

FIFTY-FIFTH DAY

Tuesday, April 23, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend William O'Connell, Chaminade University of Honolulu, after which the Roll was called showing all Senators present with the exception of Senators Chun, English and Menor who were excused.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 354, dated April 26, 2002, transmitting the 2000-2001 Annual Report of the State Foundation on Culture and the Arts, pursuant to Section 9-3, HRS, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 599 to 621) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 599, informing the Senate that the Speaker on April 22, 2002, made the following changes to the conferees on the following bill:

H.B. No. 1800, H.D. 1 (S.D. 1):

Appointed Representatives Suzuki, Gomes, Meyer as additional managers,

was placed on file.

Hse. Com. No. 600, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2387, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2387, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 601, returning S.C.R. No. 15, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 15, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 602, returning S.C.R. No. 35, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 35, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 603, returning S.C.R. No. 43, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 43, and requested a conference on the subject matter thereof.

Hse. Com. No. 604, returning S.C.R. No. 48, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 48, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 605, returning S.C.R. No. 63, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 63, and requested a conference on the subject matter thereof.

Hse. Com. No. 606, returning S.C.R. No. 69, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 69, and requested a conference on the subject matter thereof.

Hse. Com. No. 607, returning S.C.R. No. 82, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 82, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 608, returning S.C.R. No. 100, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 100, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 609, returning S.C.R. No. 102, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 102, and requested a conference on the subject matter thereof.

Hse. Com. No. 610, returning S.C.R. No. 169, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 169, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 611, returning S.C.R. No. 19, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 612, returning S.C.R. No. 39, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 613, returning S.C.R. No. 98, S.D. 2, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 614, returning S.C.R. No. 101, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 615, returning S.C.R. No. 103, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 616, returning S.C.R. No. 109, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 617, returning S.C.R. No. 110, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 618, returning S.C.R. No. 113, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 619, returning S.C.R. No. 127, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 620, returning S.C.R. No. 136, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

Hse. Com. No. 621, returning S.C.R. No. 161, S.D. 1, which was adopted by the House of Representatives on April 22, 2002, was placed on file.

CONFERENCE COMMITTEE REPORT

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2732, S.D. 1, presented a report (Conf. Com. Rep. No. 53-02) recommending that S.B. No. 2732, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53-02 and S.B. No. 2732, SD 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senators Inouye and Kawamoto, for the Committee on Water, Land, Energy, and Environment and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3487) recommending that H.C.R. No. 21 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3487 and H.C.R. No. 21, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR

MAINTENANCE OF BREAKWATER PURPOSES," was deferred until Thursday, April 25, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3488) recommending that the Senate advise and consent to the nominations of ANA A. GAMBLE, FAYE A.T. MATSUNAGA, MONA S. TAKUMI, LENHANH P. TRAN, M.D., and MARGARET K. WADA to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 282.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3488 and Gov. Msg. No. 282 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3489) recommending that the Senate advise and consent to the nomination of CHARLES P. M. K. BURROWS, ED.D., to the Kaho'olawe Island Reserve Commission, in accordance with Gov. Msg. No. 176.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3489 and Gov. Msg. No. 176 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3490) recommending that the Senate advise and consent to the nominations of FAITH CAPLAN, MELISSA DUMARAN and GAIL L.G. KAAIALII, PH.D., to the Environmental Council, in accordance with Gov. Msg. No. 183.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3490 and Gov. Msg. No. 183 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3491) recommending that the Senate advise and consent to the nominations of TOBY MARTYN and TIMOTHY E. JOHNS to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 234.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3491 and Gov. Msg. No. 234 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3492) recommending that the Senate advise and consent to the nomination of JAMES D. JACOBI, PH.D., to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 235.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3492 and Gov. Msg. No. 235 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3493) recommending that the Senate advise and consent to the nomination of IAN KAGIMOTO to the Board of Certification of Public Water System Operators, in accordance with Gov. Msg. No. 242.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3493 and Gov. Msg. No. 242 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3494) recommending that the Senate advise and consent to the nomination of NOA EMMETT ALULI, M.D., to the Kaho'olawe Island Reserve Commission, in accordance with Gov. Msg. No. 271.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3494 and Gov. Msg. No. 271 was deferred until Wednesday, April 24, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3495) recommending that the Senate advise and consent to the nomination of GERALD L. DE MELLO to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 272.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3495 and Gov. Msg. No. 272 was deferred until Wednesday, April 24, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3496) recommending that the Senate advise and consent to the nomination of RONALD N. HIRANO to the Board of Trustees, Deferred Compensation Plan, in accordance with Gov. Msg. No. 303.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3496 and Gov. Msg. No. 303 was deferred until Wednesday, April 24, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3497) recommending that the Senate advise and consent to the nominations of BRENDA K.H. CHING and CHRISTOPHER LEE to the Hawai'i Television and Film Advisory Board, in accordance with Gov. Msg. No. 266.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3497 and Gov. Msg. No. 266 was deferred until Wednesday, April 24, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3498) recommending that the Senate advise and consent to the nominations of GLENN S. YAMADA, EDMUND C. ACZON and ALLAN S. KITAGAWA to the Board of Directors, Hawai'i Strategic Development Corporation, in accordance with Gov. Msg. No. 267.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3498 and Gov. Msg. No. 267 was deferred until Wednesday, April 24, 2002.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3499) recommending that the Senate advise and consent to the nominations of STACEY C.G. HEE and GAIL ANN M. HONDA, PH.D., to the Board of Directors, High Technology Development Corporation, in accordance with Gov. Msg. No. 269.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3499 and Gov. Msg. No. 269 was deferred until Wednesday, April 24, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3500) recommending that H.C.R. No. 130 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3500 and H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND PERFORMANCE AUDIT OF THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Wednesday, April 24, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3501) recommending that H.C.R. No. 139, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3501 and H.C.R. No. 139, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS TO DETERMINE THEIR FEASIBILITY AS VIABLE HEALTH INSURANCE PLANS FOR PUBLIC EMPLOYEES, RETIREES, AND THEIR DEPENDENTS," was deferred until Wednesday, April 24, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3502) recommending that H.C.R. No. 62 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3502 and H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, WITH THE ASSISTANCE OF THE HAWAII CRIMINAL JUSTICE DATA CENTER, TO COMPARE THE RECIDIVISM RATES OF INMATES TRANSFERRED TO MAINLAND CORRECTIONAL FACILITIES WITH SIMILARLY SITUATED INMATES WHO REMAINED INCARCERATED IN HAWAII," was deferred until Wednesday, April 24, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3503) recommending that H.C.R. No. 81, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3503 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 deferred until Wednesday, April 24, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3504) recommending that H.C.R. No. 171, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3504 and H.C.R. No. 171, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO RESOLVE ISSUES RELATED TO COURT-APPOINTED COUNSEL IN HAWAII," was deferred until Wednesday, April 24, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3505) recommending that S.R. No. 96, S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3505 and S.R. No. 96, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE TIMELY PROCESSING OF EDUCATIONAL FACILITIES PROJECTS AND THE DEVELOPMENT OF NEW SCHOOL CONSTRUCTION," was deferred until Wednesday, April 24, 2002.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3452 (Gov. Msg. No. 258):

Senator Matsunaga moved that Stand. Com. Rep. No. 3452 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations of LESLIE ISEMOTO and ALVIN T. KOBAYASHI to the Contractors License Board, 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, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3453 (Gov. Msg. No. 262):

Senator Matsunaga moved that Stand. Com. Rep. No. 3453 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations to the Board of Electricians and Plumbers of the following:

CAROL H. IGARASHI, term to expire June 30, 2005; and

SAM FAILLA and JUNE UYEHARA-ISONO, 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, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3454 (Gov. Msg. No. 263):

Senator Matsunaga moved that Stand. Com. Rep. No. 3454 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations of PAUL W. CONDRY and KENNETH N. SHIIRA to the Elevator Mechanics Licensing Board, 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, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3455 (Gov. Msg. No. 264):

Senator Matsunaga moved that Stand. Com. Rep. No. 3455 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved 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, 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, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3456 (Gov. Msg. No. 270):

Senator Matsunaga moved that Stand. Com. Rep. No. 3456 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations to the Board of Directors, Housing and Community Development Corporation of Hawai'i of the following:

STEVEN J. NISHIMURA, term to expire June 30, 2004; and

AIPOPO AIPOPO JR. and WESLEY R. SEGAWA, 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, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3457 (Gov. Msg. No. 273):

Senator Matsunaga moved that Stand. Com. Rep. No. 3457 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved 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, 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, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3458 (Gov. Msg. No. 275):

Senator Matsunaga moved that Stand. Com. Rep. No. 3458 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nominations to the Board of Medical Examiners of the following:

G. MARKUS POLIVKA, term to expire June 30, 2003;

CULLEN T. HAYASHIDA, PH.D., term to expire June 30, 2005; and

MICHAEL H. DANG, M.D., and GREGORY PARK, M.D., 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, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3459 (Gov. Msg. No. 276):

Senator Matsunaga moved that Stand. Com. Rep. No. 3459 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved 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, terms to expire June 30, 2005, seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3460 (Gov. Msg. No. 277):

Senator Matsunaga moved that Stand. Com. Rep. No. 3460 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved 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, 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, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3461 (Gov. Msg. No. 278):

Senator Matsunaga moved that Stand. Com. Rep. No. 3461 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved 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, terms to expire June 30, 2004, seconded by Senator Chumbley.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3462 (Gov. Msg. No. 279):

Senator Matsunaga moved that Stand. Com. Rep. No. 3462 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved that the Senate advise and consent to the nomination of ALLYSON M. TANOUYE, PH.D., to the Board of Psychology, 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, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3463 (Gov. Msg. No. 280):

Senator Matsunaga moved that Stand. Com. Rep. No. 3463 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Matsunaga then moved 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, 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, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

Stand. Com. Rep. No. 3464 (Gov. Msg. No. 287):

Senator Matsuura moved that Stand. Com. Rep. No. 3464 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Board of Certification of Operating Personnel in Wastewater Treatment Plants of the following:

MARSHALL LUM, term to expire June 30, 2003; and

CHARLES H. DAWRS and MYRON H. NOMURA, terms to expire June 30, 2006,

seconded by Senator Buen.

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

Ayes, 21. Noes, none. Excused, 4 (Chun, English, Menor, Taniguchi).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM MONDAY, APRIL 22, 2002

Stand. Com. Rep. No. 3466 (H.C.R. No. 190):

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

Stand. Com. Rep. No. 3467 (H.C.R. No. 150):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN THE STATE OF HAWAII," was adopted.

Stand. Com. Rep. No. 3468 (S.R. No. 108):

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

Stand. Com. Rep. No. 3469 (H.C.R. No. 70, H.D. 1):

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

Stand. Com. Rep. No. 3470 (H.C.R. No. 42, H.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 42, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PURCHASE SYSTEM," was adopted.

Stand. Com. Rep. No. 3471 (H.C.R. No. 121, H.D. 1):

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

Stand. Com. Rep. No. 3472 (H.C.R. No. 56, H.D. 1):

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

Stand. Com. Rep. No. 3480 (H.C.R. No. 75):

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

Stand. Com. Rep. No. 3481 (H.C.R. No. 118):

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

Stand. Com. Rep. No. 3482 (H.C.R. No. 131):

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

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2782, S.D. 1 (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. 2782, S.D. 1, seconded by Senator Hanabusa 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. 2782, S.D. 1, on the following showing of Ayes and Noes:

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

Senator Matsuura moved that the Senate agree to the amendments proposed by the House to S.B. No. 2782, S.D. 1, seconded by Senator Hanabusa.

Senator Matsuura noted:

"Mr. President and fellow colleagues, this bill is relating to hospital licensure. It was an admin bill and basically the House had a clean bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2782, S.D. 1, and S.B. No. 2782, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING," was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

S.C.R. No. 75, S.D. 1 (H.D. 1):

Senator Matsuura moved that the Senate reconsider its action taken on April 19, 2002, in disagreeing to the amendments proposed by the House to S.C.R. No. 75, S.D. 1, seconded by Senator Buen and carried.

Senator Matsuura moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 75, S.D. 1, seconded by Senator Buen.

Senator Matsuura noted:

"Mr. President and fellow colleagues, this Senate concurrent resolution's amendment was to request the Office of Planning to convene a food security task force and develop an action plan to enhance food security in Hawaii. This is a good resolution."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 75, S.D. 1, and S.C.R. No. 75, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF PLANNING TO CONVENE A FOOD SECURITY TASK FORCE TO DEVELOP AN ACTION PLAN TO ENHANCE FOOD SECURITY IN HAWAII," was placed on the calendar for Final Adoption on Wednesday, April 24, 2002.

S.B. No. 2242, S.D. 1 (H.D. 1):

Senator Buen 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. 2242, S.D. 1, seconded by Senator Inouye and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2242, S.D. 1, on the following showing of Ayes and Noes:

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

Senator Buen moved that the Senate agree to the amendments proposed by the House to S.B. No. 2242, S.D. 1, seconded by Senator Inouye.

Senator Buen noted:

"Mr. President, there were some amendments that we needed to look at. This was the reason why this is up for reconsideration."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2242, S.D. 1, and S.B. No. 2242, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

S.B. No. 2289, S.D. 1 (H.D. 2):

Senator Tam 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. 2289, S.D. 1, seconded by Senator Kawamoto 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. 2289, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Tam, Menor, Slom). Noes, none. Excused, 1 (Kim).

Senator Tam moved that the Senate agree to the amendments proposed by the House to S.B. No. 2289, S.D. 1, seconded by Senator Kawamoto.

Senator Tam noted:

"Mr. President, the purpose of this bill is to update and increase the flexibility of the condominium property regimes law by allowing the board of directors of an association of apartment owners to install or authorize the installation of television signal distribution and telecommunications equipment on project common areas.

"The House amended section 2 to read: 'This Act does not affect the rights and duties that mature, penalties that were incurred, and proceedings that were begun before its effective date. This Act does not affect the rights and duties arising from contracts.'"

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2289, S.D. 1, and S.B. No. 2289, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

H.C.R. No. 200, H.D. 1, S.D. 1:

Senator Tam moved that the Senate reconsider its actions taken on April 22, 2002, in adopting Stand. Com. Rep. No. 3476 and referring H.C.R. No. 200, H.D. 1, S.D. 1, to the Committee on Ways and Means, seconded by Senator Kawamoto.

Senator Tam noted:

"Mr. President, H.C.R. No. 200, H.D. 1, was reported from your Committee on Economic Development and Technology and referred to the Committee on Ways and Means. Your Committee would like to reconsider its previous action in passing the measure without any amendments."

The motion was put by the Chair and carried.

Senator Tam then moved that Stand. Com. Rep. No. 3476 be received and placed on file, seconded by Senator Kawamoto and carried.

By unanimous consent, H.C.R. No. 200, H.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 recommitted to the Committee on Economic Development and Technology.

S.B. No. 2422, S.D. 2 (H.D. 2):

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. 2422, S.D. 2, seconded by Senator Kim 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. 2422, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Kawamoto, Fukunaga, Kanno, Hemmings). Noes, none. Excused, 1 (Kim).

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2422, S.D. 2, seconded by Senator Kim.

Senator Kawamoto noted:

“Mr. President, the purpose of this bill was to increase the time period between mandatory safety inspections from 6 months to 1 year for certain vehicles that require such an inspection. The House removed school busses and trolleys operated by persons subject to Chapter 271, HRS, from the 1 year inspection requirement.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2422, S.D. 2, and S.B. No. 2422, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS,” was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

At 12:00 o'clock noon, the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

S.B. No. 1320, S.D. 2 (H.D. 1):

Senator Matsunaga 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. 1320, S.D. 2, seconded by Senator Matsuura and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1320, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Menor, Kanno, Hogue). Noes, none. Excused, 1 (Kawamoto).

Senator Matsunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 1320, S.D. 2, seconded by Senator Matsuura.

Senator Matsunaga noted:

“Mr. President, S.B. No. 1320 amends the antitrust and unfair competition law to allow any person to bring a lawsuit for enforcement.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1320, S.D. 2, and S.B. No. 1320, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ANTITRUST,” was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

S.B. No. 2721, S.D. 1 (H.D. 1):

Senator Matsunaga 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. 2721, S.D. 1, seconded by Senator Matsuura and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2721, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Menor, Matsunaga, Hogue). Noes, none.

Senator Matsunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 2721, S.D. 1, seconded by Senator Matsuura.

Senator Matsunaga noted:

“Mr. President, S.B. No. 2721 allows the insurance division to continue to protect Hawaii’s consumers from insolvent dental insurers by extending the drop-dead date of Act 132.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2721, S.D. 1, and S.B. No. 2721, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DENTAL INSURANCE,” was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

S.B. No. 2772 (H.D. 1):

Senator Matsunaga moved that the Senate reconsider its action taken on April 9, 2002, in disagreeing to the amendments proposed by the House to S.B. No. 2772, seconded by Senator Matsuura and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2772, on the following showing of Ayes and Noes:

Ayes, 3 (Menor, Matsunaga, Hogue). Noes, none.

Senator Matsunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 2772, seconded by Senator Matsuura.

Senator Matsunaga noted:

“Mr. President, S.B. No. 2772, relating to tattoo artists (not the artist that draws the guy from Fantasy Island), allows the director of health to revoke, suspend, or deny the renewal of license of any person licensed as a tattoo artist.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2772, and S.B. No. 2772, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TATTOO ARTISTS,” was placed on the calendar for Final Reading on Wednesday, April 24, 2002.

Senator Kanno, for the Committee on Judiciary, requested a waiver of the notice requirement pursuant to Senate Rule 20 for Jud. Com. No. 4.

Senator Kanno noted:

“Mr. President, it was a late arriving judicial appointment of Clarence Pacarro to the district court.”

The Chair then granted the waiver.

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

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

“We’re struggling in this State with horrendous fiscal problems, many think brought on to us by our own doing and appropriations in prior years, not just 9/11.

“I am asking the Senate to please stand its ground on behalf of the taxpayers of this State, especially regarding the hurricane relief fund. Communications have been sent to a number of us in the Senate from the Governor’s Office requesting that we raid the fund to help pay for his malfeasance.

“Pretty explicit words, but on the 21st of September, a piece was published that I wrote in the newspaper. I talked about the Governor reducing the state workforce, revamping civil laws to better deploy civil service workers, cutting nonessential government programs and improving purchase of service programs because they’re so much more cost-effective in delivering goods and services to this State of Hawaii, the people that pay for them.

“And what did the Governor do? He ignored all of this and he sent a budget for the second biennium that increased spending over the previous biennium, according to our research, by \$430 million. And that’s in the face of a \$300 million deficit. It’s time we stop playing ball with the executive branch of government because they’re digging a big hole and what they want us to do is help dig it deeper. It’s time we draw the line.

“Your loyal opposition showed you opportunity to cut huge amounts of money the executive branch of government has misrepresented that they need. I don’t have to go over them again. We’ve already talked about the vacant positions that are being used as a slush fund.

“This Governor and this administration has failed to be accountable and most especially has misrepresented the fiscal needs of this State and the manner in which they run the budget to this Legislature. I say, Mr. President, it’s time we talk serious about doing some serious cutting, rather than juggling the funds.

“The tax and spend formula that this government has been wedded to has compounded the problems of 9/11. And for the Governor to throw a fiscal bomb in the legislative court in the wake of 9/11, and tell us to handle it in the wake of his irresponsibility, is unconscionable.

“I’m asking my colleagues, especially in deliberations tonight and the next several nights, to look at sending the executive branch of government a real strong message and cut the funding, leave the hurricane insurance fund in place and also leave the special funds in place, and balance the budget a novel way – cut spending.

“It seems that some, in the political process unfortunately most, didn’t do well in the DOE because the only thing they learned was how to add and not subtract. Well, it’s time that we in the Senate start teaching them.

“Thank you, Mr. President.”

At 12:08 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 o’clock p.m.

ADJOURNMENT

At 12:10 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Wednesday, April 24, 2002.