

TWENTIETH DAY

Thursday, February 14, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 12:05 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by Elder Gene Fujii, Kaimuki Evangelical Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Nineteenth Day.

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:32 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 5 to 8) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 5, transmitting H.B. No. 1764, which passed Third Reading in the House of Representatives on February 13, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1764, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed First Reading by title and was deferred.

Hse. Com. No. 6, transmitting H.B. No. 1806, which passed Third Reading in the House of Representatives on February 13, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1806, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed First Reading by title and was deferred.

Hse. Com. No. 7, transmitting H.B. No. 2432, which passed Third Reading in the House of Representatives on February 13, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD SUPPORT," passed First Reading by title and was deferred.

Hse. Com. No. 8, transmitting H.C.R. No. 12, which was adopted by the House of Representatives on February 13, 2002, was placed on file.

By unanimous consent, action on H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE TANF REAUTHORIZATION ACT OF 2001 (HR 3113)," was deferred until Friday, February 15, 2002.

SENATE RESOLUTION

The following resolution (S.R. No. 22) was read by the Clerk and was deferred:

Senate Resolution

No. 22 "SENATE RESOLUTION RELATING TO CELEBRATION OF STATEHOOD DAY."

Offered by: Senators Slom, Hemmings, Hogue, Taniguchi.

STANDING COMMITTEE REPORTS

Senators Buen and Inouye, for the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 2147) recommending that S.B. No. 2245, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2245, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Kanno, for the Committee on Health and Human Services and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2148) recommending that S.B. No. 2150, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2150, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Matsuura and Kanno, for the Committee on Health and Human Services and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2149) recommending that S.B. No. 2594 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2594, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2150) recommending that S.B. No. 2964, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2964, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2151) recommending that S.B. No. 2030 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2030, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2152) recommending that S.B. No. 2669 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2669, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROJECTS ON THE ISLANDS OF MAUI AND HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2153) recommending that S.B. No. 2774, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2774, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROGRAM FINANCING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2154) recommending that S.B. No. 2808, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2808, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2155) recommending that S.B. No. 2908 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2908, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CENTRAL OAHU RECYCLING AND DISPOSAL FACILITY, INC.," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2156) recommending that S.B. No. 2262 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2262, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2157) recommending that S.B. No. 2368 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2368, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REPAIR AND MAINTENANCE OF ALOHA STADIUM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2158) recommending that S.B. No. 2371 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2371, entitled: "A BILL FOR AN ACT RELATING TO A GENERAL EXCISE TAX HOLIDAY TO STIMULATE HAWAII'S ECONOMY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2159) recommending that S.B. No. 2376 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2376, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ADDITIONAL CAMPING CABINS IN STATE PARKS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2160) recommending that S.B. No. 2383, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2383, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2161) recommending that S.B. No. 2408 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2408, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PACON INTERNATIONAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2162) recommending that S.B. No. 2411, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2411, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MARKETING OF HAWAII PRODUCTS AND SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2163) recommending that S.B. No. 2414 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2414, entitled: "A BILL FOR AN ACT RELATING TO TAXATION TO STIMULATE THE ECONOMY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 2164) recommending that S.B. No. 2540, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2540, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2165) recommending that S.B. No. 2472 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2472, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2166) recommending that S.B. No. 2880, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2880, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUEA CEMETERY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2167) recommending that S.B. No. 2476, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2476, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2168) recommending

that S.B. No. 2750, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2750, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2169) recommending that S.B. No. 2478 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2478, entitled: "A BILL FOR AN ACT RELATING TO THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2170) recommending that S.B. No. 2212, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2212, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2171) recommending that S.B. No. 2221 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2221, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2172) recommending that S.B. No. 2321 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2321, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2173) recommending that S.B. No. 2335 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2335, entitled: "A BILL FOR AN ACT RELATING TO NEIGHBORHOOD ELECTRIC VEHICLES,"

passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2174) recommending that S.B. No. 2337, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2337, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2175) recommending that S.B. No. 2767 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2767, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2176) recommending that S.B. No. 2842, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2842, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2177) recommending that S.B. No. 410, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 410, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2178) recommending that S.B. No. 2294, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2294, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep.

No. 2179) recommending that S.B. No. 2450, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2450, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2180) recommending that S.B. No. 2375, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2375, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO HIRE SECURITY GUARDS AND TO PURCHASE SECURITY CAMERAS FOR SENIOR AND DISABLED RESIDENCE COMPLEX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2181) recommending that S.B. No. 2885, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2885, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2182) recommending that S.B. No. 3031, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 3031, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2183) recommending that S.B. No. 2727, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2727, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROFESSIONAL AND VOCATIONAL LICENSING ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2184) recommending that S.B. No. 2751 pass Second Reading and be placed on the calendar for Third Reading.

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

adopted and S.B. No. 2751, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2185) recommending that S.B. No. 2813, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2813, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME FRAMES FOR BURIAL COUNCIL DETERMINATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 19, 2002.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, FEBRUARY 13, 2002

Stand. Com. Rep. No. 2088 (S.C.R. No. 28, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2088 and S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Tuesday, February 19, 2002.

Stand. Com. Rep. No. 2089 (S.R. No. 9, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2089 and S.R. No. 9, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Tuesday, February 19, 2002.

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 410, S.D. 1	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 2243	Committee on Water, Land, Energy, and Environment, then jointly to the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing
No. 2803	Committee on Water, Land, Energy, and Environment, then jointly to the Committee on Economic Development and Technology and the Committee on Ways and Means
No. 2832	Committee on Ways and Means

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

- S.B. No. 410;
- S.B. No. 2231;
- S.B. No. 2475;
- S.B. No. 2486;
- S.B. No. 2620;
- S.B. No. 2998; and
- S.B. No. 3028.

Senator Kawamoto noted:

"Mr. President, S.B. No. 410 is a short form bill and in anticipation of a re-referral, we scheduled the bill for a hearing prior to Friday's lateral deadline.

"The reason for these bills are there were late requests for the bills to be heard and we accommodated them."

The Chair then granted the waiver.

Senator Inouye, Chair of the Committee on Water, Land, Energy, and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. Nos. 2243 and 2803.

Senator Inouye then noted:

"Mr. President, pursuant to your recent announcement with regards to the re-referrals of S.B. Nos. 2243 and 2803, I request a waiver of the notice requirement pursuant to Senate Rule 20."

The Chair then granted the waiver.

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. No. 2232.

Senator Menor noted:

"Mr. President, the reason for the request is because yesterday your Committee on Commerce, Consumer Protection and Housing was not able to publicly announce the date, time, and location for the decision-making on this measure because of scheduling conflicts involving my Committee and the Hawaiian Affairs Committee that had jurisdiction over this measure as well. Nevertheless, we did have an extensive and full public hearing on this measure and a hearing notice was posted yesterday. We just weren't able to make the announcement within the required 48-hour time period."

The Chair then granted the waiver.

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

"Mr. President, I'd like to rise on a point of personal privilege.

"Mr. President, I wanted to point out and express a concern I have regarding the decision-making in this frenzied atmosphere with probably 30, 40, or 50 decision-making meetings. I wanted to point out Rule 86 which says that as part of the Senate Rules we are obligated to follow, by our own rules, Mason's Manual of Legislative Procedures. The Mason's Manual of Legislative Procedures is replete with references that support the parliamentary principle that members know precisely, 'members are entitled to know precisely what it is they are voting on and what effect their votes will have before they vote.'

“As much as possible, if Chairs could have either the draft language or, if not that, either a digest or some reference to testimony or some way that members, when they vote, we know what we’re voting on.

“Thank you, Mr. President.”

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

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

“Mr. President and colleagues, today marks the 20th day of this Session. We’ve completed one-third of this Session. We have nothing to show for it – not one thing. The only bill that we’ve passed is the bill that we always pass first, the bill that pays us first, pays the cost. We have not passed legislation. We have not heard a lot of bills, and we have chaos in a lot of the Committees as the Senator from God’s country and the Senator from Ala Wai/Waikiki was just alluding to.

“We’ve got to get our act together. We’ve got to do a much better job. When we have people sitting in a hearing room and we postpone that hearing for 4 or 5 hours or keep deferring decision-making, it’s not right. It’s not fair. It’s not fair to them; it’s not fair to our colleagues. As individuals in this Senate, we do have a responsibility to be at hearings on time and to take our duties seriously.

“So I would expect and hope, Mr. President and colleagues, in the next 40 days of this Session, that we do what we’re supposed to do and do it in a timely manner so that at the end of this Session we can all be proud of the work that we’ve accomplished.

“Thank you.”

Senator Sakamoto rose on a point of personal privilege also and stated:

“Mr. President, I rise on a point of personal privilege partly in response to the Senator from Hawaii Kai and partly in response to other comments.

“I believe we’ve heard many bills, and part of the problem that has caused delays is that we respectfully entertain people who want to testify and want to speak. In yesterday’s hearing, on the first bill there were several dozen people who eloquently wanted to express their concern about the value of that particular measure. Your Chair, Mr. President, did not feel it was appropriate to tell them to summarize or to tell them to stand on their testimony, or to tell them ‘we’re going to pass the bill, go home.’

“Mr. President, with respect to the people and also with respect to time, I feel it’s our obligation to respect the testifiers and allow them to do their testimony and hopefully sometimes being reminded that other people are waiting. But unfortunately, time does go on.

“One reason your Education Committee hears many bills, Mr. President, is because before I was elected to this body, as a member of the public we often asked members of this body, previous members and some current members, to ‘hear a bill, hear a measure, please hear a measure. Let us have our day at the Legislature.’ And many times we were rebuffed. So I think it’s our obligation and it’s more important to hear measures and have people have their say even if it prolongs hearings or delays decision-making.

“I apologize that some of our issues are still works in progress. But, Mr. President, we will work diligently and do our best to be on time as well as do our best to provide enough information for our members to vote.

“Thank you.”

ADJOURNMENT

At 12:47 o’clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Friday, February 15, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate