

TWENTY-SECOND DAY

Tuesday, February 19, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Jose Nacu, MS, Our Lady of the Mount, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

The President announced that he had read and approved the Journal of the Twenty-First Day.

At this time, Senator Nakata congratulated the Kahuku Red Raiders Football Team on capturing the Hawaii High School Athletic Association Football Championship for the second consecutive year and introduced the following individuals: Vice Principal Pauline Masaniai; players Jonathan Mapu and James Kamerrer; and Head Coach Siuaki Livai.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 13 to 20) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 13, transmitting H.B. No. 1804, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1804, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," passed First Reading by title and was deferred.

Hse. Com. No. 14, transmitting H.B. No. 2049, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2049, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," passed First Reading by title and was deferred.

Hse. Com. No. 15, transmitting H.B. No. 2282, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2282, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS TO ARBITRATE MADE BEFORE JULY 1, 2002," passed First Reading by title and was deferred.

Hse. Com. No. 16, transmitting H.B. No. 2310, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2310, entitled: "A BILL FOR AN ACT RELATING TO VENUE," passed First Reading by title and was deferred.

Hse. Com. No. 17, transmitting H.B. No. 2317, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2317, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS," passed First Reading by title and was deferred.

Hse. Com. No. 18, transmitting H.B. No. 2318, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2318, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF BAIL OR BONDS," passed First Reading by title and was deferred.

Hse. Com. No. 19, transmitting H.B. No. 2437, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2437, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN PROTECTIVE ORDERS," passed First Reading by title and was deferred.

Hse. Com. No. 20, transmitting H.B. No. 2467, which passed Third Reading in the House of Representatives on February 15, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2467, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," passed First Reading by title and was deferred.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, FEBRUARY 14, 2002

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

Senator English moved that Stand. Com. Rep. No. 2088 and S.C.R. No. 28, S.D. 1, be adopted, seconded by Senator Chumbley.

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

Senator Kawamoto rose in support of the measures and said:

"Mr. President, I rise to speak in favor of both this and the next resolution.

"Mr. President, we've talked, we've discussed, we got some media time on all these resos on the enforcement of the traffic program. We heard a loud cry initially, then we heard the whimper later on. The mood has changed. The desire of the

community is that we should keep the program because it's doing its work.

"The longer we wait, we've seen over the weekend accidents on the Big Island, accidents in Waialua. Again, excessive speeding, loss of control. We need to get a handle on speeders.

"But these resos ask the Department to look into matters that were concerns of the community and how we may improve the department's traffic cam programs. The Department has been working on them already. They're looking into concerns about the speed limits on the state highways and deployment of the vans. We're asking the Department to expedite these changes because we lost two lives over the weekend that may have been saved if we'd address speeders.

"With the outcries in the community – we have to do something! We have to look at the infrastructure of the highways. The thing we can do is change our mental attitude towards speeding. So we're asking, again, for the DOT to look into the program, to look at concerns about the compensation for the vendors, to see if we can look at flat fees, to look at the insurance role of speeding citations. But basically, we're asking them to look and improve the traffic cam so that they can continue the pilot project and continue to curtail the speeders on the highways and protect pedestrians in crosswalks.

"We've got in there in these resolutions also that they would not give tickets at less than ten miles over the speed limit. The thing we want to do and the thing we hope to do is to cut down the speeders on the highways and to make it possible for driving on the highways safely, not worrying ourselves to death as far as speeders coming across the Pali Highway at 80 miles an hour; down H-3 at 85 miles an hour; going on the Waialua Road going 70-80 miles an hour where we have only a two-lane highway.

"So this resolution will provide our Senate, our body asking the DOT to look into these matters that are of concern to the community. We don't know the outcome of the repeal bill, also the House repeal bill, but we know that they are working on some of these solutions.

"Therefore, I ask all of my colleagues to vote 'aye' on this resolution.

"Thank you."

Senator Hemmings rose to speak in opposition and said:

"Mr. President, I rise to speak against these resolutions.

"Thank you, Mr. President. I fully realize that the good Chairman of the Transportation Committee from God's land is generally concerned with safety, and I would be 100 percent supporting this effort if, indeed, safety was the issue. But this seems to be a classic ploy too often used on bad programs to delay anything constructive being done with a study so we can fine-tune what I consider a morally questionable and certainly ineffective program.

"Let's talk about safety for a minute. Let's really look at the facts, colleagues. Just in this weekend's Honolulu Star Bulletin it was divulged in the Police Beat report that there were 12 traffic deaths in the State this year to date, as opposed to three for the same time last year – a 300 percent increase in spite of allegedly these traffic photo cams reducing speed on our highways. So if the talivans are going to work, they sure haven't shown evidence of it by the number of traffic deaths.

"One of the reasons is because they're deployed in areas where they're going to have speed traps rather than where the problem is. You don't see any on Farrington Highway – at least we haven't seen them early on in the program – where the deaths are happening. Rather, you see them on the Pali Highway. Just to correct the previous speaker, too, we don't go 85 miles an hour at rush hour when the talivans are out. We're confined to about 35 miles an hour because of the traffic.

"Let's talk about money. Some people say that this is a program to make money. It's amazing that the person representing the company that's running the speed van testified that they were willing to adjust the tolerances on when they'd issue the tickets based on their workload. So the question is – Is this really a program about safety or is it a program about workload? Seems to me that money is an object here.

"Secondly, this Legislature in years past in state government has been tremendously reluctant to adequately fund local police departments to not only enforce these laws but other laws, as well, on the roads. Don't you think it would be a lot more cost-effective to give an economic incentive to police departments so that they can not only enforce traffic speeding, but also reckless driving, drunk driving, racing on the highways at nights and all the other laws. Police departments can do a much more pervasive and cost effective job rather than the vans simply taking pictures and issuing tickets sometimes to people that aren't even responsible for the alleged crime.

"There are a number of reasons why this program should be dropped, and probably the best of them will be found in other courts and other jurisdictions where they're literally being thrown out because of the unconstitutionality of it.

"I'm hoping that this Legislature and this body will take a long, close look at these resolutions and reconsider your votes if you're voting in the affirmative and vote negative, because the responsible thing to do is adequately fund local police departments and give the police departments the ability and the resources to do what these traffic cameras have failed to do.

"I'd like to request a Roll Call vote, please.

"Thank you, Mr. President."

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:14 o'clock p.m.

Senator Kanno rose to support the measures and said:

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

"Mr. President, at the beginning of the Session I introduced two van-cam bills. One bill would overhaul the system. It would mandate a flat fee contract to remove the financial incentive. It prohibits your insurance from increasing from these tickets. It sets a 10-miles per hour threshold – no citations for speeding less than 10-miles per hour over the posted speed limit. It mandates a review of existing speed limits and criminalizes the selling of items to hide your license plate.

"The second bill would repeal the portion of the program having to do with speeding. It would leave in place the program to cite violators who run red lights. In recent newspaper polls, 69 percent supported the camera system to catch those running red lights.

"I believe the current van-cam system is flawed. The private company should not be receiving money for each ticket they

issue. People don't trust the system because there is a financial incentive for the company to issue more tickets.

"I also believe that the Department of Transportation was wrong to establish a zero-tolerance policy that says you can receive a ticket for going one mile per hour over the speed limit. It also is wrong to have these citations increase your insurance rates, especially when they can't prove you were driving the car in question.

"I believe the Legislature has the opportunity today to call for the changes that are needed in the system. And accordingly, what the resolution says is that if the changes are not satisfactory by the 41st day of Session, it gives the Legislature the opportunity to repeal the system at that time. But we have a unique opportunity right now to see if those changes can be made before the end of Session and allow the Legislature to review the results of those changes.

"Legislation is going forward to repeal the system or make changes based on the decisions in the House and the Senate. To date, it appears those discussions will continue through the end of Session. So this resolution represents the only opportunity for us to give formal indication to the Department the interest from this body and from the public to demand the kind of changes that are needed.

"Thank you, Mr. President."

Senator Slom rose in opposition as follows:

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

"I think the good Senator from Makakilo, really with all the points he made, would justify voting 'no' on these resolutions because all of the things he said early on about the failures of the department and the failures of the program are absolutely true. And I would dispute the statements made by the good Senator from Waipahu that this started out with a loud cry by the public early on and is now just a whimper.

"The public believed that we were going to do something because, in fact, the Senate did. We voted to repeal in two out of three committees, and they hailed that as finally taking action. Now what these resolutions ask us to do is to sit back and wait and ask, not tell, but ask the Department of Transportation to do the things that they should have done before the programs were ever implemented.

"We have seen their indications before. They don't, they don't decide to do things on their own. And because there is no hammer from the Legislature, they feel that they can continue doing whatever they want to do. In the meantime, people will continue getting tickets. In the meantime, there will be economic hardships. In the meantime, the Department of Transportation will continue to break its word. It told us in Committee, specifically, that it was not going to have the cameras in certain locations. They told us that it was going to concentrate on dangerous situations and it has not done that.

"The issue is not speed. The issue is safety. And as the good Senator from Kailua has pointed out, if we're looking for any kind of hard statistics, we find that the roads are more unsafe now than they were before we had this program. And the reason is quite clear, as we found out in questioning both the head of the Department of Transportation and the representative from the firm, they're not interested in people that are recklessly driving. They're not interested in people that go so slowly as to create a hazard. All they do and all they're interested in is taking a picture of those that go faster than the posted speed limit.

"And what happens if that car that is weaving continues down the road and creates a hazard. Well, it's no skin off the teeth of the DOT or of the firm. And what happens if, in fact, the resulting action, regrettably, causes injury or even death. Then all we've got to show for it is a photograph and more revenue for the State.

"So I think rather than a whimper, the public is saying we want the Legislature to act. We're sick and tired of the Legislature punting to the Executive branch or to departments and department heads appointed by the Executive branch. We want the Legislature to stand up, and that will be what the vote is all about today. So I urge all my colleagues to vote 'no' on these resolutions.

"Thank you, Mr. President."

Senator Ihara rose to speak in support of the measures and said:

"Mr. President, I rise to support these resolutions.

"Mr. President, I'd like to indicate my support for these resolutions as stated by the Senator from Makakilo. I do believe we need more enforcement of traffic laws, but believe that this program has been grossly mismanaged by the Department of Transportation.

"I think that we do need to use and we should use technology to help enforce our traffic laws. But I believe that the technology should mirror and track what the county police departments do, particularly regarding the threshold for issuing citations. So I believe that the technology should use the same threshold as used by the Honolulu Police Department and other county departments if they come online.

"In particular, I think that many of the traffic and speeding concerns relate to county roads, and I think that's where we need much more enforcement with an adequately run program. So I would like to see the program be modified in order so that it can be acceptable to the counties. And if this isn't done, Mr. President and also the Chair of the Committee, I should let you know that if the fixes are not done by the end of the Session, I will vote to repeal this program.

"Thank you."

Senator Chun rose to speak against the measure and said:

"Mr. President, I'm speaking against the resolution.

"Mr. President, the resolution really does not do anything. I find it particularly offensive that the Department of Transportation is not even willing to do anything until a resolution passes. For the Department of Transportation to tell us that and, at the same time, have the Chairman say, 'pass the resolution and they'll listen to us,' to me, I find that just unfathomable.

"So Mr. President, for me to support a resolution that doesn't do anything and, in fact, just highlights the failure of the Department of Transportation to be responsive to not only the public, but to this body, is an exercise in futility.

"Secondly, Mr. President, the resolution makes reference to holding in abeyance all other actions on these citations until February 20, which I think is tomorrow, in hope, Mr. President, that the courts will do something about that. Mr. President, again, that is a ridiculous provision and I don't think I can support that. For one, even if the DOT decides to listen to us,

which it has not done yet, they have not held in abeyance the program. The courts, themselves, are not going to make a decision. It's highly unlikely that they will make any decision on this because tomorrow is only an arraignment and plea date. There is no trial set for that. There is no decision made by the courts at that time. The prosecutors, themselves, don't know what they want to do with these cases tomorrow.

"For us to pass a resolution, one, which the DOT themselves are probably going to ignore; and two, would have no practical effect on the members of the public is a very, very sad commentary on what we see our duty as legislators are. Instead, Mr. President, I think we should truly send a message to the DOT and truly send a message to the public that we are aware of what's happening; we see the problems of this program and we will act, not hope, but we will act on those problems by passing a strong bill which the Committee has also put out which calls for a repeal of the program. That, Mr. President, is a strong message. That is taking action, not based upon hope, but upon reality. That takes a position. This does nothing. This is a sad commentary of the Department of Transportation ignoring the concerns of the public, ignoring the concerns of the Legislature, and now it seems to be begging 'well, give us something and maybe we'll act upon it.' Mr. President, that is not the way we should be doing it. That is not proper.

"Thank you, Mr. President."

Senator English rose to speak in opposition and said:

"Mr. President, I rise in opposition to these resolutions.

"You know, Mr. President, I had to read the four corners of the document, and it doesn't embody the entire sentiment of this body. In fact, what it says is we are talking about fixing the program, holding it back, and seeing how we can make it to improve it. But really, Mr. President, I predict that the votes today will bear this out: that there is a split amongst your members, and the split is along the lines of encompassing the gamut. Some of us would have liked to see a full repeal. Others would have liked to see a fix. But what we agreed on is that we would move measures that encompass all of this. This is one-half of it. The other half sits in the Ways and Means Committee – it just got there – which is a repeal.

"I think if the repeal bill was here and this measure were here moving together, you'd probably get a more unified vote. But as it is today, we're unsure if the repeal bill will follow because it's in committee, and these resolutions are saying that the position of the Senate is to fix the system, which for many of us is not. Being from the neighbor islands, I can be very, very clear and very, very straightforward on where my constituency stands. The people of Maui do not want this program, so I have to vote to reflect that.

"I think today, Mr. President, the votes will be close and I'm glad a Roll Call was asked for, just to see how close it is. In the end, if both the bill and the resolutions were together, I think you would have stronger support for it.

"So I urge my colleagues to vote 'no' based on the fact that we only have one part of the picture before us.

"Thank you, Mr. President."

Senator Nakata rose to speak against the measures and said:

"Mr. President, I'm rising to speak in opposition to these resolutions.

"The comments from the Senator from Kauai reflect my sentiments. I want to further underline my difficulties with the Department of Transportation. These actions stem from an underlining attitude of not being open to public input. On a number of occasions I have tried to get the department to come out to the neighborhood boards in my district to talk with them. Their policy is that they will not go to the neighborhood board. The Governor and the Mayor send representatives regularly to those meetings. The department insists that unless we Legislators call a meeting, they will not come out. That's flattering; however, the department itself needs to be open to public input, and this more than anything else influences my 'no' vote today.

"Thank you."

Senator Kawamoto rose again and stated:

"I just want to correct a couple of things that were said.

"The Department of Transportation has been doing something. They worked at looking at the speed limits throughout the State. They deployed the vans to places that have a history of accidents, have a history of speeding, and have a history of people where they want the vans to be. So they've worked on that. They worked on concerns that we had as far as insurance is concerned and they've been working on that. They're working on trying to look at the flat fee and working with the vendors. These are things in motion being done.

"All we have is this reso out there asking them to look into it a little further and work out a program that's workable for the good and the safety of the community.

"Thank you."

Senator Hogue rose in opposition to the measures and said:

"Mr. President, I rise in opposition to these resolutions.

"I want to correct a previous statement. I don't think the Department of Transportation has reacted to us at all. They said that they would move them to the neighborhoods. Just earlier today another van was up on the upper portion of the Pali Highway after they said in Committee that they wouldn't do this.

"The Department of Transportation doesn't listen. I want to echo the good Senator from Kahaluu. They don't come to the Neighborhood Boards. We ask them to come to community meetings. They will not come. When I send them letters, they say they are inconvenient; they could spend their time more wisely. Well, they haven't been spending their time wisely at all.

"There is an arrogance about the Department of Transportation. These resolutions will do nothing to stop that. We must act as a body to stop their arrogance.

"Now, as for the matter of the best way to handle safety, the Department of Transportation is in a public relations campaign. In fact, they put out their latest PR campaign to show some of the citations that they have issued here most recently – a car going on the Pali at 90-miles an hour; one going on the H-1 at 85-miles an hour; one on the Likelike going at 80-some-odd miles an hour. Well one thing they didn't say, Mr. President, was that all they did was take pictures of those speeders. Police enforcement would have turned on their red light and chased them down to get those speeders off the road.

"I say to you, Mr. President, we need more and better police enforcement and we need to say 'no' to the traffic cams and 'no' to these badly flawed resolutions.

"Thank you."

Senator Chun rose and said:

"Mr. President, I don't know whether or not the traffic . . .

The President interjected:

"For what purpose do you rise, Senator Chun?"

Senator Chun responded:

"In opposition, again, and in response to the statements of the Honorable Chair from the Transportation Committee.

"Mr. President, I'm not quite sure whether the traffic cams are there on the Pali Highway or not. And I'm not even going to make a statement whether or not the department is trying hard to comply with some of the problems. What I'm concerned about, Mr. President, is how are they going about making these fixes that they're supposedly working on right now.

"There are a couple of problems which even they in their glory could not even address without the help of the Legislature. For example, the first concern is whether it's legal for them to cite only, only the owner of the vehicle despite the clear provisions in the traffic code, which only makes it a violation of the driver. Now, they can fool around with their contract all they want and do all kinds of administrative rules, but the bottom line is whether there's a conflict with the Traffic Code and this program. If there is, it has to be fixed by law. I have not seen any bill by the Department of Transportation to fix that. They need that.

"Secondly, there is a concern raised in terms of whether these violations are going to be on the traffic abstracts of the owner even though they weren't driving. I believe that's a very valid issue and they can't even tell us themselves what they want to do with that. So again, another valid concern raised by the public, raised by the Committee, raised by these Legislators, has not even begun to be addressed by the DOT.

"The third problem, and that is in terms of taking pictures of the drivers. That has been a concern raised and now the DOT, I've read in the news that they're going to be doing it by taking flash pictures at night of the driver. Mr. President, I admire their desire now to try to comply with the law and try to abide by the wishes of the Legislature, but Mr. President, I've seen those flashes in the TV reports and they're pretty bright. And if they're going to be making flash pictures at night while somebody is driving on the highway, to me it is dangerous and creates more problems.

"The bottom line, Mr. President, we all agree it needs to be fixed. We all agree they're going to have to go back to the drawing board and try again. What we disagree about is the way they're doing it. I disagree totally with the manner and method that the DOT is going – and that is making quick fixes without going to the public, without thinking ahead of time what it really means to safety, and without talking in terms of what legislative actions need to be done. Again, they're trying to be lone rangers out there, doing whatever they want to do without regard to the proper way and proper input.

"So Mr. President, I feel sadly that the only way we can get them to do it the right way is to pass a bill very clearly stating

that we should do away with this program. And I haven't even begun, Mr. President, to address some of the contractual problems and I think, maybe, some other speakers might want to do that. But I feel that this resolution, at this point in time, sends the wrong message. If it was packaged as part of an overall bill to say that we are going to repeal this thing, maybe it could send the right message to the department. But at this point in time, I cannot support these resolutions.

"Thank you, Mr. President."

Senator Hemmings rose and stated:

"Mr. President, I'd like to call for the question."

Senator Matsunaga rose to support the measures and stated:

"Mr. President, may I speak in support? Mr. President, I rise in support of this measure, and for the reasons articulated by the Senator from Makakilo, I will be voting 'aye.'

"I think the message that we're sending by these resolutions is very clear. I think it's as clear as the message that the Olympic Russian Federation allegedly told the French figure skating judge, 'Hey, you better fix things.'

"And Mr. President, if the DOT does not fix things, then I will be voting with my colleague from Kaimuki to repeal these measures on the books. Thank you, Mr. President."

Senator Kanno rose and stated:

"Mr. President, I wanted to address some of the comments of a previous speaker.

"The Senator from Maunawili raised the concern about an excessive speeder and those cited by the DOT at 85-miles per hour and 93-miles per hour. He said that with the camera system, all we're left with is a photograph. I would beg to differ with his conclusion because the Honolulu Police Department has stated that when they do have excessive speeders like those examples cited, they don't chase them. They are viewed as a public hazard and they would rather let them go than risk causing an accident by pursuing these drivers. So, unfortunately, all we may have of these individuals are photographs.

"I did want to mention that at the hearing on February 7 on S.B. No. 2077, which is the repeal bill, I voted 'yes, with reservations.' One of my concerns is that repealing the entire system could cost the taxpayers \$1 million. At the hearing I asked that the bill be amended to repeal only the speeding portion of the system and that the red light portion of the program remain in place because, as stated earlier, 69 percent of the public surveyed supported the camera system to catch those running red lights.

"If we kept half of the program we could possibly save considerable amounts of money. That's the other issue about passing the resolution today, and why I also voted 'with reservations' on the repeal measure. We want the repeal measure in place at the end of Session to repeal it if the changes are not satisfactory to the Legislature and to the public. In the meantime, we want to fix the program. I think the cost implications could be in the area of \$1 million.

"It's been stated by others that we should scrap the system and start over. The only flaw with that is that we'd basically be giving up a million dollars, and I think the public deserves better from us.

“Thank you.”

Senator Buen rose to speak in opposition to the measures and said:

“Mr. President, I rise in opposition of these resolutions.

“Mr. President, for four years, it’s been four years since we implemented this program and to fix something now with these resolutions. I think it’s going to go on for a long time.

“My constituents from the neighbor islands, Maui County in particular, have been calling me and opposing this program and asked not to bring it to Maui County.

“I voted to oppose these resolutions in Committee and I will do so again.

“Thank you.”

Senator Slom rose in opposition again and said:

“Mr. President, I rise again in opposition to these resolutions, but I’d like to offer a few comments after the comments made by the good Senator from Makakilo.

“First and foremost, about the police – the police have the ability to be flexible, first of all. Their main concern is safety. If they see someone speeding, or they see someone driving erratically, they will do what is necessary to curtail that. It may not mean a high-speed chase and then again it may mean radioing ahead or doing something. In any event, we know what the camera can do – take a picture. That’s it. That’s all the camera can do.

“So, we get back to the good Senator from Kailua who said early on, really, if we’re talking about our resources and if we’re talking about safety, then we’ve got to put it with the police. They are the individuals who are trained. They have the expertise. They have the basic knowledge and experience and they’ve got the flexibility to do something. And to make a statement to equate the cameras doing nothing, with the police doing nothing, I think is a disservice to the fine police officers.

“Secondly, the statement that was made that we could lose up to a million dollars, where did that figure come from. That figure came from the mind of the Department of Transportation head. And when he was asked where he got that figure, he said, ‘I don’t know,’ because that was his answer for every other question we asked – ‘I don’t know; I don’t know about the contract; I don’t know about the enforcement; I don’t about this; I don’t know about that.’ But he was able to come up with the figure, I don’t know, maybe it could be a million; maybe it could be 3 million; maybe it could be 5 million; and maybe it could be a whole lot less. Because for those of us who read the contract, as we pointed out that day, there is a clause in there that allows us out of that contract.

“But in any event, we can balance money with what is right, and the public wants us to do what is right and the public wants us to act. And to see all of these things that have gone on and all of the stories that you’ve heard, and I doubt that there is a Legislator in this room that has not had similar experiences with all of us who have asked the Department of Transportation to come out to our area and have been met with the arrogance that they are a fiefdom unto themselves. We are the Senate. We are part of the Legislature. This is our job and this is our responsibility. We can do no less than vote down these resolutions and vote up a very strong position that we will hold our departmental personnel accountable and responsible.

“Thank you.”

The motion was then put by the Chair and, Roll Call vote having been requested, 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,” failed to be adopted on the following showing of Ayes and Noes:

Ayes, 12. Noes, 12 (Buen, Chumbley, Chun, English, Hanabusa, Hemmings, Hogue, Kokubun, Matsuura, Nakata, Slom, Taniguchi). Excused, 1 (Menor).

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

On motion by Senator English, seconded by Senator Chumbley, and Roll Call vote having been requested, 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,” failed to be adopted on the following showing of Ayes and Noes:

Ayes, 12. Noes, 12 (Buen, Chumbley, Chun, English, Hanabusa, Hemmings, Hogue, Kokubun, Matsuura, Nakata, Slom, Taniguchi). Excused, 1 (Menor).

REFERRAL OF HOUSE BILLS

MATTERS DEFERRED FROM FRIDAY, FEBRUARY 15, 2002

H.B. No. 1764 (Hse. Com. No. 5):

By unanimous consent, action on H.B. No. 1764, entitled: “A BILL FOR AN ACT RELATING TO FIREARMS,” was deferred until Wednesday, February 20, 2002.

H.B. No. 1806 (Hse. Com. No. 6):

By unanimous consent, action on H.B. No. 1806, entitled: “A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS,” was deferred until Wednesday, February 20, 2002.

H.B. No. 2432 (Hse. Com. No. 7):

By unanimous consent, action on H.B. No. 2432, entitled: “A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD SUPPORT,” was deferred until Wednesday, February 20, 2002.

H.B. No. 1011, H.D. 1 (Hse. Com. No. 9):

By unanimous consent, action on H.B. No. 1011, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” was deferred until Wednesday, February 20, 2002.

H.B. No. 1713, H.D. 1 (Hse. Com. No. 10):

By unanimous consent, action on H.B. No. 1713, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES,” was deferred until Wednesday, February 20, 2002.

H.B. No. 1715, H.D. 1 (Hse. Com. No. 11):

By unanimous consent, action on H.B. No. 1715, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred until Wednesday, February 20, 2002.

H.B. No. 2631 (Hse. Com. No. 12):

By unanimous consent, action on H.B. No. 2631, entitled: "A BILL FOR AN ACT RELATING TO MEAT GRADING," was deferred until Wednesday, February 20, 2002.

**REFERRAL OF
HOUSE CONCURRENT RESOLUTION**

**MATTER DEFERRED FROM
FRIDAY, FEBRUARY 15, 2002**

H.C.R. No. 12 (Hse. Com. No. 8):

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 Wednesday, February 20, 2002.

THIRD READING

S.B. No. 2727, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, S.B. No. 2727, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROFESSIONAL AND VOCATIONAL LICENSING ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2751:

On motion by Senator Chun, seconded by Senator Kokubun and carried, S.B. No. 2751 entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2813, S.D. 1:

On motion by Senator Chun, seconded by Senator Kokubun and carried, S.B. No. 2813, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME FRAMES FOR BURIAL COUNCIL DETERMINATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2810, S.D. 1:

By unanimous consent, action on S.B. No. 2810, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," was deferred until Wednesday, February 20, 2002.

RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill Referred to:

No. 2971, S.D. 1 Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Ways and Means

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

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

"I wanted to address the one measure that was deferred one day. It was pointed out to us that there's a technical problem with the bill that needs to be fixed. So, we'll be pursuing a floor amendment tomorrow.

"Thank you."

ADJOURNMENT

At 12:44 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., Wednesday, February 20, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate