

SIXTH DAY

Friday, January 30, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor David Monroy, Hope Chapel, Manoa, after which the Roll was called showing all Senators present with the exception of Senator Ige who was excused.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 133, dated January 9, 2004, transmitting the Department of Taxation's Annual Report on Payments to the State by Electronic Funds Transfer, pursuant to Act 177, SLH 1997, was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 19) were read by the Clerk and were placed on file:

Dept. Com. No. 1, from the State Auditor dated May 7, 2003, transmitting a report, "Management Audit of the University of Hawaii Incentive Early Retirement Program (IER)," (Report No. 03-06).

Dept. Com. No. 2, from the State Auditor dated May 16, 2003, transmitting a report, "Follow-Up Audit of the Department of Human Services' QUEST Demonstration Project," (Report No. 03-07).

Dept. Com. No. 3, from the State Auditor dated May 19, 2003, transmitting a report, "Audit of the Department of Education's Special Education Equipment," (Report No. 03-08).

Dept. Com. No. 4, from the State Auditor dated June 19, 2003, transmitting a report, "Fiscal Accountability Audit of the Department of Education: Do Measures of Effectiveness Impact Funding Decisions?," (Report No. 03-09).

Dept. Com. No. 5, from the State Auditor dated June 30, 2003, transmitting a report, "Management and Financial Audit of the Hawai'i Tourism Authority's Major Contracts," (Report No. 03-10), pursuant to Section 23-13, HRS.

Dept. Com. No. 6, from the State Auditor dated August 5, 2003, transmitting a report, "Audit of the Department of Human Services' Electronic Benefit Transfer (EBT) Program," (Report No. 03-11).

Dept. Com. No. 7, from the State Auditor dated August 6, 2003, transmitting a report, "Follow-Up Audit of the Child Protective Services System," (Report No. 03-12).

Dept. Com. No. 8, from the State Auditor dated October 15, 2003, transmitting a report, "Review of Revolving Funds, Trust Funds, and Trust Accounts of the Departments of Accounting and General Services, Agriculture, Budget and Finance, and Land and Natural Resources," (Report No. 03-13), pursuant to 23-12, HRS.

Dept. Com. No. 9, from the State Auditor dated October 16, 2003, transmitting a report, "Study of Medical Savings Accounts," (Report No. 03-14).

Dept. Com. No. 10, from the State Auditor dated December 11, 2003, transmitting a report, "Audit of Kalaupapa Settlement Operations and Expenditures," (Report No. 03-15).

Dept. Com. No. 11, from the Hawaii Labor Relations Board, dated August 8, 2003, transmitting a corrected page from Informational Bulletin No. 41 dated April 2, 2003.

Dept. Com. No. 12, from the Department of Accounting and General Services dated August 13, 2003, transmitting a report prepared by the CPA firm of Ernst & Young in connection with certain agreed-upon procedures performed on state funds paid to two employee organizations for health and life insurance benefits for the period July 1, 1994 through June 30, 2001.

Dept. Com. No. 13, from the Department of Accounting and General Services dated August 13, 2003, transmitting a report prepared by the CPA firm of Ernst & Young in connection with certain agreed-upon procedures performed on state funds paid to eleven employee organizations for health and life insurance benefits for the period July 1, 1994 through June 30, 2001.

Dept. Com. No. 14, from the Department of Transportation dated September 19, 2003, transmitting its Annual Report for Fiscal Year Ending June 30, 2002.

Dept. Com. No. 15, from the Ombudsman dated December 29, 2003, transmitting the "Report of the Ombudsman," (Report No. 34), pursuant to Section 96-16, HRS.

Dept. Com. No. 16, from the Department of Labor and Industrial Relations dated January 2, 2004, transmitting a letter informing the Senate that the department's annual report will be forthcoming and received no later than January 9, 2004.

Dept. Com. No. 17, from the Department of Business, Economic Development and Tourism dated January 6, 2004, transmitting suggested legislation based on the report: "A Policy and Market Analysis of Gasoline Pricing and the Petroleum Industry in Hawaii," pursuant to Act 77, SLH 2002.

Dept. Com. No. 18, from the Department of Hawaiian Home Lands dated January 21, 2004, transmitting a letter informing the Senate that DHHL was unable to convene a working coalition pursuant to S.C.R. No. 54 (2003).

Dept. Com. No. 19, from the Department of Health, Environmental Health Administration, dated January 22, 2004, transmitting its Annual Indicators of Environmental Quality Report.

JUDICIARY COMMUNICATIONS

The following communications from the Judiciary (Jud. Com. Nos. 1 and 2) were read by the Clerk and were disposed of as follows:

Jud. Com. No. 1, submitting for consideration and consent, the nomination of WILLIAM A. CARDWELL to the Office of Judge, District Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was referred to the Committee on Judiciary and Hawaiian Affairs.

Jud. Com. No. 2, submitting for consideration and consent, the nomination of CHRISTINE E. KURIYAMA to the Office of Judge, District Family Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was referred to the Committee on Judiciary and Hawaiian Affairs.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 2 to 26) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 2 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO CONVENE A TASK FORCE TO REEVALUATE THE PLACEMENT OF THE OFFICE OF THE PUBLIC GUARDIAN."

Offered by: Senator Bunda, by request.

No. 3 "SENATE CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR OF THE LICENSING AND REGULATION OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS."

Offered by: Senator Bunda, by request.

No. 4 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERAGENCY TASK FORCE TO EVALUATE THE OPENING OF CHILD WELFARE FAMILY COURT PROCEEDINGS TO THE PUBLIC."

Offered by: Senator Bunda, by request.

No. 5 "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES."

Offered by: Senator Bunda, by request.

No. 6 "SENATE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK."

Offered by: Senator Bunda, by request.

No. 7 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT SPRECKELSVILLE, WAILUKU, MAUI, HAWAII, FOR MAINTENANCE OF ROCK GROIN PURPOSES."

Offered by: Senator Bunda, by request.

No. 8 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF BREAKWATER PURPOSES."

Offered by: Senator Bunda, by request.

No. 9 "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE

BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES."

Offered by: Senator Bunda, by request.

No. 10 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO EXEMPT HAWAII, ALASKA, GUAM AND PUERTO RICO FROM THE JONES ACT FOR THE HEALTH, SAFETY AND SECURITY OF ITS RESIDENTS."

Offered by: Senators Hemmings, Slom, Hogue, Trimble.

No. 11 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO REPEAL THE PASSENGER SERVICES ACT OF 1886."

Offered by: Senators Hemmings, Slom, Hogue, Trimble.

No. 12 "SENATE CONCURRENT RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR."

Offered by: Senators Kawamoto, Kanno, Aduja, Espero.

No. 13 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ENSURE THAT AT LEAST EIGHTY PER CENT OF FEDERAL EXPENDITURES REMAIN IN HAWAII, AND THE RIGHTS OF LOCAL UNION LABOR TO FAIR WAGES UNDER THE DAVIS-BACON ACT ARE NOT CIRCUMVENTED, ON THE U.S. MILITARY PRIVATIZATION CONSTRUCTION CONTRACTS FOR IMPROVEMENTS ON HAWAII MILITARY BASES."

Offered by: Senators Kawamoto, Espero, Aduja.

No. 14 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR ORAL HEALTH AND HYGIENE PROCEDURES."

Offered by: Senators Baker, English.

No. 15 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR SMOKING CESSATION PROGRAMS."

Offered by: Senators Baker, English.

No. 16 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR OBESITY REDUCTION PROGRAMS FOR CHILDREN AND ADOLESCENTS."

Offered by: Senators Baker, English.

No. 17 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO INCREASE FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH."

Offered by: Senators Chun Oakland, Tsutsui, Kanno.

No. 18 "SENATE CONCURRENT RESOLUTION SUPPORTING THE COURAGEOUS LEADERSHIP OF THE UNIFIED BUDDHIST CHURCH OF VIETNAM AND THE URGENT NEED FOR RELIGIOUS FREEDOM AND RELATED HUMAN RIGHTS IN THE SOCIALIST REPUBLIC OF VIETNAM."

Offered by: Senators Chun Oakland, Fukunaga, Trimble.

No. 19 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON THE ESTABLISHMENT OF CENTRAL KITCHENS FOR THE DEPARTMENT OF EDUCATION."

Offered by: Senators Sakamoto, Hooser, Kanno, Kawamoto, Aduja.

No. 20 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO UPDATE THE 1994 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES' MASTER BUILDING PLAN FOR THE COLLEGE OF EDUCATION."

Offered by: Senators Sakamoto, Chun Oakland, Baker, Hemmings, Kim, Aduja.

No. 21 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO INVESTIGATE AND REVIEW THE ENTIRE OPERATION OF THE CAMPAIGN SPENDING COMMISSION, ITS STAFF, INCLUDING ANY AGENCY OR PERSON WHO ASSISTS THE COMMISSION IN FULFILLING THE MISSION OF THE CAMPAIGN SPENDING COMMISSION."

Offered by: Senators Bunda, Kim, Hanabusa, Kawamoto, Aduja, Tsutsui, Sakamoto.

No. 22 "SENATE CONCURRENT RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL."

Offered by: Senators Slom, Hemmings, Kim, Sakamoto, Aduja.

No. 23 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND REQUIRE AS PART OF THE CURRICULUM AN ELEMENTARY SCHOOL-LEVEL PHYSICAL EDUCATION PROGRAM."

Offered by: Senator Kanno.

No. 24 "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON STATE AND COUNTY COMPLIANCE WITH APPLICABLE SOLID WASTE MANAGEMENT LAWS, RULES, AND REGULATIONS."

Offered by: Senators Aduja, Chun Oakland, Hooser, Baker, Kanno, Trimble, Espero, Sakamoto, Kokubun, Tsutsui, Kawamoto.

No. 25 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF TRANSPORTATION'S CONTRACTS FOR SOLID WASTE DISPOSAL AND RECYCLING."

Offered by: Senators Aduja, Espero, Menor, English.

No. 26 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE STATE FILM OFFICE, THE UNIVERSITY OF HAWAII, OTHER STATE AGENCIES, AND OTHER INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH AN ANNUAL INTERNATIONAL ANIMATION FILM FESTIVAL."

Offered by: Senators Espero, Fukunaga.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 5 to 13) were read by the Clerk and were deferred:

Senate Resolution

No. 5 "SENATE RESOLUTION REQUESTING THE LEGISLATURE TO CONVENE A TASK FORCE TO REEVALUATE THE PLACEMENT OF THE OFFICE OF THE PUBLIC GUARDIAN."

Offered by: Senator Bunda, by request.

No. 6 "SENATE RESOLUTION REQUESTING CONGRESS TO EXEMPT HAWAII, ALASKA, GUAM, AND PUERTO RICO FROM THE JONES ACT FOR THE HEALTH, SAFETY, AND SECURITY OF ITS RESIDENTS."

Offered by: Senators Hemmings, Slom, Hogue, Trimble.

No. 7 "SENATE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO REPEAL THE PASSENGER SERVICES ACT OF 1886."

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No. 8 "SENATE RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR."

Offered by: Senators Kawamoto, Kanno, Aduja, Espero.

No. 9 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON THE ESTABLISHMENT OF CENTRAL KITCHENS FOR THE DEPARTMENT OF EDUCATION."

Offered by: Senators Sakamoto, Hooser, Kanno, Aduja, Kawamoto.

No. 10 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO UPDATE THE 1994 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES' MASTER BUILDING PLAN FOR THE COLLEGE OF EDUCATION."

Offered by: Senators Sakamoto, Chun Oakland, Baker, Hemmings, Kim, Aduja.

No. 11 "SENATE RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL."

Offered by: Senators Slom, Hemmings, Kim, Trimble, Sakamoto, Aduja.

No. 12 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND REQUIRE AS PART OF THE CURRICULUM AN ELEMENTARY SCHOOL-LEVEL PHYSICAL EDUCATION PROGRAM."

Offered by: Senator Kanno.

No. 13 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE STATE FILM OFFICE, THE UNIVERSITY OF HAWAII, OTHER STATE AGENCIES, AND OTHER INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH AN ANNUAL INTERNATIONAL ANIMATION FILM FESTIVAL."

Offered by: Senators Espero, Fukunaga.

ORDER OF THE DAY

FIRST READING

On motion by Senator Kawamoto, seconded by Senator Hogue and carried unanimously, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 3097 "A BILL FOR AN ACT RELATING TO ELDERS."

No. 3098 "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA."

No. 3099 "A BILL FOR AN ACT RELATING TO CORAL REEF PROTECTION IN THE NORTHWESTERN HAWAIIAN ISLANDS."

No. 3100 "A BILL FOR AN ACT RELATING TO OPEN MEETINGS."

No. 3101 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 5, OF THE HAWAII STATE CONSTITUTION TO ALLOW FULL PUBLIC FINANCING OF CAMPAIGNS FOR PUBLIC OFFICE."

No. 3102 "A BILL FOR AN ACT RELATING TO ETHICS."

No. 3103 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCIES AND BOARDS."

No. 3104 "A BILL FOR AN ACT RELATING TO ELECTIONS."

No. 3105 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FOURTH SENATORIAL DISTRICT."

No. 3106 "A BILL FOR AN ACT RELATING TO COUNTIES."

No. 3107 "A BILL FOR AN ACT RELATING TO CRUISE SHIPS."

No. 3108 "A BILL FOR AN ACT RELATING TO STUDENTS."

No. 3109 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3110 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO HIGHER EDUCATION."

No. 3111 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

No. 3112 "A BILL FOR AN ACT RELATING TO TEACHERS."

No. 3113 "A BILL FOR AN ACT RELATING TO VOTING."

No. 3114 "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT."

No. 3115 "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AND CONSERVATION TRUST FUND."

No. 3116 "A BILL FOR AN ACT RELATING TO CRUISE SHIPS."

No. 3117 "A BILL FOR AN ACT RELATING TO THE HANA WHARF AND SMALL BOAT HARBOR."

No. 3118 "A BILL FOR AN ACT RELATING TO TRANSIT SERVICES FOR ELDERLY AND DISABLED."

No. 3119 "A BILL FOR AN ACT RELATING TO UNDERAGE SMOKING."

No. 3120 "A BILL FOR AN ACT RELATING TO EMPLOYMENT CONTRACTS FOR BROADCAST INDUSTRY EMPLOYEES."

No. 3121 "A BILL FOR AN ACT RELATING TO ATHLETIC CONTEST OFFICIALS."

No. 3122 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES."

No. 3123 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIME."

No. 3124 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTH SENATORIAL DISTRICT."

No. 3125 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3126 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DWELLING UNIT REVOLVING FUND."

No. 3127 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH PRESCRIPTION DRUGS."

No. 3128 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND IN PUPUKEA-PAUMALU, OAHU."

No. 3129 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DETERMINE AND IMPLEMENT THE BEST MITIGATION MEASURE TO CONTROL FLOODING OF LAKE WILSON."

No. 3130 "A BILL FOR AN ACT RELATING TO ZONING"

No. 3131 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE."

No. 3132 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES."

No. 3133 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE THIRTEENTH SENATORIAL DISTRICT."

No. 3134 "A BILL FOR AN ACT RELATING TO HEALTH CARE."

No. 3135 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES."

No. 3136 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

No. 3137 "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY."

No. 3138 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."

No. 3139 "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA."

No. 3140 "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY."

No. 3141 "A BILL FOR AN ACT RELATING TO LAND USE ENTITLEMENTS, RECLASSIFICATIONS, ZONING, SUBDIVISIONS, APPROVED VARIANCES AND PERMITS."

No. 3142 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3143 "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS."

No. 3144 "A BILL FOR AN ACT RELATING TO ATTORNEYS."

No. 3145 "A BILL FOR AN ACT RELATING TO LICENSING OF MORTGAGE BROKERS AND SOLICITORS."

No. 3146 "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT."

No. 3147 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TWENTY-FIRST SENATORIAL DISTRICT."

No. 3148 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3149 "A BILL FOR AN ACT RELATING TO FORFEITURES."

No. 3150 "A BILL FOR AN ACT RELATING TO OFFICE OF HAWAIIAN AFFAIRS."

No. 3151 "A BILL FOR AN ACT RELATING TO STATE TAX AMNESTY."

No. 3152 "A BILL FOR AN ACT RELATED TO FEDERAL HIGHWAYS."

No. 3153 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH."

No. 3154 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF HEALTH."

No. 3155 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

No. 3156 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

No. 3157 "A BILL FOR AN ACT RELATING TO INITIATIVE."

No. 3158 "A BILL FOR AN ACT RELATING TO ELECTED OFFICIALS."

No. 3159 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

No. 3160 "A BILL FOR AN ACT RELATING TO TOXIC MOLD."

No. 3161 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

No. 3162 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT."

No. 3163 "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SUSTAINABLE PRACTICES."

No. 3164 "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SUSTAINABLE PRACTICES."

No. 3165 "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY."

No. 3166 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY TAX INCENTIVES."

No. 3167 "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES."

No. 3168 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

No. 3169 "A BILL FOR AN ACT RELATING TO ETHANOL."

No. 3170 "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS."

No. 3171 "A BILL FOR AN ACT RELATING TO DISASTER RELIEF."

No. 3172 "A BILL FOR AN ACT RELATING TO PEST CONTROL."

No. 3173 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE PUBLIC LIBRARY SYSTEM."

- No. 3174 "A BILL FOR AN ACT RELATING TO ILLEGAL SUBSTANCES."
- No. 3175 "A BILL FOR AN ACT RELATING TO FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES."
- No. 3176 "A BILL FOR AN ACT RELATING TO METHAMPHETAMINE."
- No. 3177 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE POUHALA MARSH ECOSYSTEM RESTORATION AND COMMUNITY DEVELOPMENT PROJECT."
- No. 3178 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTIETH SENATORIAL DISTRICT."
- No. 3179 "A BILL FOR AN ACT RELATING TO GOVERNMENT."
- No. 3180 "A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS."
- No. 3181 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
- No. 3182 "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII."
- No. 3183 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."
- No. 3184 "A BILL FOR AN ACT RELATING TO USE TAX OVERPAYMENT."
- No. 3185 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."
- No. 3186 "A BILL FOR AN ACT RELATING TO UNAUTHORIZED EXPENDITURES OF PUBLIC FUNDS."
- No. 3187 "A BILL FOR AN ACT RELATING TO HEALTH."
- No. 3188 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE EIGHTEENTH SENATORIAL DISTRICT."
- No. 3189 "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE."
- No. 3190 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."
- No. 3191 "A BILL FOR AN ACT RELATING TO PRIVATE NONCOMMERCIAL PIERS."
- No. 3192 "A BILL FOR AN ACT RELATING TO SUBMERGED LANDS."
- No. 3193 "A BILL FOR AN ACT RELATING TO CONSUMERS."
- No. 3194 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE RX PROGRAM."
- No. 3195 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT THE FUTURE FARMERS OF AMERICA PROGRAM IN HAWAII."
- No. 3196 "A BILL FOR AN ACT RELATING TO THE HOTEL PROJECT TAX CREDIT."
- No. 3197 "A BILL FOR AN ACT RELATING TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT."
- No. 3198 "A BILL FOR AN ACT RELATING TO ELECTIONS."
- No. 3199 "A BILL FOR AN ACT RELATING TO PRIVACY OF FINANCIAL INFORMATION."
- No. 3200 "A BILL FOR AN ACT RELATING TO ETHICS."
- No. 3201 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
- No. 3202 "A BILL FOR AN ACT RELATING TO HEALTH."
- No. 3203 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HIGHWAY IMPROVEMENTS IN MAUI."
- No. 3204 "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS."
- No. 3205 "A BILL FOR AN ACT RELATING TO CLASS SIZE REDUCTION."
- No. 3206 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE THE COQUI FROG ON MAUI."
- No. 3207 "A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT."
- No. 3208 "A BILL FOR AN ACT RELATING TO AQUATIC LIFE."
- No. 3209 "A BILL FOR AN ACT RELATING TO TOBACCO SETTLEMENT."
- No. 3210 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- No. 3211 "A BILL FOR AN ACT RELATING TO PESTICIDES."
- No. 3212 "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN INTERNATIONAL EQUESTRIAN FACILITY."
- No. 3213 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE WEST HAWAII VETERANS CEMETERY IN THE COUNTY OF HAWAII."
- No. 3214 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A HOMELESS SHELTER IN WEST HAWAII."
- No. 3215 "A BILL FOR AN ACT RELATING TO THE BUSINESS CORPORATION ACT."

No. 3216 "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION."

No. 3217 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EXTENSION OF KEALAKAA STREET IN NORTH KONA."

No. 3218 "A BILL FOR AN ACT RELATING TO CONSTRUCTION AND DEMOLITION WASTE."

No. 3219 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 13 OF THE CONSTITUTION OF THE STATE OF HAWAII TO INCREASE THE PERCENTAGE BY WHICH THE AMOUNT OF PRINCIPAL AND INTEREST PAYABLE ON GENERAL OBLIGATION BONDS MAY NOT EXCEED FOR THE PURPOSE OF FUNDING EDUCATION-RELATED CONSTRUCTION IN THE STATE."

No. 3220 "A BILL FOR AN ACT RELATING TO CHALLENGES TO PERMITS, LICENSES, AND APPROVALS."

No. 3221 "A BILL FOR AN ACT RELATING TO ELDERLY HOUSING."

No. 3222 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

No. 3223 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

No. 3224 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE 19TH SENATORIAL DISTRICT."

No. 3225 "A BILL FOR AN ACT RELATING TO ARBITRATION."

No. 3226 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

No. 3227 "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS."

No. 3228 "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS."

No. 3229 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIFTEENTH SENATORIAL DISTRICT."

No. 3230 "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD CARE."

No. 3231 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3232 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

No. 3233 "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES."

No. 3234 "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES."

No. 3235 "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE."

No. 3236 "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE."

No. 3237 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

No. 3238 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3239 "A BILL FOR AN ACT RELATING TO TEACHERS."

No. 3240 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3241 "A BILL FOR AN ACT RELATING TO TEACHERS."

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 2043 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2053 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2084 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2085 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2107 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology

No. 2214 Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2264 Jointly to the Committee on Education and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2275 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2280 Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2286 Jointly to the Committee on Economic Development, the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2338 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military

Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2351 Jointly to the Committee on Health and the Committee on Labor, then to the Committee on Ways and Means

No. 2352 Jointly to the Committee on Labor and the Committee on Health, then to the Committee on Ways and Means

No. 2354 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2369 Jointly to the Committee on Education and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2370 Jointly to the Committee on Education and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2378 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs

No. 2382 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2410 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2418 Jointly to the Committee on Energy and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2441 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2454 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2475 Jointly to the Committee on Education and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2478 Jointly to the Committee on Education, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2488 Jointly to the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2504 Jointly to the Committee on Energy and Environment and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2505 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2583 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 2601 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2602 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2603 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2606 Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs

No. 2608 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means

No. 2629 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2639 Jointly to the Committee on Labor and the Committee on Health, then to the Committee on Ways and Means

No. 2642 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2644 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2678 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 1 to 3) were read by the Clerk and were placed on file:

Misc. Com No. 1, from the County of Kauai, Department of Water, dated December 4, 2003, transmitting its proposed CIP projects request for state aid for the 2004 Legislative Session.

Misc. Com No. 2, from the Good Beginnings Alliance dated December 31, 2003, transmitting its 2003 Annual Report and the School Readiness Task Force Report.

Misc. Com No. 3, from the Friends of Foster Kids dated January 2, 2004, transmitting its report on exploring the possibilities of replacing the services of Casey Family Programs as they exit our state, pursuant to S.C.R. No. 93 (2003).

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

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

“In our deliberations we must remember that a bureaucracy is organic. It is a living organism. Whether it is animal or vegetable is up to us, but once we create it, it has a very predictable set of behavioral patterns. Its desire to grow and reproduce is only surpassed by its will to survive. Whether the bureaucracy is akin to mushrooms sprouting from a dung heap, or a giant African termite colony, or Bessie the cow that yields sweet milk and thick cream depends upon the reward structure that we establish. The current reward structure rewards only failure with greater allocation of our scarce resources.

“I stopped applauding the day before yesterday, when it became apparent that this bureaucracy, while delivering new and impassioned words, was defending itself as it has done for a generation. I have looked in this bureaucracy for close to 30 years. Let me assure you that when people resort to blaming the Department of Accounting and General Services, when they place their failure on Budget and Finance or the Attorney General’s Office, they are merely acknowledging the failure to understand what it takes to collaborate. The term collaboration to them means holding a meeting, and at the end of the meeting the staff agencies acknowledging the error of their ways and agreeing with me.

“I have over 20 years of experience working directly with Budget and Finance, DAGS, and the Attorney General’s Office. These are staffed by individuals who are not only highly qualified professionals, but individuals who are every bit as dedicated as those in the Department of Education. I’ve never met a bureaucrat who could not give a reasoned explanation as to why he failed. The larger the failure, the more elaborate the explanation. They want you to accept why they or, in fact, anyone could not have succeeded. We need to cut through the rhetoric. It matters not which excuse is given, ignore the noise.

“Our job is to seek out and recognize those individuals that succeed in spite of the system and to listen to their ideas on how to produce even better results. The answer is not more power or more money swallowed up by a system of governments. The solution is understanding the nature of the bureaucracy we have before us so that we can create a reward system that will transform this bureaucracy into something that produces the desirable results, which of course must be measurable. Our deliberation must be thoughtful and reflect fully the diversity of this august body.

“Mr. President, I find that my ability to carefully consider the ideas and expressions of my colleagues is being unnecessarily constrained by a sound system that is more appropriate for a karaoke bar than a Senate Chamber. I now understand the necessity for the frequent and weekly recesses of the Majority. This is what they need to do to be able to hear the thoughts of their colleagues rendered unintelligible by our sound system. This system interferes with the voters’ rights to unfettered representation.

“Mr. President, I request I, too, be allowed to join you, not to speak, but to be able to hear the thoughts of my colleagues, so that I may be able to more dutifully exercise the responsibility of my office.

“Thank you for your consideration of my request for more reasoned accommodation from my colleagues, as well as myself. Thank you.”

President Bunda responded as follows:

“Senator Trimble, you can be rest assured that we are now taking care of the problem and I’ve heard you loud and clear this time around. But, if a problem persists, you can be assured that we’ll take care of it.”

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

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

“I’m glad to hear the words of the Senator from Downtown and Waikiki talking about dealing with some of the challenges we have as state government, and certainly different parts of it – Department of Accounting and General Services, DHRD, B&F, Education, etc. I think one of our goals here is to reduce the barriers, in part from ‘eating our own young’ within state government and in part dealing better with some of the problems, with whatever department. And certainly with the Department of Education, the goal is to enable them to deal with less bureaucracy as opposed to more bureaucracy.

“On the part of the good Senator is not part of our Education Committee, but our Education Committee is holding a hearing at 1:30 in room 212 today, and he can come and sit in on that conversation to help improve our educational system, some measures will likely move forward, others will not, but we welcome him and others to room 212 at 1:30.

“Thank you.”

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

“Mr. President, I’d like to rise for a point of personal privilege.

“I would like to comment, Mr. President, on the statements made by one Senator about another earlier this week.

“It is my humble opinion that the words were an unwarranted attack that was in appropriate for this Chamber. Specifically, the good Senator from Kailua was extremely critical of the Senator from Kaneohe to Kahuku for exercising her right to sponsor legislation last year.

“Allow me to paint this picture – a young attorney, a mother of two, a community leader, comes to the Capitol filled with enthusiasm, eagerness and energy, one which would be expected from a first term Senator who has gone through two tough elections. She rolls up her sleeves, gets to work for her district and the State.

“The Rules of the Senate allow Senators to become sponsors of bills after they have been decked. The Rules were approved by the Hawaii Senate. All Senators are given the opportunity to take advantage of this Rule. The Rule does not cap or limit the number of bills a Senator may sponsor.

“The Senator from Kaneohe to Kahuku spends hours reading and reviewing these bills. Because of her diligence, her hard work, and her commitment to the job, she asked to co-sponsor approximately 140 bills. Good for her! What’s wrong with this, Mr. President?

“I can stand here today and mention of the top of my head 100 issues which I would like this Legislature to address. I may not personally look into all of these 100 issues, because I know my colleagues are working on similar legislation and bills. That is why, for the sake of efficiency, the option of co-sponsoring bills is available to me and all of my colleagues. For some of us

in here, maybe the thought of reviewing over 100 bills is mind boggling, something foreign or difficult, but the Senator from Kaneohe to Kahuku is a lawyer with the skill and training and the energy to take on a task of this magnitude. Energy and enthusiasm in this legislative body should not be discouraged or attacked.

“No law was broken. No action was inappropriate and no Rule was abused. Everything the Senator did was in compliance with the Senate Rules as adopted.

“I have great respect for the Senate Minority Leader, but I strongly disagree with the path he has taken here. Debate the issues and criticize us for our positions, but don’t stand up on the Floor and grumble because we are doing our jobs. And when a colleague of mind is unfairly attacked and tarnished on the Floor, I will speak my mind and rebut all rhetoric, all propaganda and grandstanding.

“As a side note, the Senator from Kaneohe to Kahuku has done more for the Windward side in the last six months, in terms of dealing with illegal dumping, solid waste disposal, and the ice epidemic, than any other Legislature in the past ten years. I am proud and honored to serve with her.

“Thank you, Mr. President, for the opportunity to share my thoughts.”

ADJOURNMENT

At 11:54 o’clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Monday, February 2, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate