

FIFTY-FOURTH DAY

Monday, April 22, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:51 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Bob Nakata, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senator Ige who was excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 593 to 598) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 593, informing the Senate that the amendments proposed by the Senate to H.C.R. No. 28, were agreed to by the House and H.C.R. No. 28, S.D. 1, was finally adopted in the House of Representatives on April 19, 2002, was placed on file.

Hse. Com. No. 594, returning S.C.R. No. 142, which was adopted by the House of Representatives on April 19, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 142, and requested a conference on the subject matter thereof.

Hse. Com. No. 595, returning S.C.R. No. 44, S.D. 1, which was adopted by the House of Representatives on April 19, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 44, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 596, returning S.C.R. No. 36, which was adopted by the House of Representatives on April 19, 2002, was placed on file.

Hse. Com. No. 597, returning S.C.R. No. 68, S.D. 1, which was adopted by the House of Representatives on April 19, 2002, was placed on file.

Hse. Com. No. 598, returning S.C.R. No. 95, which was adopted by the House of Representatives on April 19, 2002, was placed on file.

CONFERENCE COMMITTEE REPORT

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2382, H.D. 1, presented a report (Conf. Com. Rep. No. 3-02) recommending that H.B. No. 2382, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3-02 and H.B. No. 2382, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO CORRECTIONAL FACILITIES," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3452) recommending that the Senate advise and consent to the nominations of LESLIE ISEMOTO and ALVIN T. KOBAYASHI to the Contractors License Board, in accordance with Gov. Msg. No. 258.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3452 and Gov. Msg. No. 258 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3453) recommending that the Senate advise and consent to the nominations of CAROL H. IGARASHI, SAM FAILLA and JUNE UYEHARA-ISONO to the Board of Electricians and Plumbers, in accordance with Gov. Msg. No. 262.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3453 and Gov. Msg. No. 262 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3454) recommending that the Senate advise and consent to the nominations of PAUL W. CONDRY and KENNETH N. SHIIRA to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 263.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3454 and Gov. Msg. No. 263 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3455) recommending that the Senate advise and consent to the nominations of ROBERT Y. AKINAKA, ALFREDO G. EVANGELISTA, KEN K. HAYASHIDA and LAUREL MAU NAHME to the State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, in accordance with Gov. Msg. No. 264.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3455 and Gov. Msg. No. 264 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3456) recommending that the Senate advise and consent to the nominations of STEVEN J. NISHIMURA, AIPOPO AIPOPO JR. and WESLEY R. SEGAWA to the Board of Directors, Housing and Community Development Corporation of Hawai'i, in accordance with Gov. Msg. No. 270.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3456 and Gov. Msg. No. 270 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3457) recommending that the Senate advise and consent to the nominations of VICKI VON STROHEIM-SEAY, MICHELLE NAKATA TAKEMOTO and EMY M.

YAMAUCHI to the Board of Massage Therapy, in accordance with Gov. Msg. No. 273.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3457 and Gov. Msg. No. 273 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3458) recommending that the Senate advise and consent to the nominations of G. MARKUS POLIVKA, CULLEN T. HAYASHIDA, PH.D., MICHAEL H. DANG, M.D., and GREGORY PARK, M.D., to the Board of Medical Examiners, in accordance with Gov. Msg. No. 275.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3458 and Gov. Msg. No. 275 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3459) recommending that the Senate advise and consent to the nominations of STEPHEN A. KULA, PH.D., BENJAMIN MERCADO, L.P.N., MARY FRANCES ONEHA, PH.D., and BARBARA ANN TANNER, R.N., to the State Board of Nursing, in accordance with Gov. Msg. No. 276.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3459 and Gov. Msg. No. 276 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3460) recommending that the Senate advise and consent to the nominations of JON M. ISHIHARA, O.D., and LEE T. NAKAMURA to the Board of Examiners in Optometry, in accordance with Gov. Msg. No. 277.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3460 and Gov. Msg. No. 277 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3461) recommending that the Senate advise and consent to the nominations of GEORGE FREITAS, STEVE GOODENOW and GUY H. KAULUKUKUI, PH.D., to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 278.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3461 and Gov. Msg. No. 278 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3462) recommending that the Senate advise and consent to the nomination of ALLYSON M. TANOUYE, PH.D., to the Board of Psychology, in accordance with Gov. Msg. No. 279.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3462 and Gov. Msg. No. 279 was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3463) recommending that the Senate advise and consent to the nominations of LOUIS E. ABRAMS, KATHLEEN KAGAWA, PH.D., IRIS R. OKAWA and VERN M. YAMANAKA to the Real Estate Commission, in accordance with Gov. Msg. No. 280.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3463 and Gov. Msg. No. 280 was deferred until Tuesday, April 23, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3464) recommending that the Senate advise and consent to the nominations of MARSHALL LUM, CHARLES H. DAWRS and MYRON H. NOMURA to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Gov. Msg. No. 287.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3464 and Gov. Msg. No. 287 was deferred until Tuesday, April 23, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3465) recommending that H.C.R. No. 11, as amended in S.D. 1, be adopted.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 11, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF HEALTH'S DENTAL HEALTH DIVISION," was adopted.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3466) recommending that H.C.R. No. 190 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3466 and H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII," was deferred until Tuesday, April 23, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3467) recommending that H.C.R. No. 150 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3467 and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN THE STATE OF HAWAII," was deferred until Tuesday, April 23, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3468) recommending that S.R. No. 108 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3468 and S.R. No. 108, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE 'DUKE PAOA KAHANAMOKU HO'OLAULEA' TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU," was deferred until Tuesday, April 23, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3469) recommending that H.C.R. No. 70, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3469 and H.C.R. No. 70, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE OF THE UNITED

STATES DEPARTMENT OF AGRICULTURE TO INITIATE A PROGRAM TO ERADICATE FRUIT FLIES IN HAWAII," was deferred until Tuesday, April 23, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3470) recommending that H.C.R. No. 42, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3470 and H.C.R. No. 42, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PURCHASE SYSTEM," was deferred until Tuesday, April 23, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3471) recommending that H.C.R. No. 121, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3471 and H.C.R. No. 121, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF DEFENSE TO MAINTAIN THE CURRENT STRUCTURE OF THE UNITED STATES PACIFIC COMMAND," was deferred until Tuesday, April 23, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3472) recommending that H.C.R. No. 56, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3472 and H.C.R. No. 56, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SOCIAL SCIENCE RESEARCH INSTITUTE OF THE UNIVERSITY OF HAWAII TO CONDUCT AN ASSESSMENT OF THE EDUCATIONAL NEEDS OF THE NORTH HAWAII REGION," was deferred until Tuesday, April 23, 2002.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3473), recommending that H.C.R. No. 43 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 H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO ENTER INTO A FINANCING AGREEMENT FOR A NEW ELEMENTARY SCHOOL IN KAHULUI, MAUI," 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. 3474), recommending that H.C.R. No. 117, H.D. 1, as amended in S.D. 1, 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 H.C.R. No. 117, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A STATEWIDE ECONOMIC DEVELOPMENT TASK FORCE TO DEVELOP AND ADMINISTER AN ECONOMIC DEVELOPMENT PLAN FOR THE STATE," 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.

3475), recommending that H.C.R. No. 155, H.D. 1, as amended in S.D. 1, 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 H.C.R. No. 155, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADDRESS THE CONCERNS OF KOKEE STATE PARK LESSEES WITH EXPIRING LEASES AND DEVELOPMENT OF A MASTER PLAN FOR STATE PARKS," 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. 3476), recommending that H.C.R. No. 200, H.D. 1, as amended in S.D. 1, 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 H.C.R. No. 200, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING A FRESHWATER FISHERY AT THE WAHIAWA RESERVOIR, OAHU," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3477), recommending that H.C.R. No. 187, H.D. 1, be referred to the Committee on Health and Human Services.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 187, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EVALUATE THE OPERATIONAL EFFICIENCY AND PROGRAMMATIC EFFECTIVENESS OF THE STATE'S INTEGRATED SPECIAL EDUCATION DATABASE SYSTEM," was referred to the Committee on Health and Human Services.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 3478), recommending that H.C.R. No. 128 be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF PERMITTING CERTAIN IMMIGRANT STUDENTS WHO HAVE NOT YET ATTAINED LEGAL PERMANENT RESIDENT STATUS TO ATTEND THE UNIVERSITY OF HAWAII AT THE RESIDENT TUITION RATE," was referred to the Committee on Judiciary.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3479), recommending that H.C.R. No. 101, H.D. 1, 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 H.C.R. No. 101, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A WORKING GROUP TO BE CONVENED TO EVALUATE AND RECOMMEND MEASURES TO ENCOURAGE THE USE OF SAFETY PROGRAMS SUCH AS THE EDDIE

EAGLE PROGRAM FOR FIREARM SAFETY," 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. 3480) recommending that H.C.R. No. 75 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3480 and H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3481) recommending that H.C.R. No. 118 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3481 and H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING SUPPORT FOR THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S HOPE VI REVITALIZATION GRANT APPLICATION FOR KUHIO PARK TERRACE AND URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACT FAVORABLY ON THE APPLICATION," was deferred until Tuesday, April 23, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3482) recommending that H.C.R. No. 131 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3482 and H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO DO AN ACTUARIAL ANALYSIS OF THE UTILIZATION AND RATE IMPACTS, IF ANY, OF REINSTATING NATUROPATHY AMONG THE PERSONAL INJURY PROTECTION BENEFITS IN MOTOR VEHICLE INSURANCE," was deferred until Tuesday, April 23, 2002.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3483), recommending that H.C.R. No. 81, H.D. 1, 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 H.C.R. No. 81, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A HANAI TASK FORCE TO RECOMMEND A CONSISTENT POLICY ON HANAI RELATIONSHIPS," was referred to the Committee on Judiciary.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3484), recommending that H.C.R. No. 199, H.D. 1, be referred to the Committee on Economic Development and Technology.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 199, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE MONTH OF AUGUST 2002, AS THE 'DUKE PAOA KAHANAMOKU HO'OLAULEA' TO COMMEMORATE THE LIFETIME ACCOMPLISHMENTS OF DUKE PAOA KAHANAMOKU,"

was referred to the Committee on Economic Development and Technology.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3485) recommending that H.C.R. No. 18 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3485 and H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT LAHAINA, MAUI, HAWAII, FOR CONCRETE PIER AND DECK PURPOSES," was deferred until Wednesday, April 24, 2002.

Senators Inouye and Tam, for the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 3486) recommending that H.C.R. No. 17, as amended in S.D. 1, be adopted.

By unanimous consent, Stand. Com. Rep. No. 3486 and H.C.R. No. 17, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, OAHU, HAWAII, FOR MAINTENANCE OF THE HAWAII KAI MARINA ENTRANCE CHANNEL PURPOSES," were recommitted jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3444 (Gov. Msg. No. 259):

Senator Sakamoto moved that Stand. Com. Rep. No. 3444 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

CHARLES M. FREEDMAN, terms to expire June 30, 2002, and June 30, 2006;

MARY PHILPOTTS, term to expire June 30, 2005; and

MONA ABADIR, term to expire June 30, 2006,

seconded by Senator Chumbley.

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

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

Stand. Com. Rep. No. 3445 (Gov. Msg. No. 281):

Senator Sakamoto moved that Stand. Com. Rep. No. 3445 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations of EVERETT R. DOWLING and MYRON A. YAMASATO to the Board of Regents, University of Hawai'i, terms to expire June 30, 2006, seconded by Senator Chumbley.

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

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

Stand. Com. Rep. No. 3446 (Gov. Msg. No. 288):

Senator Sakamoto moved that Stand. Com. Rep. No. 3446 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of DORIS M. CHING, ED.D., to the Western Interstate Commission for Higher Education (WICHE), term to expire June 30, 2006, seconded by Senator Chumbley.

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

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

Stand. Com. Rep. No. 3447 (Gov. Msg. No. 274):

Senator Kawamoto moved that Stand. Com. Rep. No. 3447 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations of SAMUEL DACANAY, M.D., DAVID A. KAKU, M.D., KEVIN K. LUI, O.D., and DAVID MAI, M.D., to the Medical Advisory Board, terms to expire June 30, 2006, seconded by Senator Fukunaga.

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

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

Stand. Com. Rep. No. 3448 (Gov. Msg. No. 286):

Senator Kawamoto moved that Stand. Com. Rep. No. 3448 be received and placed on file, seconded by Senator Fukunaga and carried.

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

KAZU HAYASHIDA, term to expire June 30, 2004;

HAROLD K. KAGEURA, term to expire June 30, 2005; and

WILLIAM H. CROZIER III, JAMES C. PACOPAC, KIRK T. TANAKA and NORMAN K. TSUJI, terms to expire June 30, 2006,

seconded by Senator Fukunaga.

Senator Hemmings rose to speak in opposition to one of the nominees and said:

"Mr. President, I rise to speak against one of the nominees.

"Oftentimes we're asked by the executive branch of government to rubber-stamp budgets and committee heads come in and ask us to rubber-stamp their proposals. I guess the least painful thing to do is comply. But I think oftentimes in doing so we overlook our greater responsibility and I regretfully

have to stand up and speak against the nomination of Kazu Hayashida.

"There's substance to this opposition. A formal complaint filed against Mr. Hayashida alleged that he was awarded non-bid contracts to companies that either employed or were owned by members of his family which is a violation of the state ethics laws. Also contained in the complaint was a charge that Hayashida's financial interest disclosure forms filed with the commission were incomplete.

"In November of 2001, the state ethics commission issued an informal advisory opinion dismissing some of the charges, sustaining others, and ultimately concluding that no further proceedings were warranted. To his credit, Commission Chair Ronald Yoshida wrote a dissenting opinion because he believed that there is sufficient evidence that Hayashida clearly violated provisions of the state ethics code in a serious manner and that his case warranted a formal contested case hearing. The commissioner concluded that Hayashida probably violated state ethics laws by awarding two non-bid contracts to Belt-Collins, a civil engineering company that employed Hayashida's wife as administrative assistant, and for failing to list his wife's stock ownership in a company and directorship of two of the company's subsidiaries in his financial disclosure report.

"The first contract for \$202,000 was for the state masterplan environmental study for an airport on the Big Island. The second was for a \$300,000 designed highway landscape management system.

"The commission found that Hayashida did not violate state ethics laws but by awarding non-bid contracts owned by his son and another company that employs his stepson because neither was a dependent child. Another point of note is that after these allegations were made public, the AG rescinded a \$1.8 million contract to Kai Hawaii for bridge improvements at the Honolulu International Airport, a company owned by Hayashida's son, because it is presented on appearance of conflict of interest.

"Mr. President and colleagues, as I said, I guess the least painful thing to do and the easiest thing to do is just go along with continued business as usual, but I don't think we can afford to do that and I will be voting 'no.'

"Thank you."

Senator Kawamoto rose in support of the nominees and said:

"Mr. President, your Committee on Transportation, Military Affairs and Government Operations, to which was referred this governor's message, submitted and studied the consideration of the nominations of Kazu Hayashida, Harold Kageura, James Pacopac, William Crozier, Kirk Tanaka, and Norman Tsuji. Upon review of the statements and testimony submitted on behalf of these nominees, you Committee finds them each to be the nominees that have necessary character, experience, and qualifications to serve the Commission on Transportation.

"Your Committee noted that Mr. Crozier and Mr. Tsuji currently serve on the commission. All testimony was in support, non-negative, and therefore, Mr. President, I urge all my colleagues to vote 'aye' on these nominees.

"Thank you."

The motion to advise and consent to the nomination of KAZU HAYASHIDA was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Ige).

The motion to advise and consent to the nominations of HAROLD K. KAGEURA, WILLIAM H. CROZIER III, JAMES C. PACOPAC, KIRK T. TANAKA and NORMAN K. TSUJI was put by the Chair and carried on the following showing of Ayes and Noes:

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

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, APRIL 19, 2002

Stand. Com. Rep. No. 3449 (H.C.R. No. 34):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT LEGISLATION TO REPEAL THE RESCISSION ACT OF 1946 AND THE SECOND SUPPLEMENTAL SURPLUS APPROPRIATION RESCISSION ACT (1946), AND TO RESTORE FILIPINO WORLD WAR II VETERANS' TO FULL UNITED STATES VETERANS' STATUS AND BENEFITS," was adopted.

H.C.R. No. 94, H.D. 1, S.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, H.C.R. No. 94, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN AGRICULTURAL TASK FORCE TO DEVELOP RECOMMENDATIONS FOR THE PROMOTION OF AGRICULTURAL DEVELOPMENT AND THE PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS," was adopted.

H.C.R. No. 103, H.D. 1, S.D. 1:

On motion by Senator English, seconded by Senator Hemmings and carried, H.C.R. No. 103, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE ENVIRONMENTAL COUNCIL, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, SIERRA CLUB, HAWAII CHAPTER, LAND USE RESEARCH FOUNDATION, CONSERVATION COUNCIL OF HAWAII, ESTATE OF JAMES CAMPBELL, EARTHJUSTICE LEGAL DEFENSE FUND, UNIVERSITY OF HAWAII, DEPARTMENT OF AGRICULTURE, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, AND OTHER INTERESTED PARTIES, TO ANALYZE POTENTIAL AMENDMENTS TO HAWAII'S ENDANGERED SPECIES LAW, CHAPTER 195D, HAWAII REVISED STATUTES, TO FURTHER THE GOALS OF PROTECTING AND PROMOTING THE RECOVERY OF HAWAII'S UNIQUE AND IMPERILED FLORA AND FAUNA," was adopted.

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION

The Chair re-referred the following House concurrent resolution that was received:

House
Concurrent
Resolution Referred to:

No. 53, H.D. 1 Committee on Health and Human Services

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2052 (H.D. 1):

Senator Matsuura moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2052, seconded by Senator Taniguchi 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. 2052, on the following showing of Ayes and Noes:

Ayes, 3 (Matsuura, Taniguchi, Fukunaga). Noes, none. Excused, 2 (Ige, Hogue).

Senator Matsuura moved that the Senate agree to the amendments proposed by the House to S.B. No. 2052, seconded by Senator Taniguchi.

Senator Matsuura noted:

"Mr. President, S.B. No. 2052 is relating to special purpose revenue bonds. The House just adds a repeal prohibition on the issuance of new SPRBs for health care facilities after June 30, 2003."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2052, and S.B. No. 2052, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2817, S.D. 2 (H.D. 1):

Senator Kawamoto moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2817, 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. 2817, S.D. 2, seconded by Senator Taniguchi.

Senator Kawamoto noted:

"Mr. President, the purpose of this bill is to repeal administration rules that are either null and void or are unnecessary and the House made changes that was the intent of this bill. 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. 2817, S.D. 2, and S.B. No. 2817, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPEAL OF NULL AND VOID AND UNNECESSARY

ADMINISTRATIVE RULES," was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

S.B. No. 2180, S.D. 2 (H.D. 1):

Senator Nakata moved that the Senate reconsider its action taken on April 11, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2180, S.D. 2, seconded by Senator Menor and carried.

Senator Nakata moved that the Senate agree to the amendments proposed by the House to S.B. No. 2180, S.D. 2, seconded by Senator Menor.

Senator Nakata noted:

"Mr. President, the purpose of this bill is to prohibit discrimination in employment due to an individual's genetic information. It prohibits requiring genetic testing or use of genetic information as a prerequisite for certain types of insurance. The House amendments were clarifying amendments.

"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. 2180, S.D. 2, and S.B. No. 2180, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION AND GENETIC TESTING," was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

JUDICIARY COMMUNICATION

Jud. Com. No. 4, submitting for consideration and consent, the nomination of CLARENCE A. PACARRO to the Office of Judge, District Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was referred to the Committee on Judiciary.

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

The Senate reconvened at 12:13 o'clock p.m.

APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 1575, S.D. 2 (H.D. 2):

The President appointed Senator Buen as a manager 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. 1575, S.D. 2.

S.B. No. 2757, S.D. 2 (H.D. 2):

The President discharged Senator Fukunaga as a manager 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. 2757, S.D. 2.

S.B. No. 2819, S.D. 2 (H.D. 1):

The President discharged Senator Taniguchi as a co-chair and appointed him as a manager 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. 2819, S.D. 2.

H.B. No. 870 (S.D. 1):

The President appointed Senator Hemmings as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 870.

H.B. No. 1842, H.D. 1 (S.D. 2):

The President appointed Senator Hemmings as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1842, H.D. 1.

H.B. No. 1901, H.D. 2 (S.D. 1):

The President appointed Senator Chun as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1901, H.D. 2.

H.B. No. 1942 (S.D. 1):

The President appointed Senator Hemmings as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1942.

H.B. No. 2132, H.D. 1 (S.D. 2):

The President discharged Senator Taniguchi as a manager and appointed him as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2132, H.D. 1.

H.B. No. 2216, H.D. 1 (S.D. 1):

The President appointed Senator Hogue as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2216, H.D. 1.

H.B. No. 2311, H.D. 2 (S.D. 2):

The President discharged Senator Taniguchi as a manager and appointed him as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2311, H.D. 2.

H.B. No. 2455 (S.D. 1):

The President appointed Senator Hemmings as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2455.

H.B. No. 2459 (S.D. 2):

The President appointed Senator Hogue as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2459.

H.B. No. 2521, H.D. 2 (S.D. 2):

The President appointed Senator English as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2521, H.D. 2.

H.B. No. 2558, H.D. 1 (S.D. 2):

The President appointed Senator Hogue as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2558, H.D. 1.

H.B. No. 2563, H.D. 1 (S.D. 1):

The President discharged Senator Taniguchi as a manager and appointed him as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2563, H.D. 1.

ADJOURNMENT

At 12:14 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 23, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate