, and since then some of the younger members saw either from Blockbuster or somewhere else, the classic science fiction movie 2001, Arthur C. Clark. Well here we are, this is 2001. But you remember the central theme of that movie. The central theme was that monolithic, faceless block that appeared in one part of the universe and then was transformed to another part. And people debated then, and they debate today, what that monolithic structure represents.

"The nice thing about the 2001 Session in the Senate is that we are not monoliths. We have had independence, we have had discussions, we have taken positions, and we've given face to the issues. We don't have a block of Republican votes or dissident votes or Majority votes. We have carefully considered and debated openly those issues.

"Am I satisfied? No, I'm not satisfied with what we've done, but I don't think any of us really are. I think that the pace could have been different. I think that we could have achieved even more, but I am really enthused from the standpoint that we tackled and did not duck these issues.

"And to my colleagues, and particularly the newer and younger, well some are newer and not younger, colleagues, I salute your independence and the fact that you were open to discussion. And we've done it. We've had some really good debates here. We've had more debates outside on this Floor than we have inside in those rooms, or upstairs, or anywhere else, and that's good and it should be encouraged. And those people that have led the effort to make it even more open, to bring the sunshine here, are to be encouraged and to be thanked for the contributions they have made.

"Finally, Mr. President, I think that it was under your leadership and your willingness to bring people together, to bend over backwards, to allow them to discuss their issues and their concerns, that has set us on a track so that we can look forward to next year's Session, making it even better. So a thank you to all those people, staff of all of the Legislators, and those staff that don't get credit for making us look good sometimes and doing all the things that they do. We thank you for a good Session and a profitable one at that.

"Thank you, Mr. President."

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

"Mr. President, I just want to say a few words of appreciation to all my colleagues.

"This has been a very trying Session. I've been here now 19 years, and I think this has been the most difficult Session. Why, because we have a challenging future for Hawaii.

"When I asked for this Committee on Economic Development and Technology, it was a challenging committee and it still is, and I appreciate this opportunity. In the past, I had other committees on education, environmental protection and those were committees where basically I just asked for dollars. Now it's more challenging to find those dollars for the future, and I thank you for the opportunity.

"This year we had a good start in Economic Development and Technology. We took bold steps in coming out with positive legislation, but next year will be even better. I look forward to working with all of you during the interim because you helped pass two main resolutions that will be embraced next year and will give us an action plan. One is to have a task force on economic development.

"Many of you have heard me say that the parties involved should choose their own representative. Well, you have embraced this and I thank you very much. Each respectable professional group that works or participates in our economic development will choose their own representative. It's something that's fairly new, but I think we are taking a bold step whereby we will gather more information and more communication.

"We're going to have a direction for the future of our economy. Bring in the dollars and hopefully we'll reduce our worries about the dollars of the future and how we're going to budget for education, human services, health, and other public needs.

"You also helped move and adopt a resolution to have a task force on technology. I have explored this area, and yes, I have learned a lot. In fact, thanks to many of you, you have educated me and I welcome more education on this. I have also learned a great deal from the business community. I found out, unfortunately, if I may state for record, that we do not have a direction for technology and it's sad.

"Technology can be a great industry for us. In fact, with the informational age, in my travels to China and Taiwan, they want Hawaii to be the partner for technology, to provide the service. They will provide the manufacturing; we provide the service. Why, because we are international here in Hawaii. We have the multi-cultures. People have laughed at me about this, but seriously, we are the focus of the world. We are the melting pot of the world. We will bring people together through the age of technology.

"We'll have a task force on technology, whereby the parties will have their own representative. We will devise an action plan for the future. Right now, everybody goes in their own direction, but we need to bring together all in one in partnership.

"I thank you very much."

At this time, President Bunda delivered his closing remarks as follows:

"As we wrap up the people's business, we're no doubt reflecting on our own individual and collective accomplishments, but it's also a time to express aloha and thanks to those who have helped to make those accomplishments possible, and I'd like to acknowledge them now.

"Vice President Colleen Hanabusa, thank you. Majority Leaders Cal Kawamoto and Jonathan Chun, thank you. Majority Floor Leader J. Kalani English, thank you very much.

"As to the leadership team and to the committee chairs, I extend my deepest appreciation for your strong and decisive leadership, your energy, and unwavering commitment to this body and to the people we were elected to serve.

"Of course, where would we be without the support of those who ensure this process that runs efficiently. I speak of Chief Clerk Paul Kawaguchi and his immediate staff, along with the employees in Accounting, Data Systems, and the Print Shop.

"Valuable too are our Sergeant-at-Arms Ben Villafior and his crew, as well as the Senate Majority and Minority Offices, who together form the cornerstones of this institution. To all of you, mahalo for a job well done.

"I would be remiss if I didn't single out Ways and Means Chair Brian Taniguchi and his dedicated staff, who labored long and hard to craft the biennium budget under the very trying circumstances.

"I believe the accomplishments of the 2001 Legislature can be best described in several broad themes.

"Regarding public education, we have really succeeded in providing our school system with the funding it really needed to give our young people the knowledge and the tools they need to become very responsible citizens. Chief among them is the \$115 million in pay raises for the public school teachers. We are also providing over \$170 million in additional funding for the Felix Consent Decree, the total cost of which will approach \$700 million over the biennium.

"Colleagues, in my opening day speech I asked you to join me in a pledge to the people of this State – that I would leave no doubt of our commitment to our children's education.

"We appropriated more than \$150 million for improvements to school facilities. Millions more were added to the budget for special education teachers, school administrators, and other personnel requested by the DOE. And almost \$5 million was set aside for performance standards and \$3 million for the leadership academy. Additionally, a loan program has been established to encourage college students to seek careers in teaching here at home.

"We've provided for a long awaited pay raise for the faculty at the University of Hawaii and appropriated \$6 million to foster greater autonomy and self-sufficiency.

"These measures should have a significant impact on the quality of education in our State.

"Our Legislative accomplishments did not come at the expense of those less fortunate. The raising of the minimum wage will offer some hope to those who are at the lower rungs of the economic ladder, including those who are joining the workforce as a result of welfare reform.

"We appropriated \$2.5 million for homeless shelters and \$37.8 million in rental subsidies to help families who cannot afford Hawaii's high cost of housing, and \$2.4 million for more drug prevention in public housing. To that, we added more than \$14 million to help people on welfare return to work.

"While these measures will not solve all of our problems, they do meet pressing needs in our community, and together with other funding measures and existing programs, demonstrate the Legislators compassion for those struggling to cope with social and economic forces beyond their control.

"Another theme of this Session was the need for government reform. The Senate was an early and strong advocate of funding the \$300 million in arbitrated and potential pay raises and possible settlements for public employees and teachers. But balancing the rising cost of government against our limited financial resources led to monumental legislation – the first, authorizing Governor and Mayors to privatize public services; and the second, reforming the Health Fund to ensure its solvency in the years to come. I believe these systemic changes will stimulate innovation in government and reduce the cost of public services.

"As we sought to make government more economical and efficient, we were still mindful of the need for continued economic growth. Toward that end, we approved measures granting tax credits to high technology companies for their investments in Hawaii. We also appropriated money to market Hawaii as a business destination, which, in combination with new construction in the form of repairs to our schools, should provide a meaningful stimulus to our economy and much needed tax revenues.

"Another important theme is change, which I said in my opening day remarks would be a major force during the Session. For the first time in legislative history, we posted budget worksheets on the Internet while negotiations were still in progress. With the support of Chair Taniguchi and the House leadership, we opened the budgetary process, stripping away much of the mystery that has kept these deliberations hidden for so many years.

"Increased public accessibility is the vehicle by which the Legislature will regain public confidence and the respect.

"The Rule change on Conference Committee deliberations was very productive, confounding critics who claimed the process would stifle debate. In fact, this change worked very well by motivating conferees to press the issue with their colleagues and engage in productive dialog on key issues. Thank you, Senator Slom.

"The success we enjoyed in opening the process can only lead to more change, specifically and further opening the process to all Legislators and the public at large.

"I would be really remiss if I didn't recognize Speaker of the House Calvin Say, who was instrumental in bridging the distance between our two Houses. To him, I extend my gratitude for his support.

"Our capacity for change has clearly been demonstrated. More work lies ahead of us as we continue to build our accomplishments and create a better Legislature and a better Hawaii.

"I salute each and every one of you for your contributions to this landmark Session of tough choices and hard decisions. We set out to change things for the better and we did it. Mahalo and aloha."

#### ADJOURNMENT

Senator English moved that the Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, adjourn Sine Die, seconded by Senator Hemmings and carried.

At 1:45 o'clock p.m., the President rapped his gavel and declared the Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, adjourned Sine Die.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate