

TWENTY-SEVENTH DAY

Tuesday, March 2, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:46 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Honorable J. Kalani English, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senator Fukunaga who was excused.

The Chair announced that she had read and approved the Journal of the Twenty-Sixth Day.

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

The Senate reconvened at 12:11 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 356 and 357) were read by the Clerk and were placed on file:

Gov. Msg. No. 356, dated February 6, 2004, transmitting the 2003 Annual Report of the State Energy Resources Coordinator, pursuant to Section 196-4, HRS.

Gov. Msg. No. 357, dated February 25, 2004, transmitting the Separation Incentives Program Report, prepared by the Department of Human Resources Development pursuant to Act 253, Sections 119 and 120, SLH 2000.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 27 and 28) were read by the Clerk and were placed on file:

Dept. Com. No. 27, from the Corrections Population Management Commission dated February 26, 2004, transmitting its 2003 Annual Report.

Dept. Com. No. 28, from the Department of Education dated February 26, 2004, transmitting its Financial Report for the period July 1, 2002 to June 30, 2003.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 36 to 46) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 36, transmitting H.B. No. 1737, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1737, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," passed First Reading by title and was deferred.

Hse. Com. No. 37, transmitting H.B. No. 1824, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1824, entitled: "A BILL FOR AN

ACT RELATING TO ELECTRICIANS AND PLUMBERS," passed First Reading by title and was deferred.

Hse. Com. No. 38, transmitting H.B. No. 2003, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2003, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed First Reading by title and was deferred.

Hse. Com. No. 39, transmitting H.B. No. 2004, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2004, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed First Reading by title and was deferred.

Hse. Com. No. 40, transmitting H.B. No. 2013, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2013, entitled: "A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS," passed First Reading by title and was deferred.

Hse. Com. No. 41, transmitting H.B. No. 2064, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2064, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE," passed First Reading by title and was deferred.

Hse. Com. No. 42, transmitting H.B. No. 2166, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2166, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE COMMISSION," passed First Reading by title and was deferred.

Hse. Com. No. 43, transmitting H.B. No. 2363, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2363, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS," passed First Reading by title and was deferred.

Hse. Com. No. 44, transmitting H.B. No. 2558, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2558, H.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO PENSION PLANS," passed First Reading by title and was deferred.

Hse. Com. No. 45, transmitting H.B. No. 2630, H.D. 2, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2630, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY," passed First Reading by title and was deferred.

Hse. Com. No. 46, transmitting H.B. No. 2844, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2844, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2537) recommending that S.B. No. 3238, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2537 and S.B. No. 3238, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Thursday, March 4, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2538) recommending that S.B. No. 2009, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2009, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2539) recommending that S.B. No. 2882, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2882, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INSURERS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2540) recommending that S.B. No. 2896 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2896, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS," passed Second

Reading and was placed on the calendar for Third Reading on Thursday, March 4, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2541) recommending that S.B. No. 2951, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2951, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 2004.

ORDER OF THE DAY

THIRD READING

MATTERS DEFERRED FROM MONDAY, MARCH 1, 2004

S.B. No. 3237, S.D. 1:

Senator Menor moved that S.B. No. 3237, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Menor rose in support of the measure and said:

"Madame President, I rise to speak in strong support of S.B. No. 3237, S.D. 1.

"Madame President, the purpose of this measure is to make improvements to our state prescription drug program known as Hawaii Rx, a measure that was enacted during the 2002 Legislative Session. Hawaii Rx established a buying pool in which participants can purchase medications at discounted prices. S.B. No. 3237, S.D. 1, renames the program Hawaii Rx Plus.

"Madame President, the actions that this Legislative Body will be taking today in approving Hawaii Rx Plus, I believe, herald a major upgrade in healthcare benefits for Hawaii's consumers. This measure really is long overdue and badly needed from the standpoint of consumers. Hawaii's Rx Plus will at long last provide immediate and meaningful relief to some 300,000 residents in our State who are struggling to pay for the high cost of their medications. These are working individuals, families, and seniors living in on fixed incomes who lack drug coverage or who have poor coverage.

"Under this measure, the Hawaii Rx Plus program will be available to persons whose incomes are at or below 350 percent of the federal poverty level and will be implemented in two phases. Under phase one, program members will be able to purchase medication at discounted Medicaid prices through participating pharmacies as of July 1, 2004. They will be able to save a discount of anywhere from 15 percent to 16 percent off retail prices, depending on whether their medications are brand name or generic drugs.

"Moreover, by July 1, 2005, under phase two, Hawaii Rx Plus members will be able to receive additional discounts above and in addition to the Medicaid prices, based on state negotiated rebates from the pharmaceutical manufacturers.

"Madame President and my fellow colleagues, in case there was any doubt about the need for this kind of legislation, and AARP survey that was released several weeks ago showed the

widespread need for relief among consumers in Hawaii. For example, survey results pointed to the fact that there was a high level of anxiety among consumers in our State regarding the impact of high prescription drug costs under household budgets, as well as their ability to lead healthy lives.

“Moreover, the lack of viable alternatives for those who need meaningful relief compels us to act now on this important piece of legislation. For example, even though the Governor, in a very laudable way, has attempted to provide prescription medication to the most destitute, her Hawaii prescription care program will serve only a fraction of the population that would be covered under the Hawaii Rx Plus and is only a temporary program.

“Moreover, the new federal legislation establishing a prescription drug component under Medicare has gaps in its coverage. Hawaii Rx Plus will be designed to work seamlessly with the federal legislation to fill any gaps in coverage.

“Madame President, the Legislature today is poised to pass legislation which I consider to be landmark legislation in the areas of healthcare and consumer rights. Moreover, the passage of this legislation today will once again position Hawaii as a national leader on healthcare issues. For example, Hawaii and Maine will be the only states in the nation that will have adopted this kind of prescription drug purchasing pool program that Hawaii Rx Plus encompasses.

“It should also be emphasized, in these times of tight budgetary constraints, that the Hawaii Rx Plus program is a stand-alone program that won’t require the expenditure of federal or state Medicaid dollars. It will also benefit the so-called gap group in Hawaii who earn too much to be eligible for Medicaid, but who, nevertheless, because of their limited household budgets, find it very difficult to afford the prescription drugs that they need.

“Madame President, that’s why in my remarks I just wanted to offer some personal reflections about this issue. As we prepare to take today’s vote, I feel that we are finally reaching the end of a long journey. As many of you know, Representative Roy Takumi and I began working with other Legislators and consumer groups, such as AARP, on prescription drug legislation several years ago. Our journey included statewide hearings during which we had the opportunity to discuss the issue of the rising cost of prescription drugs. It also included a trip to Maine last September, during which Representative Takumi, Greg Marchildon of AARP, and I had the chance to be able to meet with Maine officials to discuss their Rx Plus legislation, upon which our own program is based, and to consider ways that we could adapt their program to meet Hawaii’s needs.

“Of course, Madame President, along the way we encountered our share of naysayers and critics, whose concerns we tried to address. But those who supported strong prescription drug legislation did so and persevered because we knew we were doing the right thing for the consumers for Hawaii. Given the long and difficult road that we had to travel in our efforts to address this very critical issue, I can tell you that I am so gratified that we are finally on the brink of implementing a prescription drug program that offers hope to the thousands of consumers in our State who have been driven to financial hardships and desperation because of the high cost of their medications.

“If we approve this measure, I believe that today’s vote will represent a major victory for Hawaii’s consumers. On that note, I would like to thank my House and Senate colleagues who have been working with me to support our efforts regarding this

measure along with the various consumer groups. And if I might, Madame President, we have some of the consumer groups in attendance, sitting in the gallery. They include HSTA retirees, the ILWU Local 142, Hawaii Alliance of Retired People, Faith Action for Community Equity, Policy Advisory Board for Elder Affairs, and last, of course, but not least, we also have representatives from AARP, Greg Marchildon, and his key assistant, Alicia Maluafiti (I hope I haven’t mispronounced your name), who really spearheaded this legislation. Could you all please stand up to be recognized.

“Finally, Madame President, I would like to thank Governor Lingle who now endorses this program in the spirit of bipartisanship. So, in closing, for all the reasons that I stated, I ask my colleagues to join me in voting for S.B. No. 3237, S.D. 1, our Hawaii Rx Plus program.

“Thank you.”

The Chair then stated:

“Senator Menor, thank you for all your hard work in shepherding this bill.”

Senator Baker rose in support of the measure and said:

“Madame President, I, too, rise in support of S.B. No. 3237, S.D. 1.

“This is a very, very significant measure and it’s been a delight to work with my Co-Chair and my Chair, Senator Ron Menor, on this matter. I think working with all the members in the Legislature – members of the Health Committee, members of the Consumer Protection Committee – we’ve really come up with a very tight, very streamline, very important bill. I also want to acknowledge the work that AARP and the Department of Human Services and the Department of Health directors also put in on this measure.

“An estimated 300,000 people in Hawaii do not have any prescription drug coverage and are going to benefit from this legislation. I think it’s very important to put a human face on that particular statistic. We’re so fortunate to have a couple of folks in the gallery this morning who indeed will be beneficiaries of this historic legislation that we’re about to enact. I’d like to acknowledge Stanley Samson from Mililani and Ruby Silva from Waianae who both have drug costs of over \$650 a month. They are paying for these life-saving medications out of their pocket because they don’t have a drug benefit plan. Even though Medicare will help some in 2006 when that drug benefit kicks in, these individuals and many like them need help now. Additionally as caregivers, they must provide medications for individuals that won’t qualify for Medicare. Hawaii Rx Plus is not age-tested.

“So, the measure that we’re adopting today is really going to be a benefit to Mr. Samson and Mrs. Silva and to the thousands of others like them in our State who either don’t have a drug benefit plan or have a very poor plan. In talking with them this morning, Mr. Samson and Mrs. Silva expressed their appreciation to the Legislators like the good Senator from Mililani who put the initial legislation together in 2002, and wanted to extend their appreciation now to everyone here who’s going to be voting for SB 3237. By fast-tracking it and moving it forward, this program envisioned to go into effect July 1st of this year, can actually go into effect as planned and provide some significant relief for the high cost of prescription drugs our residents are paying.

“In recent years, medical science has made tremendous advances. Many medications are now available that can save

lives and restore or maintain quality of life for those with severe illnesses. However, we all know that these advances mean nothing if patients cannot afford their medications. Sadly, this is too often the case. As we've heard when we've been in hearings both here at the Capitol and throughout the State, many people simply are having to make choices between putting food on the table, buying a bus pass to get to work, and getting their prescriptions filled. Or they're splitting pills in half or taking medications every other day just to stretch them. These are not the kinds of choices that any of us should have to make.

"Because the cost of prescription drugs are one of the significant drivers of healthcare costs in our State, it's important to the Health Committee, the Consumer Protection Committee, and others to really try to structure something that's going to bring these costs down. I'm so pleased that we've struck that balance. We've worked diligently with the Administration to come up with a measure that they not only support, but are ready and willing to implement. Final enactment of this measure will be such a boon for our residents.

"Madame President, our residents shouldn't have to choose between filling their life-saving prescriptions or paying the rent. They shouldn't have to cut pills in half or take them every other day in hopes of making the medicine last. Hawaii's Rx Plus will allow thousands of Hawaii residents access to the drugs that they need at a discounted price and hopefully at a price they will then be able to afford.

"In short, this bill enables the implementation of the Hawaii Rx program and makes prescription drugs available to the growing 'gap group' of seniors and the uninsured – some 300,000 people. They need the relief this measure will provide and they need it now. Madame President and colleagues, I urge all of you to join me in voting in favor of S.B. No. 3237, S.D. 1. It provides much needed relief for our residents.

"Thank you."

Senator Hogue rose in support of the measure and said:

"Madame President, I also rise with enthusiastic support for S.B. No. 3237, S.D. 1.

"Members, I wanted to indicate to you that this has been a bipartisan process. I know that in the past, I didn't support the Hawaii Rx bill because of legal concerns, and I think that some of those legal concerns, as time moved on, were justified. I'm glad that problems that were encountered in Maine have been fixed and we can move forward with Hawaii Rx Plus.

"So, this is a good bill that has been worked on by both sides of the aisle. I know that there were many meetings in the interim. I remember the good Senator from Maui and I attending many of them. During that time period, we had to listen to the very enthusiastic uttering of the director of the Department of Human Services, and I think only if you have met her do you understand her enthusiasm. So, she has worked very diligently with this.

"I know that the Department of Human Services, the Department of Health, the Governor's Office, along with AARP, we appreciate all of their very hard work. We also want to publicly thank the Governor for helping out in the past couple of years with her Hawaii prescription care program, which I think helped a number of people, and for putting forward her own version of a Hawaii Rx Plus bill. Many of the ideas in this particular bill were put forward in that.

"So, the legal concerns have been fixed. And most importantly, as this bill moves forward, it will allow the administration and the consumers to maximize drug discounts by minimizing government's cost and also by streamlining the eligibility process so that more people are able to qualify.

"So, this is an example, members, of how both sides of the aisle can work together for the greater good, and I enthusiastically support this particular bill and I hope that you will follow as well.

"Thank you very much, Madame President."

Senator Hemmings rose in support of the measure as follows:

"Madame President, I rise to speak in favor of this legislation, S.B. No. 3237, S.D. 1.

"In addressing this issue, I wish not to dwell on what the bill does, but more importantly dwell on how it came to be. I want to gratefully acknowledge the two Chairs of the subject Committees, Senator Menor and Senator Baker, for their graciousness in recognizing that this was indeed a bipartisan effort and for recognizing that the Governor and her very loquacious chairman of the Human Services Department, Lillian Koller, were partners in bringing about this legislation to reality. We know it is addressing a dire need to our community and I'm very proud of how it came to be.

"This is what good government is all about. It seems that sometimes the political thrusts and the gamesmanship we play politically can be put behind us so we can come up with legislation that isn't everything we would like, but certainly addresses the needs and gets the job done. I'm hoping that this will serve as an example of what we can do when we work together to deal with other issues that we're facing this Session, such as education reform and the ice epidemic.

"I want to applaud all that are involved and give accolades to those people in the audience who diligently worked with us over the last several years in making this a reality. This, besides being good legislation, was a good procedure on how people work cooperatively together and I urge my colleagues to give it a unanimous vote of support.

"Thank you."

Senator Slom rose in opposition to the measure and said:

"Madame President, well, somebody's got to speak against the bill, and I guess it's got to me. I rise in opposition to the bill.

"And that's after understanding that there is, number one, a problem; number two, that there have been a lot of good people that have worked on this problem over the last couple of years; number three, it's real interesting – it is a bipartisan product at this point, although I see that both parties are taking exclusive recognition of passing the legislation. In any event, I think we've got some significant and substantive issues here that no one seems to want to address, and so I shall.

"Again, as I say, there's no question about the problem, there's no problem about needing a solution, but is this the right solution? People have talked about the choices that individuals in Hawaii have to make on a daily basis between rent, or food, or medicine, or housing, or anything else. I certainly concur with that, but the reason is not solely the cost of prescription drugs. The reason squarely is our high cost of taxes – being that we're the third highest taxed state in the nation. And this Legislature continues year, after year, after year to try to

increase that cost of living and to therefore narrow the choices that every consumer, every family, every single mom has in this State. And yet we don't adjust to that. We don't address it even.

"The other thing is, as this legislation started out, particularly with the Governor's version of it a year ago, the idea was to authorize, to allow, to create mechanisms within the private market system to allow people to work cooperatively and voluntarily. But what has emerged, Madame President, is a bill like so many others in this State – a couple of others that we're going to be voting on this week – that actually are anti-market, anti-free enterprise, and anti-choice, from the standpoint that they mandate, they require, they make compulsory decisions by various businesses and organizations.

"In addition to that, what this bill amounts to – you can call it anything you want; you can refer to it in wonderful terms – but it is price fixing by this state government. And the fact that Maine has a similar program and everybody now seems to be happy that the legal problems have been solved, many of us who still read about the things in Maine are not quite certain that all of the legal questions have been raised. But one of the things we are certain about is how it's actually worked in practice. It has placed an additional burden on many businesses, including and especially small business, independent pharmacy owners. And that's the problem that I have with this bill.

"Some people talk about how we have been first with many other things, and I am reminded, of course, since this is the 30th anniversary of the enactment of Hawaii's prepaid healthcare act, the only act of its kind in the United States, no one chose to follow us. When I was a lot younger then and the argument was going on in the community, I heard some of the same things – this is going to provide hope; this is going to provide this; this is going to do this; it's going to do that. And when some of us stood up and asked about the figures . . . for example, we heard today, 300,000 people are going to be taken care of. We have another bill coming up now with \$400,000 in appropriations. There will be federal funds, but mostly the additional funds are going to be hijacked from businesses.

"The prepaid healthcare act today has been an abject failure. It gave false hope to people. It also misled the community, and particularly the business community, in believing that it was going to be a partnership between employer and employee. It never was. It is not now. We were also told it was going to be universal coverage and that everyone was going to be covered. We have less people covered now than we did prior to the enactment of the prepaid healthcare act in 1974.

"So I would just suggest, Madame President, that with all of our good words and good wishes, that we look at some of the hard questions and some of the hard facts.

"I guess the final point for me is, in the eight years that I've been here, I've voted against the creation of every special fund. I voted against the raiding of every special fund. And what does this bill do? It creates a special fund for all of the monies that are going to go into it.

"So, reluctantly, even though this is now a bipartisan effort and reluctantly this is a call to do something, I don't think it's the right thing to do. There were other options. There were other suggestions made. But from the very beginning, it was an idea that this was going to be a state-run, state-decided mandatory program. And that's why regretfully I will vote 'no.'

"Thank you, Madame President."

The motion was put by the Chair and carried, S.B. No. 3237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Fukunaga).

Stand. Com. Rep. No. 2526 (S.B. No. 3194, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2526 was adopted and S.B. No. 3194, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE RX PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Fukunaga).

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM MONDAY, MARCH 1, 2004

H.B. No. 1820, H.D. 1 (Hse. Com. No. 29):

By unanimous consent, action on H.B. No. 1820, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Wednesday, March 3, 2004.

H.B. No. 2020, H.D. 1 (Hse. Com. No. 30):

By unanimous consent, action on H.B. No. 2020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred until Wednesday, March 3, 2004.

H.B. No. 2049, H.D. 1 (Hse. Com. No. 31):

By unanimous consent, action on H.B. No. 2049, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred until Wednesday, March 3, 2004.

H.B. No. 2139, H.D. 1 (Hse. Com. No. 32):

By unanimous consent, action on H.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Wednesday, March 3, 2004.

H.B. No. 2140, H.D. 1 (Hse. Com. No. 33):

By unanimous consent, action on H.B. No. 2140, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," was deferred until Wednesday, March 3, 2004.

H.B. No. 2147, H.D. 1 (Hse. Com. No. 34):

By unanimous consent, action on H.B. No. 2147, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," was deferred until Wednesday, March 3, 2004.

H.B. No. 2569, H.D. 1 (Hse. Com. No. 35):

By unanimous consent, action on H.B. No. 2569, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NIIHAU

SHELL PRODUCTS,” was deferred until Wednesday, March 3, 2004.

Senator Hanabusa, Chair of the Committee on Judiciary and Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 3185.

Senator Hanabusa noted:

“Madam President, this bill enacts abuse of process provisions for vexatious requesters of public records.”

The Chair then granted the waiver.

ADJOURNMENT

At 12:36 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 3, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate