

FIFTY-FIRST DAY

Monday, April 14, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Larry Kelly, Halawa Heights Baptist Church, after which the Roll was called showing all Senators present with the exception of Senator Hogue who was excused.

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

At this time, the following introductions were made to the members of the Senate:

Senator Chun Oakland, with the assistance of Senators Hooser, Hanabusa and Tsutsui, introduced and congratulated the following recipients of the 2002 Niu Volunteer Awards: Mayla Blakley; Denise Hurchanik; Stuart Ragan; Perry Confalone; Renee Yoshimura, representing the Law Firm of Stirling and Kleintop; and Frank O'Brien.

Senator Kim honored E.K. Fernandez Shows on its 100th anniversary and introduced Linda Fernandez and her son, Scott.

Senator Kawamoto then introduced and welcomed General William J. Begert, Commander, Pacific Air Forces, and Air Component Commander for the Commander in Chief, US Pacific Command, Hickam Air Force Base. Accompanying General Begert was Chief Master Sergeant David W. Pope of the Pacific Air Forces Command.

At this time, President Bunda invited General Begert to the podium to address the members of the Senate.

General Begert addressed the members of the Senate as follows:

"Mr. President, Senators, distinguished ladies and gentlemen – aloha and mahalo for this great honor. Chief Pope and I are shocked and awed to be here this morning with you.

"We represent the men and women of the United States Air Force, the Pacific Air Forces, and most especially, the men and women in uniform who live and work in Hawaii, and their families. Especially in this time of war, it's nice to be remembered by our political leadership, and we very much appreciate your service and your support for us.

"We are proud members of the Hawaii community. We go to your churches and schools. We're part of your civic organizations, charitable organizations, and we are proud members of the Hawaii community.

"Thank you all very much for honoring us this morning. Thank you."

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

The Senate reconvened at 12:08 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 516 to 564) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 516, transmitting H.C.R. No. 10, H.D. 2, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 10, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE PRESIDENT AND CONGRESS RECOGNIZE AN OFFICIAL POLITICAL RELATIONSHIP BETWEEN THE UNITED STATES GOVERNMENT AND THE INDIGENOUS HAWAIIAN PEOPLE," was referred jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 517, transmitting H.C.R. No. 12, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 12, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE PUBLIC GUARDIAN TO CONVENE A TASK FORCE TO RE-EVALUATE THE PLACEMENT OF THE OFFICE OF THE PUBLIC GUARDIAN," was referred to the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 518, transmitting H.C.R. No. 17, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 17, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF ILOCOS NORTE OF THE REPUBLIC OF THE PHILIPPINES," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 519, transmitting H.C.R. No. 19, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF A RURAL HEALTH CARE CENTER AT THE UNIVERSITY OF HAWAII AT HILO," was referred jointly to the Committee on Education and the Committee on Health.

Hse. Com. No. 520, transmitting H.C.R. No. 95, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO STUDY THE FEASIBILITY OF A DEFERRED RETIREMENT OPTION PLAN BENEFIT FOR FIRE FIGHTERS AND POLICE OFFICERS," was referred to the Committee on Labor.

Hse. Com. No. 521, transmitting H.C.R. No. 97, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 97, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO CONDUCT A STUDY ON THE FEASIBILITY OF A HYBRID RETIREMENT PLAN," was referred to the Committee on Labor.

Hse. Com. No. 522, transmitting H.C.R. No. 109, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO REVIEW ITS INVESTMENT PRACTICES, DETERMINE WHETHER ANY INVESTMENTS ARE BEING MADE WITH COMPANIES BASED IN COUNTRIES THAT SUPPORT TERRORISM, AND RETHINK ITS INVESTMENT POLICIES REGARDING THESE COMPANIES," was referred to the Committee on Labor.

Hse. Com. No. 523, transmitting H.C.R. No. 117, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO A REAL ESTATE TRANSACTION AGREEMENT FOR A NEW ELEMENTARY SCHOOL IN KAHULUI, MAUI," was referred to the Committee on Education.

Hse. Com. No. 524, transmitting H.C.R. No. 120, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE STATE OF HAWAII PURSUE A WIRELESS E911 INTERIM WORKING GROUP," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology.

Hse. Com. No. 525, transmitting H.C.R. No. 128, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 128, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING TELECOMMUNICATIONS AND CALL CENTERS TO INITIATE CUSTOMER RIGHT TO KNOW PROCEDURES REGARDING ALL INBOUND AND OUTBOUND COMMUNICATIONS," was referred to the Committee on Economic Development.

Hse. Com. No. 526, transmitting H.C.R. No. 131, H.D. 2, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 131, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII'S FEDERAL SECTION 8 VOUCHER PROGRAM," was referred jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means.

Hse. Com. No. 527, transmitting H.C.R. No. 134, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE HAWAII STATE JUDICIARY, DIVISION OF DRIVER EDUCATION," was referred jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means.

Hse. Com. No. 528, transmitting H.C.R. No. 135, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO ESTABLISH A TASK FORCE TO DEVELOP AN EMERGENCY ACTION PLAN TO ASSIST AND EMPOWER THE WAI'ANA'E COMMUNITY AND OTHER COMMUNITIES AROUND THE STATE TO FOSTER GREATER SELF-SUFFICIENCY," was referred to the Committee on Economic Development.

Hse. Com. No. 529, transmitting H.C.R. No. 137, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 137, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECOMMENDATIONS FOR PUBLIC ASSISTANCE," was referred to the Committee on Human Services.

Hse. Com. No. 530, transmitting H.C.R. No. 142, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 142, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY PREDATORY HOME LENDING PRACTICES AND LAWS," was referred jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 531, transmitting H.C.R. No. 143, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES PRESIDENT TO SUBMIT THE KYOTO PROTOCOL TO THE UNITED STATES SENATE FOR RATIFICATION," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Energy and Environment.

Hse. Com. No. 532, transmitting H.C.R. No. 147, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 147, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION AND THE SUPERINTENDENT OF EDUCATION TO CONSIDER DECLINING ANY FURTHER PARTICIPATION IN THE 'NO CHILD LEFT BEHIND ACT OF 2001' AND TO RETURN ALL FEDERAL FUNDS CONDITIONED ON THE IMPLEMENTATION OF THE ACT BY THE STATE OF HAWAII, UNLESS

CONGRESS FULLY FUNDS THE ACT,” was referred to the Committee on Education.

Hse. Com. No. 533, transmitting H.C.R. No. 151, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 151, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERIM TASK FORCE ON UNIVERSAL HEALTH CARE,” was referred jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 534, transmitting H.C.R. No. 157, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 157, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION FORMALIZING THE ONGOING EFFORTS OF THE AGRICULTURE WORKING GROUP IN ADDRESSING THE MANDATE OF ARTICLE XI, SECTION 3 OF THE STATE CONSTITUTION AND RELATED AGRICULTURAL AND LAND ISSUES,” was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 535, transmitting H.C.R. No. 158, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 158, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF LAND AND NATURAL RESOURCES TO UPDATE AND REPORT TO THE LEGISLATURE ON THEIR EFFORTS TO MONITOR AND RESTRICT THE IMPORTATION OF INVASIVE ALIEN AQUATIC ORGANISMS AND THEIR EFFORTS TO ERADICATE THESE ORGANISMS,” was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Energy and Environment.

Hse. Com. No. 536, transmitting H.C.R. No. 162, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 162, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF PROVIDERS OF DEATH CARE SERVICES,” was referred to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 537, transmitting H.C.R. No. 165, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 165, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE KALAUPAPA SETTLEMENT OPERATIONS AND EXPENDITURES,” was jointly referred to the Committee on Health and the Committee on Ways and Means.

Hse. Com. No. 538, transmitting H.C.R. No. 172, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 172, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE CONSUMER ADVOCATE TO FORM AN AD HOC

ADVISORY GROUP TO INVESTIGATE AND MAKE RECOMMENDATIONS REGARDING THE DEVELOPMENT AND IMPLEMENTATION OF STANDARD OFFER CONTRACTS AND STANDARDIZED INTERCONNECTION AGREEMENTS TO REDUCE THE APPROVAL PROCESS TIME FOR THE IMPLEMENTATION OF RENEWABLE ENERGY SYSTEMS; AND FACILITATE THE PURCHASE OF ELECTRICITY FROM RENEWABLE ENERGY PRODUCERS IN HAWAII,” was referred to the Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 539, transmitting H.C.R. No. 179, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 179, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND HAWAII’S U.S. PUBLIC HEALTH OFFICE TO FURTHER IMPLEMENT THEIR EPIDEMIC PREVENTION PROGRAM TO PREVENT THE POTENTIAL ENTRY OF COMMUNICABLE DISEASE VECTORS THAT MAY CAUSE AN EPIDEMIC IN HAWAII,” was referred to the Committee on Health.

Hse. Com. No. 540, transmitting H.C.R. No. 182, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 182, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF LABOR AND INDUSTRIAL RELATIONS AND HEALTH TO CONDUCT A STUDY RELATING TO THE OCCUPATIONAL AND HEALTH RISKS OF COUNTY REFUSE COLLECTION WORKERS,” was referred jointly to the Committee on Health and the Committee on Labor, then to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 541, transmitting H.C.R. No. 183, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 183, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO CONDUCT AN ANALYSIS OF ITS CURRENT EFFORTS TO DETERMINE TO WHAT EXTENT IT IS UTILIZING PROMISING ENERGY EFFICIENCY AND RENEWABLE ENERGY TECHNOLOGIES IN ITS DEVELOPMENT DISTRICTS,” was referred jointly to the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture.

Hse. Com. No. 542, transmitting H.C.R. No. 185, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 185, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPLEMENT CAREER PATHWAYS AS A PART OF A SCHOOL REFORM MODEL TO INCLUDE THE REDESIGN OF CAREER AND TECHNICAL EDUCATION THAT IS REFLECTIVE OF ECONOMIC DEVELOPMENT INITIATIVES AND PRIORITIES,” was referred to the Committee on Education.

Hse. Com. No. 543, transmitting H.C.R. No. 186, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 186, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO AN AGREEMENT WITH THEODORA MALICK FOR THE CONSTRUCTION OF THE PAHOA SCHOOL GYMNASIUM," was referred to the Committee on Education.

Hse. Com. No. 544, transmitting H.C.R. No. 188, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF ESTABLISHING FLYER STOPS WITHIN THE RIGHT-OF-WAY OF OAHU'S H-2 FREEWAY AND CONNECTING TO PARK-AND-RIDE FACILITIES," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 545, transmitting H.C.R. No. 197, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 197, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO DETERMINE THE FEASIBILITY OF CONSTRUCTING A MULTI-USE PATH ALONG THE WAIANAE COAST FROM MAILI BEACH PARK TO MAKAHA SURFING BEACH," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 546, transmitting H.C.R. No. 201, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 201, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION ON THE STATE AND COUNTIES' LAND USE POLICIES WITH REGARD TO SOLID WASTE MANAGEMENT PROGRAMS," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Energy and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 547, transmitting H.C.R. No. 223, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 223, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING CERTAIN PUBLIC LEASES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 548, transmitting H.C.R. No. 225, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 225, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE SPECIFIC ACTIONS TO HELP THE AIRLINES SERVING THE STATE OF HAWAII IN THE EVENT OF A WAR," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 549, transmitting H.C.R. No. 226, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 226, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO EXPAND ITS BRUNCH ON THE BEACH AND SUNSET ON THE BEACH PROGRAM TO ACTIVELY WELCOME AND INCLUDE THE PARTICIPATION OF MILITARY FAMILIES," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 550, transmitting H.C.R. No. 227, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 227, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO DEVELOP AND IMPLEMENT A PROGRAM TO PROVIDE MILITARY FAMILIES STATIONED IN HAWAII WITH AN AFFORDABLE OPPORTUNITY TO SEE THE STATE," was referred jointly to the Committee on Tourism and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 551, transmitting H.C.R. No. 228, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 228, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT PROGRAMS TO DEMONSTRATE TO THE CHILDREN OF ARMED SERVICES MEMBERS THAT THE PEOPLE OF HAWAII VALUE AND APPRECIATE THE SACRIFICES OF THE ARMED SERVICES MEMBER AND THEIR FAMILIES," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 552, transmitting H.C.R. No. 229, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 229, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY, IN CONJUNCTION WITH THE AIRLINE AND HOTEL INDUSTRY, TO IMPLEMENT A PROGRAM WHICH GIVES REDUCED PRICES FOR AIRFARE AND HOTEL ACCOMMODATIONS TO VISITING RELATIVES AND FAMILIES OF MILITARY PERSONNEL TO SHOW OUR ALOHA FOR THEIR SACRIFICE," was referred jointly to the Committee on Tourism and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 553, transmitting H.C.R. No. 230, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO CONSIDER THE LIMITED RESOURCES OF HAWAII CONTRACTORS IN ITS PROCUREMENT PROCEDURES FOR GOODS, SERVICES, AND CONSTRUCTION IN HAWAII," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 554, transmitting H.C.R. No. 41, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 41, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ESTABLISH AN INTERGOVERNMENTAL-COMMUNITY TASK FORCE TO PLAN FOR THE DEVELOPMENT OF AN ALTERNATIVE ACCESS ROAD TO KAILUA HIGH SCHOOL IN KAILUA, O'AHU," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 555, transmitting H.C.R. No. 47, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 47, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY CONCERNING THE ESTABLISHMENT OF AN OFFICE OF INTERNATIONAL AFFAIRS IN STATE GOVERNMENT," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Ways and Means.

Hse. Com. No. 556, transmitting H.C.R. No. 51, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY ESTABLISH A PACIFIC OCEANIC ADMINISTRATIVE REGION WITHIN THE DEPARTMENT OF HOMELAND SECURITY TO BE HEADQUARTERED IN HONOLULU," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 557, transmitting H.C.R. No. 55, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 55, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM BUSINESS ACTION CENTER TO COORDINATE AND FACILITATE THE PROJECT REVIEW AND PERMITTING PROCESS OF A PLASMA-ARC TORCH FACILITY IN THE STATE," was referred jointly to the Committee on Economic Development and the Committee on Health.

Hse. Com. No. 558, transmitting H.C.R. No. 68, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 68, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO EXPLORE THE LEASING OF UNUTILIZED FAST AND SUBMERGED LANDS AT KEEHI LAGOON FOR THE PRIVATE DEVELOPMENT OF BOATING AND OCEAN RECREATIONAL FACILITIES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 559, transmitting H.C.R. No. 80, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 80, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE PRESERVATION OF OUR STATE BEACHES AND SHORELINES," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 560, transmitting H.C.R. No. 85, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 85, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROGRAM AUDIT AND INVESTIGATION OF THE VARIOUS AGENCIES INVOLVED IN THE CHILD PROTECTIVE SERVICES SYSTEM," was referred jointly to the Committee on Human Services and the Committee on Ways and Means.

Hse. Com. No. 561, transmitting H.C.R. No. 92, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, IN CONJUNCTION WITH HAWAII'S HEALTH PLANS, TO EXPLORE OPTIONS FOR PROVIDING MEDICAL SAVINGS ACCOUNTS AND HIGH DEDUCTIBLE HEALTH PLANS TO HAWAII'S BUSINESSES UNDER HAWAII'S PREPAID HEALTH CARE ACT," was referred to the Committee on Labor.

Hse. Com. No. 562, transmitting H.C.R. No. 93, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF MEDICAL SAVINGS ACCOUNTS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 563, transmitting H.C.R. No. 94, H.D. 1, which was adopted by the House of Representatives on April 11, 2003, was placed on file.

By unanimous consent, H.C.R. No. 94, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO SUBMIT REPORTS ON EXEMPT EMPLOYEES AS REQUIRED BY ACT 253, SESSION LAWS OF HAWAII 2000," was referred to the Committee on Labor.

Hse. Com. No. 564, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 133, H.D. 1 (S.D. 3); and
H.B. No. 1225 (S.D. 2),

was placed on file.

ORDER OF THE DAY

APPROVAL OF JOURNALS

MATTERS DEFERRED FROM FRIDAY, APRIL 11, 2003

The President deferred the approval of the Journal of the Senate of the Forty-Seventh Day until Thursday, April 17, 2003.

The President announced that he had read and approved the Journals of the Forty-Eighth and Forty-Ninth Days.

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, APRIL 11, 2003

The President made the following committee assignments of House concurrent resolutions that were received on Friday, April 11, 2003:

House Concurrent Resolution	Referred to:
No. 54	Committee on Transportation, Military Affairs, and Government Operations
No. 65	Committee on Health
No. 76	Committee on Transportation, Military Affairs, and Government Operations
No. 82, H.D. 1	Committee on Health
No. 219, H.D. 1	Committee on Science, Arts, and Technology

HOUSE COMMUNICATION

MATTER DEFERRED FROM FRIDAY, APRIL 11, 2003

H.C.R. No. 77 (Hse. Com. No. 513):

By unanimous consent, action on H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was deferred until Wednesday, April 16, 2003.

FINAL READING

S.B. No. 1405, H.D. 1:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1405, and S.B. No. 1405, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF HOUSE BILL

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

House Bill	Referred to:
No. 391, H.D. 2, S.D. 2	Jointly to the Committee on Transportation, Military Affairs, and Government Operations

and the Committee on Labor, then to the Committee on Ways and Means

RE-REFERRAL OF SENATE BILL

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

Senate Bill	Referred to:
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No. 687, S.D. 1, H.D. 1 Committee on Labor, then to the Committee on Ways and Means

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 42, S.D. 1 (H.D. 1):

Senator Kawamoto moved that the Senate reconsider its action taken on April 8, 2003, in disagreeing to the amendments proposed by the House to S.B. No. 42, S.D. 1, seconded by Senator Fukunaga and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 42, S.D. 1, seconded by Senator Fukunaga.

Senator Kawamoto noted:

"Mr. President, the House just added on a section on the penalty phase, which would refer back to Section 200-25 on fines and penalties for violating thrill craft."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 42, S.D. 1, and S.B. No. 42, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," was placed on the calendar for Final Reading on Wednesday, April 16, 2003.

S.B. No. 1075, S.D. 1 (H.D. 1):

Senator Hanabusa moved that the Senate reconsider its action taken on April 10, 2003, in disagreeing to the amendments proposed by the House to S.B. No. 1075, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 1075, S.D. 1, seconded by Senator Chun Oakland.

Senator Hanabusa noted:

"Mr. President, there are about four differences in the bill. Three of them are just more technical and drafting in matter. The major difference is found in the fact that the Senate version said, 'an agency may require the parties' and the House version says, 'an agency may encourage the party.'"

"The testimony that we received, people did not want to have a mandatory mediation. However, they wanted to have it as a tool, therefore, I believe that we can concur with the House version.

"Thank you."

Senator Ihara rose and said:

"Mr. President, could I have a 'no' vote cast on this vote for me."

The President so ordered.

The motion was then put by the Chair and carried with Senator Ihara voting “No,” the Senate agreed to the amendments proposed by the House to S.B. No. 1075, S.D. 1, and S.B. No. 1075, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONTESTED CASES,” was placed on the calendar for Final Reading on Wednesday, April 16, 2003.

S.B. No. 1156 (H.D. 2):

Senator Hanabusa moved that the Senate reconsider its action taken on April 10, 2003, in disagreeing to the amendments proposed by the House to S.B. No. 1156, seconded by Senator Taniguchi and carried.

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 1156, seconded by Senator Taniguchi.

Senator Hanabusa noted:

“Mr. President, the difference between the Senate version and the House version is whether islands, under Hawaiian Islands, the ‘i’ should be capitalized or not.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1156, and S.B. No. 1156, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,” was placed on the calendar for Final Reading on Wednesday, April 16, 2003.

S.B. No. 1107, S.D. 1 (H.D. 1):

Senator Hanabusa moved that the Senate reconsider its action taken on April 8, 2003, in disagreeing to the amendments proposed by the House to S.B. No. 1107, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 1107, S.D. 1, seconded by Senator Chun Oakland.

Senator Hanabusa noted:

“Mr. President, in this case, the House amendments are better. What happened is that the definition that the Senate Committee struggled with regarding definition of undergarments – this is the infamous escalator voyeur bill – they moved it into the definition section and we agree that that’s probably where it should be.

“There’s also a comma and there’s also the insertion of the word covertly, before record and broadcast.

“Mr. President, we believe that we can agree to those changes.

“Thank you.”

Senator Ihara rose and said:

“Mr. President, are we on S.B. No. 1361?”

The President answered:

“No, S.B. No. 1107.”

Senator Ihara then said:

“Okay, we’re taking it out of order then. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1107, S.D. 1, and S.B. No. 1107, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHAPTER 711, HAWAII REVISED STATUTES,” was placed on the calendar for Final Reading on Wednesday, April 16, 2003.

S.B. No. 1361, S.D. 2 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 2, 2003, in disagreeing to the amendments proposed by the House to S.B. No. 1361, S.D. 2, seconded by Senator Menor and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 1361, S.D. 2, seconded by Senator Menor.

Senator Baker noted:

“Mr. President, the amendments made by the House are largely technical and nonsubstantive. However, they did make one amendment made at the request of both the Department of Health and DHS that the Committees on Health and Consumer Protection and Housing support that merely insures that the state law does not override federal statute with regard to Medicaid. We couldn’t do it anyway, so it seemed like a worthy amendment.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1361, S.D. 2, and S.B. No. 1361, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS,” was placed on the calendar for Final Reading on Wednesday, April 16, 2003.

At this time, Senator Kim, on behalf of the Senate, extended happy birthday wishes to Senator Kawamoto.

ADJOURNMENT

At 12:20 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o’clock a.m., Wednesday, April 16, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate