

FIFTY-SIXTH DAY

Wednesday, April 24, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:54 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Matt Matsunaga, Hawaii State Senate, after which the Roll was called showing all Senators present.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 622 to 627) were read by the Clerk and were placed on file:

Hse. Com. No. 622, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House concurrent resolutions:

H.C.R. No. 11 (S.D. 1);
H.C.R. No. 94, H.D. 1 (S.D. 1); and
H.C.R. No. 103, H.D. 1 (S.D. 1).

Hse. Com. No. 623, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2445, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2445, S.D. 2, passed Final Reading in the House of Representatives on April 23, 2002.

Hse. Com. No. 624, returning S.C.R. No. 34, S.D. 1, which was adopted by the House of Representatives on April 23, 2002.

Hse. Com. No. 625, returning S.C.R. No. 79, S.D. 1, which was adopted by the House of Representatives on April 23, 2002.

Hse. Com. No. 626, returning S.C.R. No. 121, which was adopted by the House of Representatives on April 23, 2002.

Hse. Com. No. 627, informing the Senate that the Speaker on April 24, 2002, made the following changes to the conferees on the following bill:

S.B. No. 2179, S.D. 2 (H.D. 1):

Discharged Representative Takamine as third co-chair.
Appointed Representative Saiki as third co-chair.

CONFERENCE COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2527, presented a report (Conf. Com. Rep. No. 4-02) recommending that H.B. No. 2527, S.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. 4-02 and H.B. No. 2527, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION FREQUENCIES FOR REGULATED EQUIPMENT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 99, presented a report (Conf. Com. Rep. No. 54-02) recommending that S.B. No. 99, 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. 54-02 and S.B. No. 99, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2964, S.D. 2, presented a report (Conf. Com. Rep. No. 55-02) recommending that S.B. No. 2964, S.D. 2, H.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. 55-02 and S.B. No. 2964, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," was deferred for a period of 48 hours.

Senator Matsuura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3053, S.D. 2, presented a report (Conf. Com. Rep. No. 56-02) recommending that S.B. No. 3053, S.D. 2, 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. 56-02 and S.B. No. 3053, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING," was deferred for a period of 48 hours.

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. 3040, S.D. 2, presented a report (Conf. Com. Rep. No. 57-02) recommending that S.B. No. 3040, S.D. 2, H.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. 57-02 and S.B. No. 3040, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 3506) recommending that H.C.R. No. 163 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3506 and H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FACILITATE SECURING SPACE FOR THE COMMERCIAL HAUL OUT OF BOATS FOR SAFETY, COMPLIANCE INSPECTIONS, AND ECONOMIC DEVELOPMENT," was deferred until Thursday, April 25, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a

report (Stand. Com. Rep. No. 3507) recommending that the Senate advise and consent to the nominations of MITCHELL ROTH, DAVID SANDLER and CLAIRE M. SASAKI-LUNDGREN to the State Highway Safety Council, in accordance with Gov. Msg. No. 320.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3507 and Gov. Msg. No. 320 was deferred until Thursday, April 25, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3508) recommending that the Senate advise and consent to the nomination of GORDON K.T. ING to the Procurement Policy Board, in accordance with Gov. Msg. No. 333.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3508 and Gov. Msg. No. 333 was deferred until Thursday, April 25, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3509) recommending that the Senate advise and consent to the nomination of NADINE K. NAKAMURA to the Board of Directors, Hawai'i Tourism Authority, in accordance with Gov. Msg. No. 293.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3509 and Gov. Msg. No. 293 was deferred until Thursday, April 25, 2002.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3510) recommending that H.C.R. No. 137, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3510 and H.C.R. No. 137, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CONGRESS'S PLAN TO ENDORSE AND OBTAIN OBSERVER STATUS FOR TAIWAN AT THE ANNUAL SUMMIT OF THE WORLD HEALTH ASSEMBLY IN MAY 2002 IN GENEVA, SWITZERLAND," was deferred until Thursday, April 25, 2002.

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

The Senate reconvened at 12:07 o'clock p.m.

ORDER OF THE DAY

FINAL READING

Conf. Com. Rep. No. 3-02 (H.B. No. 2382, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, 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 until Tuesday, April 30, 2002.

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

By unanimous consent, action on S.B. No. 2180, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION AND GENETIC TESTING," was deferred until Tuesday, April 30, 2002.

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

By unanimous consent, action on 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 deferred until Tuesday, April 30, 2002.

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

By unanimous consent, action on S.B. No. 1320, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST," was deferred until Tuesday, April 30, 2002.

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

By unanimous consent, action on S.B. No. 2242, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," was deferred until Tuesday, April 30, 2002.

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

By unanimous consent, action on S.B. No. 2289, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred until Tuesday, April 30, 2002.

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

By unanimous consent, action on S.B. No. 2422, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," was deferred until Tuesday, April 30, 2002.

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

By unanimous consent, action on S.B. No. 2721, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," was deferred until Tuesday, April 30, 2002.

S.B. No. 2772, H.D. 1:

By unanimous consent, action on S.B. No. 2772, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," was deferred until Tuesday, April 30, 2002.

S.B. No. 2782, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2782, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL LICENSING," was deferred until Tuesday, April 30, 2002.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3488 (Gov. Msg. No. 282):

Senator Matsunaga moved that Stand. Com. Rep. No. 3488 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 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, 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, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 3489 (Gov. Msg. No. 176):

Senator Inouye moved that Stand. Com. Rep. No. 3489 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of CHARLES P. M. K. BURROWS, ED.D., to the Kaho'olawe Island Reserve Commission, term to expire June 30, 2004, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3490 (Gov. Msg. No. 183):

Senator Inouye moved that Stand. Com. Rep. No. 3490 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved 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, terms to expire June 30, 2006, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3491 (Gov. Msg. No. 234):

Senator Inouye moved that Stand. Com. Rep. No. 3491 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations to the Board of Land and Natural Resources of the following:

TOBY MARTYN, term to expire June 30, 2005; and

TIMOTHY E. JOHNS, term to expire June 30, 2006,

seconded by Senator Chun Oakland.

Senator Inouye rose to speak in support of one of the nominees as follows:

"Mr. President, I speak in favor of Gov. Msg. No. 234 with regards to the appointment of Timothy Johns. Mr. President, your Committee on Water, Land, Energy, and Environment has seven GMs to deal with today and not that I'm preferencing one over the other, but we do have one appointee who is here with us and I'd like to speak on behalf of Gov. Msg. No. 234 in the name of Timothy E. Johns.

"He is the Chief Operating Officer for the Estate of Samuel Mills Damon, and previously served as the Chairperson of the Department of Land and Natural Resources and Deputy Director of the Commission on Water Resource Management. He is up for a reappointment term to expire June 30, 2006.

"In addition to several management positions with AMFAC/JMB Hawaii, Inc., he has also lectured in business law

and was Director of Protection with The Nature Conservancy of Hawaii. As we all know him, Mr. Johns holds law and masters degrees from the University of Southern California and is active in a number of legal professional organizations.

"He is currently a member of the Board of Land and Natural Resources, Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve and Proposed National Marine Sanctuary Advisory Council, a recipient of Hawaii Audubon Society President's Award in 2000, and a Pacific Century Fellow. He is still active in his community organizations and he has been an outstanding member of the present board and deserves consideration for an extended term.

"I urge all my colleagues to support Gov. Msg. No. 234 in the name of Timothy Johns. Thank you, Mr. President."

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

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

Stand. Com. Rep. No. 3492 (Gov. Msg. No. 235):

Senator Inouye moved that Stand. Com. Rep. No. 3492 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of JAMES D. JACOBI, PH.D., to the Natural Area Reserves System Commission, term to expire June 30, 2006, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3493 (Gov. Msg. No. 242):

Senator Inouye moved that Stand. Com. Rep. No. 3493 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of IAN KAGIMOTO to the Board of Certification of Public Water System Operators, term to expire June 30, 2006, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3494 (Gov. Msg. No. 271):

Senator Inouye moved that Stand. Com. Rep. No. 3494 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of NOA EMMETT ALULI, M.D., to the Kaho'olawe Island Reserve Commission, term to expire June 30, 2005, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3495 (Gov. Msg. No. 272):

Senator Inouye moved that Stand. Com. Rep. No. 3495 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of GERALD L. DE MELLO to the Board of Land and Natural Resources, term to expire June 30, 2006, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3496 (Gov. Msg. No. 303):

Senator Nakata moved that Stand. Com. Rep. No. 3496 be received and placed on file, seconded by Senator Ihara and carried.

Senator Nakata then moved that the Senate advise and consent to the nomination of RONALD N. HIRANO to the Board of Trustees, Deferred Compensation Plan, term to expire June 30, 2004, seconded by Senator Ihara.

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

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

Stand. Com. Rep. No. 3497 (Gov. Msg. No. 266):

Senator Tam moved that Stand. Com. Rep. No. 3497 be received and placed on file, seconded by Senator Ige and carried.

Senator Tam then moved that the Senate advise and consent to the nominations to the Hawai'i Television and Film Advisory Board of the following:

BRENDA K.H. CHING, term to expire June 30, 2003; and

CHRISTOPHER LEE, term to expire June 30, 2006,

seconded by Senator Ige.

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

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

Stand. Com. Rep. No. 3498 (Gov. Msg. No. 267):

Senator Tam moved that Stand. Com. Rep. No. 3498 be received and placed on file, seconded by Senator Ige and carried.

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

GLENN S. YAMADA, term to expire June 30, 2003;

EDMUND C. ACZON, term to expire June 30, 2005; and

ALLAN S. KITAGAWA, term to expire June 30, 2006,

seconded by Senator Ige.

Senator Tam rose to speak in favor of one of the nominees as follows:

"Mr. President and fellow colleagues, I wish to speak in favor of Gov. Msg. No. 267.

"We have one of the nominees here, Glenn Yamada. Let me give you some background about him. First of all, he's a University of Hawaii, Manoa, graduate. He has been in the finance industry for over 18 years. He's currently assistant vice president and branch manager of American Savings Bank at the Pearlridge branch.

"In addition to his strong work ethics, Mr. Yamada recognizes the importance of giving back to the community as shown in his active role with the Honolulu Japanese Chamber of Commerce and the Mililani Missionary Church.

"I ask my colleagues to support this nominee."

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

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

Stand. Com. Rep. No. 3499 (Gov. Msg. No. 269):

Senator Tam moved that Stand. Com. Rep. No. 3499 be received and placed on file, seconded by Senator Ige and carried.

Senator Tam then moved 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, terms to expire June 30, 2006, seconded by Senator Ige.

Senator Tam rose to speak in support of one of the nominees as follows:

"Mr. President, I wish to speak in favor of Gov. Msg. No. 269.

"In Gov. Msg. No. 269 we have with us the nominee Gail Ann Honda. She is a Punahou graduate. Mrs. Honda earned a Ph.D. with a distinction in Japanese economic history from the University of Chicago.

"She is currently president and CEO of Global Optima, Inc., and author of publication entitled, The Essential Guide to Internet Business Technology. She brings to HTDC her knowledge and her expertise in the commercial high technology industry.

"I ask my colleagues to support this nominee."

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

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

At 12:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:16 o'clock p.m.

ADOPTION OF RESOLUTION

**MATTER DEFERRED FROM
MONDAY, APRIL 22, 2002**

Stand. Com. Rep. No. 3485 (H.C.R. No. 18):

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

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 23, 2002

Stand. Com. Rep. No. 3500 (H.C.R. No. 130):

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

Stand. Com. Rep. No. 3501 (H.C.R. No. 139, H.D. 1):

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 Tuesday, April 30, 2002.

Stand. Com. Rep. No. 3502 (H.C.R. No. 62):

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

Stand. Com. Rep. No. 3503 (H.C.R. No. 81, H.D. 1):

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 adopted.

Stand. Com. Rep. No. 3504 (H.C.R. No. 171, H.D. 1):

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

Stand. Com. Rep. No. 3505 (S.R. No. 96, S.D. 1):

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

FINAL ADOPTION

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

On motion by Senator English, seconded by Senator Hemmings 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 Finally 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. 200, H.D. 1, S.D. 1	Committee on Economic Development and Technology

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2680 (H.D. 1):

Senator Sakamoto 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. 2680, 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. 2680, on the following showing of Ayes and Noes:

Ayes, 3 (Sakamoto, Kawamoto, Taniguchi). Noes, none. Excused, 2 (Chumbley, Hogue).

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2680, seconded by Senator Taniguchi.

Senator Sakamoto noted:

"Mr. President, S.B. No. 2680, H.D. 1, related to school facilities, was taking away the qualified products list and allowing generic products to be used for construction."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2680, and S.B. No. 2680, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 3041, S.D. 1 (H.D. 1):

Senator Sakamoto 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. 3041, S.D. 1, 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. 3041, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Sakamoto, Taniguchi, Hanabusa, Ige). Noes, none. Excused, 2 (Chumbley, Hogue).

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 3041, S.D. 1, seconded by Senator Taniguchi.

Senator Sakamoto noted:

“Mr. President, S.B. No. 3041, relating to the Department of Education storeroom revolving fund, would repeal the storeroom revolving fund on December 31, 2002, with the balance going to the general fund.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3041, S.D. 1, and S.B. No. 3041, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

Senator Kim rose on a point of information as follows:

“Mr. President, point of information.

“Mr. President, is there a reason why none of these bills or numbers are listed on our Order of the Day or some kind of list that we can follow?”

At 12:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o'clock p.m.

The President made the following observation:

“In answer to Senator Kim’s concerns, in the future we will distribute the list of reconsiderations to all the members.”

S.B. No. 2231, S.D. 1 (H.D. 1):

Senator Chun 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. 2231, S.D. 1, seconded by Senator Kanno 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. 2231, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 5 (Chun, Kanno, Kawamoto, Kokubun, Hemmings). Noes, none.

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.B. No. 2231, S.D. 1, seconded by Senator Kanno.

Senator Chun noted:

“Mr. President, S.B. No. 2231 deals with the Kahoolawe Island Reserve. It is a bill designed to allow some kind of protection for the State of Hawaii once the federal government turns over complete access to the island. It deals with the need to post warning signs for unexploded ordinances to anybody visiting the island in the future.

“The amendments made by the House to that bill basically puts the responsibility of the design of the signs and placements with the Kahoolawe Island Reserve Commission. The Senate version had it with the DLNR.

“Also, the House took out the reporting requirements for the status of the signs that needed to be reported to the Legislature.

“We believe that those amendments are reasonable and would recommend that the Senate adopt those amendments made by the House.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2231, S.D. 1, and S.B. No. 2231, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO KAHO’OLAWA ISLAND RESERVE,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2750, S.D. 1 (H.D. 2):

Senator Chun 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. 2750, S.D. 1, seconded by Senator Kanno 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. 2750, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Chun, Hanabusa, Chun Oakland, Hemmings). Noes, none. Excused, 1 (Taniguchi).

Senator Chun moved that the Senate agree to the amendments proposed by the House to S.B. No. 2750, S.D. 1, seconded by Senator Kanno.

Senator Chun noted:

“Mr. President, S.B. No. 2750 deals with the Native Hawaiian rehabilitation fund and it allows the DHHL, who controls the fund, to spend the money not only on Native Hawaiians but further defines that as Native Hawaiian families and Hawaiian homestead communities.

“The Senate version added a little phrase after that to include all other Native Hawaiian organizations. The House thought it was too broad of a provision and I believe it will be more prudent to limit it only, at this point in time, to Native Hawaiian families and Hawaiian homestead communities.

“I would recommend that we accept the amendments made by the House.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No.

2750, S.D. 1, and S.B. No. 2750, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2336, S.D. 1 (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. 2336, S.D. 1, seconded by Senator Kanno and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2336, S.D. 1, seconded by Senator Kanno.

Senator Kawamoto noted:

"Mr. President, the House made some changes. Basically, the bill used to call for 16- and 17-year-olds curfew driving and it's now only for 16-year-olds. They changed the hours from 11:00 to 12:00 and 12:00 to 4:00. It's still a good bill. It's still an education bill.

"Mr. President, I urge all my colleagues to vote 'aye' on this bill."

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

"Mr. President, I'm going to urge my colleagues to vote 'no' on this bill, please.

"The amendments just sort of lessened it a little bit but it's still is offensive to drivers once we've given them the authority to drive.

"Thank you."

At 12:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:30 o'clock p.m.

The President then said:

"Any further discussion? If not, all those in favor say 'aye,' opposed, 'no.'"

Several Senators replied: "No!"

Senator Chumbley rose on a point of order and said:

"Mr. President, point of order. Was there a second to that previous motion?"

"I don't believe so, Mr. President."

The President responded:

"Yes, it was Senator Kanno. Could we have a Roll Call, please."

Senator Inouye then rose and said:

"Mr. President, a point of personal privilege.

"May I have the Senator from Waipahu repeat his disagreements or agreement to the bill, please, or the subject of the matter we're discussing again, please."

At 12:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:38 o'clock p.m.

The President made the following observation:

"Senators, we did take the vote and it seemed like the Minority had a very loud voice and it was quite indistinguishable, so I'd like to remind the members that we're going to be taking a Roll Call vote.

"The actual motion is to agree to the amendments made by the House to S.B. No. 2336. We are not voting on the merits or demerits of this particular bill.

"Mr. Clerk, please call the Roll."

The motion was put by the Chair and carried, Roll Call vote having been requested, the Senate agreed to the amendments proposed by the House to S.B. No. 2336, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Buen, Chumbley, English, Hemmings, Hogue, Slom).

Senators Chun, Matsunaga and Nakata cast their Roll Call votes "Aye, with reservations."

By unanimous consent, S.B. No. 2336, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2667 (H.D. 1):

Senator Inouye 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. 2667, 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. 2667, on the following showing of Ayes and Noes:

Ayes, 5 (Inouye, Taniguchi, Chun Oakland, Kokubun, Hemmings). Noes, none.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2667, seconded by Senator Taniguchi.

Senator Inouye noted:

"Mr. President, the House has made very nonsubstantive changes to the bill. S.B. No. 2667 relates to public lands and this eliminates the 'urban' as a requirement that limits the board of land and natural resources to leasing public lands for historic preservation and restoration projects.

"And, Mr. President, I do have my Conference Committee record of votes if any one of my members want to see that."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2667, and S.B. No. 2667, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2669 (H.D. 1):

Senator Inouye 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. 2669, 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. 2669, on the following showing of Ayes and Noes:

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

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2669, seconded by Senator Taniguchi.

Senator Inouye noted:

“Mr. President, the House has made very nonsubstantive changes to the bill. S.B. No. 2669, H.D. 1, relates to the issuance of special purpose revenue bonds to assist projects on the Islands of Maui and Hawaii.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2669, and S.B. No. 2669, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROJECTS ON THE ISLANDS OF MAUI AND HAWAII,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2774, S.D. 2 (H.D. 2):

Senator Inouye 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. 2774, S.D. 2, 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. 2774, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 5 (Inouye, Taniguchi, Chun Oakland, English, Hemmings). Noes, none.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2774, S.D. 2, seconded by Senator Taniguchi.

Senator Inouye noted:

“Mr. President, the House has made very nonsubstantive changes to the bill. S.B. No. 2774, S.D. 2, H.D. 2, relates to environmental program financing and it expands the categories of parties eligible for loans from the drinking water treatment revolving fund and the water pollution control revolving fund programs.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2774, S.D. 2, and S.B. No. 2774, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROGRAM FINANCING,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2804 (H.D. 1):

Senator Inouye 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. 2804, 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. 2804, on the following showing of Ayes and Noes:

Ayes, 4 (Inouye, Taniguchi, Chun Oakland, Hemmings). Noes, none. Excused, 1 (Ihara).

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2804, seconded by Senator Taniguchi.

Senator Inouye noted:

“Mr. President, the House has made very nonsubstantive changes to the bill. S.B. No. 2804, H.D. 1, relates to subleasing of public lands and this allows BLNR to waive requirements to obtain consent for subleases under public land leases.

“Again, Mr. President, I do have the record of votes of the Conference Committee.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2804, and S.B. No. 2804, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SUBLEASING OF PUBLIC LANDS,” was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2093, S.D. 1 (H.D. 1):

Senator Menor 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. 2093, 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. 2093, S.D. 1, on the following showing of Ayes and Noes:

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

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 2093, S.D. 1, seconded by Senator Matsuura.

Senator Menor noted:

“Mr. President, with respect to S.B. No. 2093, S.D. 1, H.D. 1, this is the bill that would reduce health insurance costs by establishing penalties for acts or omissions related to fraudulent health insurance claims.

“With respect to this bill, the House made several amendments, including amending references to the motor vehicle insurance fraud law and adds new sections to the health insurance laws that limit civil liability for the disclosure of information used to investigate and prosecute fraud.

"Your Chairs are recommending the adoption of this House draft as being reasonable."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2093, S.D. 1, and S.B. No. 2093, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

S.B. No. 2106, S.D. 2 (H.D. 1):

Senator Menor 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. 2106, 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. 2106, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 2 (Menor, Matsuura). Noes, none. Excused, 1 (Hogue).

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 2106, S.D. 2, seconded by Senator Matsuura.

Senator Menor noted:

"Mr. President, S.B. No. 2106, S.D. 2, H.D. 1, is a bill relating to marriage and family therapists. It would remove the sunset date of the marriage and family therapist statute and authorizes reciprocity agreements to recognize licenses of marriage and family therapists from other states, provided that the state's license requirements are as stringent as Hawaii's current requirements.

"Your Chairs are recommending the adoption of this House draft as being reasonable."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2106, S.D. 2, and S.B. No. 2106, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," was placed on the calendar for Final Reading on Tuesday, April 30, 2002.

Senator Tam, Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. No. 200, and the Chair granted the waiver.

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

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

"Mr. President, I'm responding to the announcement from the good Senator from Waipahu regarding S.B. No. 2179, S.D. 2, H.D. 2. This is an unprecedented Conference Committee hearing in that we're asking people to testify and submit copies of testimony on a bill that was never heard in the Legislature.

"This is in direct violation of our own Conference Committee Rules which states in Rule No. 1: 'The authority of the Conference Committee shall be limited to resolving differences between the Senate and House drafts of a bill or resolution.' This bill that we're addressing has to do with

energy efficiency in state facilities. The title fits but the substance doesn't, and the differences certainly don't. Subparagraph a says: 'With the exception of the Executive Budget and the Judiciary Budget, a Conference Committee shall not amend a bill or resolution by inserting into the bill or resolution any unrelated or new subject matter.' Item b: 'To assure the integrity of individual bills, the merging of two or more distinct but related bills into one encompassing bill shall not be allowed.' I think the rules are pretty clear on this, Mr. President.

"This is a last minute, desperate attempt on the part of the Governor and, I might add, his loyal frogs to try to have us jump out of the pit that this State is in. I might add, personally, that I sat in the original hearing when the attorney general spoke on this bill.

"This bill is loony tunes. Under his formula of computing the price of gas, currently we could be charged up to \$1.64 a gallon. I happened to buy a tank of gas the other evening for \$1.58 a gallon. The proposal doesn't even work besides being in clear violation of our Senate Rules. I might add that it also might be in violation of the integrity of the constitution regarding the clause of subject matter of legislation we pass.

"There's a rhetorical question I'd like to ask. Is it the purpose of this bill to protect consumers, which it clearly will not do? Or is the purpose to send a message out to the consumers, many of whom also happen to be voters, that look at what we're doing - we're really going to bat for you and we're protecting you from these evil gas companies.

"Well, I asked the attorney general this and I might ask my colleagues, the gas prices right now that we're indexing the prices to here in Hawaii are less than some of the gas prices we're allegedly indexing it to on the west coast. But if we're really interested in really protecting consumers, maybe we should have the attorney general conduct one of his famous expensive, no-results investigations into the price of Wheaties, because Wheaties are 40 percent higher in Safeway in Hawaii than they are in Safeway in California. Or maybe we ought to investigate the PUC and Hawaiian Electric. Electric rates are 75 percent higher.

"My point is, Mr. President, that this bill is a last minute attempt to try to fool the people of Hawaii again that we're doing something about a problem that no longer exists to the extent that the attorney general and the Governor says it does. If we really want to protect consumers, we really should be looking at the issues that drive up the cost of everything we consume, including gasoline.

"This hearing this afternoon, in my estimation, is a clear violation of the Rules I just read and it certainly is a violation of the spirit of the constitution. I would hope the Senate would maintain the integrity of this body by not allowing this process to proceed.

"Thank you, Mr. President."

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

"Mr. President, I rise on a point of personal privilege to respond to some of the comments made by the Senator from the Windward side.

"First of all, I have several responses and I respond as a Senator who has been pushing for the hearings that have been conducted thus far on the attorney general's gasoline price cap proposal.

“First of all, from a procedural standpoint, I don’t think that the informational briefing that we held on the measure earlier this week, together with the public hearing that we’re going to be conducting on the attorney general’s proposal tonight, violates Senate procedures and rules to the extent that, first of all, if you look at the substance of S.B. No. 2179, H.D. 1, that’s currently in Conference, the subject matter of that bill, the contents of that bill relates specifically to gasoline price caps. So in that regard, I think that the issues raised in the attorney general’s proposal fit within that subject matter and definitely should be considered by Conferees.

“But most importantly, Mr. President, I don’t think that as Legislators that we should be raising the excuses of rules and procedures to try to avoid what I think is a very important responsibility on our part, which is to address a significant issue that the public is really very concerned about, which is the fact that they are paying gasoline prices that have been excessively high for a long time now. And they’re paying those high gasoline prices because we’ve had a lack of competition. We’ve had a situation where it strongly appears that the oil companies have been earning excessive profits at the expense of consumers.

“So I think the consumers are entitled to a public hearing on a serious proposal that contains provisions that could provide them with the kind of meaningful and immediate relief that they need from gas prices now, instead of somewhere down the line in the future.

“So, given the importance of this issue, I would hope that my colleagues will not stifle the kind of public discussion and debate that we need on this important issue because it’s an important consumer issue and the consumers of the State of Hawaii would be extremely disappointed if we were to block the ability of this body, of your Conferees, to conduct a full and extensive public hearing tonight on a measure that could provide them with the relief that they want and so desperately need in the future.

“So in that regard, I look forward to conducting the public hearing together with my Senate Co-Chairs, Senator Kawamoto and Senator Inouye, this evening. Thank you.”

Senator Hemmings rose again on a point of personal privilege and said:

“Mr. President, I rise on a point of personal privilege in rebuttal to the previous comments.

“I don’t want to belabor this, but I think it’s quite obvious what the rebuttal is. Number one, procedurally, this hearing does not resolve the differences between the two positions of the House and the Senate on bills, and is in clear violation of the Rules as I so enunciated.

“Concerning prices, this bill, once again, is ludicrous because of the limits it’s putting on prices are higher than what we’re currently paying.

“And the third point of rebuttal is that we have had extensive hearings on this issue throughout this legislative session, including another bill that would have capped the prices where the monopoly is – at the refinery level. The good Senator who is proposing this solution this afternoon failed to allow that legislation to proceed through the process.

“We have also, at the public’s expense, conducted massive public investigation into it through the attorney general’s office, who’s proposing this ludicrous legislation that does not cap

prices under the existing market prices, and spent many millions of dollars in time investigating this and came up with a settlement that barely pays the lawyer’s fees. So I stand on the position that I took in pointing out to the Senate what is being done here. I’m hoping the good Senators will do what’s fair and appropriate for the consumers and not use them in a political foil to try to gain popularity on an issue that should have been resolved a long time ago and this Legislature failed to do so.

“Thank you, Mr. President.”

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

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

“As the lead Chair, I made the announcement of this meeting. I did check with our attorney, Mr. Wada, and the Clerk, Mr. Kawaguchi, on the legality of this hearing and they said it was all right and therefore we posted the hearing notice. So, those checks were made, Mr. President, and this was discussed also in the Caucus with little objections as far as the hearing is concerned.”

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

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

“I wanted to make it clear that the good Senator from Kailua is not speaking for those of us who live out of the City and County of Honolulu. I want to make it very clear that we pay excessive prices and have paid excessive prices for some time. For example, in Maui we pay upwards of \$1.89 to \$2.00 a gallon. You cannot buy gas at the price that he referred to anywhere outside of Oahu.

“So, for those of us who have been paying excessive prices for some time and feel, quite frankly, like we’re getting raped, we want this hearing. I think it’s a good idea and I’ll be there to participate.

“Thank you.”

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

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

“Well, it looks like we’re having the public hearing right now. Isn’t that interesting?”

“As far as the Rules, this will be the Session that everybody will remember as the Session where we trampled on Rules. I guess it’s a take off from the old Russian saying that ‘rules, like pie crust, are meant to be broken,’ because that’s what we’ve done this entire Session.

“I find it amusing when we have some of our colleagues worrying about aspects of the high costs that our consumers have to pay, because in one breath they’re worried about that for one specific price or industry, in another, they’re very gleefully raising taxes, fees, and costs of doing business while at the same time going through 56 days and not doing a damn thing to help this economy, the business climate, or small businesses within this State.

“My point about this is that I sat through on the CPH Committee for four years. There were hearings at all times. We’ve had all these investigations. We have all of this

information. I didn't know when the attorney general got elected to the Senate. I must have been absent that day so that he is providing us with legislation and with information. I also don't know when S.B. No. 2179 was ever referred to the good Senator's Committee, the good Senator that heads up the Committee on Commerce, Consumer Protection and Housing.

"We have a number of firsts. I don't remember a Conference Committee where we've invited public testimony. I know that we've had the public that have begged and pleaded with us to allow their words to be heard at Conference Committees but we said, 'No, that's the rules. You don't do that at Conference Committees. At Conference Committees you look at the bills that have been properly referred to Committees, properly have been the subject of public hearings, properly debated, and then you reach a decision without addition of new material.' So everything that we're doing here flies in the face of this.

"With all due respect, we certainly sympathize with the members of neighbor island communities not only for their gasoline prices, but also for their Wheaties prices and for everything else. But this bill and this late procedure are not going to do anything to alleviate that and our colleagues have to know that. What this does do, however, is divert further attention from the business that we have not conducted during these 56 days and from resolving the budget, which is still unresolved, and now we're talking about possibly having to extend this Session. So we should have our priorities and we should be doing the kinds of things that we're supposed to be doing in the order in which we're supposed to do them.

"I don't know that we are trying to block any discussion. Certainly the Minority has always called for discussion and we can look at the bills that have not even had a public hearing aside from all of the Republican measures that never get public hearings in this body. So if you want to talk about hearings and you want to talk about rules, let's at least be consistent.

"Thank you, Mr. President."

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

"Mr. President, point of personal privilege.

"Mr. President, on the procedural questions and all of these things notwithstanding, I will support having a hearing on this measure and actually encourage them to pass something out, because as my colleague from Anahola and East Maui has said, we pay excessive gas prices.

"My family is from Hana, Mr. President, and we pay over \$2.00 a gallon there. People on Molokai and Lanai pay excessive gas prices. People from Kahului, as the Senator pointed out, pay \$1.85 to \$1.90 a gallon.

"So while the debate rages on Oahu about why we shouldn't have this and why we should, this will be a direct benefit to those on the neighbor islands and that's the part that's very key to me and my constituents.

"So I support having the hearing. I'm sure that we can work it out. Hey, we've suspended the Rules once, let's do it again.

"To hear the measure is the most important thing to me. I think that the neighbor islands will appreciate it. I congratulate the two Chairs for trying to find an innovative way to hear this measure but also realize that the issue has been around. We've talked about it. We'll continue to talk about it and I know that they will pass out the measure or something this evening that we can bring to the Floor.

"Thank you."

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

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

"In response to the Senator from Hawaii Kai, I don't think the attorney general was elected to the Senate but he was confirmed by the Senate and then rejected, and then confirmed again.

"Thank you, Mr. President."

Senator Chun Oakland rose on a point of personal privilege and said:

"Mr. President, I'm also standing on a point of personal privilege.

"S.B. No. 2179, which I had introduced, basically, in its original form, spoke of a very good piece of legislation to encourage our state government to become more energy efficient. I'm glad that there is, in addition to that, the discussion about gas prices because I know that is a very important issue.

"I, like many of my colleagues, would like to have a Conference Committee on this bill. So I appreciate the time. Thank you."

APPOINTMENT OF CONFEREES

S.C.R. No. 43 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 43, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

S.C.R. No. 44, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 44, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Inouye, co-chair; Hemmings as managers on the part of the Senate at such conference.

H.C.R. No. 11 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.C.R. No. 11, and the request for a conference on the subject matter thereof, the President appointed Senators Matsuura, chair; English, Hogue as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.C.R. No. 94, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Buen, chair; Taniguchi, co-chair; Kokubun, Hogue as managers on the part of the Senate at such conference.

ADJOURNMENT

At 1:03 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 6:30 o'clock p.m., Thursday, April 25, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate