

TWENTY-NINTH DAY

Thursday, March 4, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Elder Mary Tom, Living Streams Christian Fellowship, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twenty-Eighth Day.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 358 to 364) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 358, dated February 12, 2004, transmitting the Progress Report on the Implementation of A.R.T.S. FIRST: Hawaii's Arts Education Strategic Plan - July 1, 2002 to June 30, 2003, prepared by the State Foundation on Culture and the Arts on behalf of the Hawaii Arts Education Partners pursuant to Act 306, SLH 2001, was placed on file.

Gov. Msg. No. 359, dated February 23, 2004, transmitting the 2003 Annual Report of the Executive Office on Aging, was placed on file.

Gov. Msg. No. 360, dated February 25, 2004, transmitting the Employees' Retirement System's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2003, was placed on file.

Gov. Msg. No. 361, dated February 27, 2004, transmitting the 2003 Report of the Commission to Promote Uniform Legislation, prepared by the Department of the Attorney General, was placed on file.

Gov. Msg. No. 362, dated February 18, 2004, transmitting the Annual Report Relating to Invasive Species, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Act 85, SLH 2003, was placed on file.

Gov. Msg. No. 363, dated January 6, 2004, transmitting the 2003 Annual Report of the Natural Energy Laboratory of Hawaii Authority, pursuant to Chapter 227D, HRS, was placed on file.

Gov. Msg. No. 364, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of CLEMENTINA D. CERIA PHD, MS, RN, term to expire June 30, 2006, which replaces Gov. Msg. No. 322 dated February 17, 2004, was referred to the Committee on Education.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 47 to 67) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 47, transmitting H.B. No. 2005, H.D. 1, which passed Third Reading in the House of Representatives on March 2, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2005, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed First Reading by title and was deferred.

Hse. Com. No. 48, transmitting H.B. No. 2439, which passed Third Reading in the House of Representatives on March 2, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2439, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE SIRENS," passed First Reading by title and was deferred.

Hse. Com. No. 49, transmitting H.B. No. 1727, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1727, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed First Reading by title and was deferred.

Hse. Com. No. 50, transmitting H.B. No. 1773, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1773, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," passed First Reading by title and was deferred.

Hse. Com. No. 51, transmitting H.B. No. 1818, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1818, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE," passed First Reading by title and was deferred.

Hse. Com. No. 52, transmitting H.B. No. 1856, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1856, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 53, transmitting H.B. No. 1875, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1875, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TEXTBOOKS FOR PUBLIC SCHOOLS," passed First Reading by title and was deferred.

Hse. Com. No. 54, transmitting H.B. No. 1907, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1907, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," passed First Reading by title and was deferred.

Hse. Com. No. 55, transmitting H.B. No. 1926, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1926, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 56, transmitting H.B. No. 1928, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1928, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TEACHER STANDARDS BOARD," passed First Reading by title and was deferred.

Hse. Com. No. 57, transmitting H.B. No. 2074, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2074, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS," passed First Reading by title and was deferred.

Hse. Com. No. 58, transmitting H.B. No. 2196, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2196, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed First Reading by title and was deferred.

Hse. Com. No. 59, transmitting H.B. No. 2286, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2286, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed First Reading by title and was deferred.

Hse. Com. No. 60, transmitting H.B. No. 2292, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2292, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 61, transmitting H.B. No. 2293, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2293, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE ADULT OFFENDER

SUPERVISION," passed First Reading by title and was deferred.

Hse. Com. No. 62, transmitting H.B. No. 2295, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2295, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIONS ON DELINQUENT COURT-ORDERED PAYMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 63, transmitting H.B. No. 2296, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2296, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF CREDIT AND DEBIT CARDS," passed First Reading by title and was deferred.

Hse. Com. No. 64, transmitting H.B. No. 2337, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2337, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAME CHANGES," passed First Reading by title and was deferred.

Hse. Com. No. 65, transmitting H.B. No. 2642, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2642, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 66, transmitting H.B. No. 2661, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2661, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed First Reading by title and was deferred.

Hse. Com. No. 67, transmitting H.B. No. 2715, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2715, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO SETTLEMENT," passed First Reading by title and was deferred.

JUDICIARY COMMUNICATION

Jud. Com. No. 3, submitting for consideration and consent, the nomination of SIMONE C. POLAK to the Office of Judge, District Court of the Second Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was read by the Clerk and was referred to the Committee on Judiciary and Hawaiian Affairs.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 41) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 41 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE SAFETY AND WORKING CONDITIONS OF GUARDS IN THE STATE'S CORRECTIONAL FACILITIES."

Offered by: Senator Kawamoto, by request.

SENATE RESOLUTION

The following resolution (S.R. No. 21) was read by the Clerk and was deferred:

Senate Resolution

No. 21 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE SAFETY AND WORKING CONDITIONS OF GUARDS IN THE STATE'S CORRECTIONAL FACILITIES."

Offered by: Senator Kawamoto, by request.

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2545) recommending that S.C.R. No. 19, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2545 and S.C.R. No. 19, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON THE ESTABLISHMENT OF CENTRAL KITCHENS FOR THE DEPARTMENT OF EDUCATION," was deferred until Friday, March 5, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2546) recommending that S.R. No. 9, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2546 and S.R. No. 9, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON THE ESTABLISHMENT OF CENTRAL KITCHENS FOR THE DEPARTMENT OF EDUCATION," was deferred until Friday, March 5, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2547) recommending that S.C.R. No. 20, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2547 and S.C.R. No. 20, entitled: "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," was deferred until Friday, March 5, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2548) recommending that S.R. No. 10, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2548 and S.R. No. 10, entitled: "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," was deferred until Friday, March 5, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2549) recommending that S.B. No. 2886, 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. 2886, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2550) recommending that S.B. No. 2908, 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. 2908, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2551) recommending that S.B. No. 2909, 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. 2909, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

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

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

"First of all, I want to thank the Majority Caucus Leader for informing my office so I could inform my colleagues in the Minority regarding today's caucus on a very substantive bill. We'll be caucusing along with you.

"But I'd like to work with you, Mr. President, and your Floor Leaders and the Majority Caucus Leader on trying to coordinate this a little better in the future so that we take into consideration the public that oftentimes sits here waiting for us to convene and transact our business in a timely manner and who oftentimes find themselves waiting for quite a considerable amount of time in the gallery while we caucus. So, in the spirit of bipartisan cooperation, I'm hoping we can meet and figure out a way that we can deliberate more efficiently.

"Thank you, Mr. President."

The President stated:

“We can do that. Just to let you know, Senator Hemmings, it’s not just caucusing behind closed doors; we are deliberating in our hearings all morning long. So, we will try to work things out with you.”

Senator Hemmings responded:

“Thank you, Mr. President, I would like to add that I in no way have implied anything behind closed doors. I’d just like to . . .”

The President interjected:

“We’ve had that discussion before.”

Senator Hemmings continued:

“Yes, sir. We recognize that.”

At 11:54 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o’clock p.m.

ORDER OF THE DAY

THIRD READING

Stand. Com. Rep. No. 2537 (S.B. No. 3238, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2537 be adopted and S.B. No. 3238, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hooser rose to speak in support of the measure as follows:

“Mr. President I rise in support of S.B. No. 3238, S.D. 2.

“Mr. President, I believe in my heart that other than unconditional love, the single most important, the single most valuable thing that we can give to our children – our own children and the children of this State – is a good education. While neither success nor survival can be guaranteed through school work, I believe that providing our children with a strong and solid educational foundation is essential and will arm them, as best as is possible, to succeed and to prosper in a world that grows more competitive every day.

“As the Senator representing District 7, I am fully committed to exploring all options, to listening carefully to all arguments, and fully evaluating all proposals in our collective efforts to give our children the absolute best education that we possibly can.

“Upon election to this body in 2002, I requested to be able to sit on the Senate Education Committee so that I could make a positive contribution to improving education in our State. I thank you, Mr. President and members, for allowing me the privilege and honor of doing so and of being Vice Chair of this Committee and to play just a small role in shaping the significant, very significant, education reform legislation that we vote upon today.

“During the past 18 months, myself, as an individual, and our Committee, as a group, under the guidance of our hard-working and dedicated Chairman, have listened, reviewed and studied a wide array of educational reform proposals. We have met with

principals, with parents, with students, with business leaders, educators, people from all parts of the community and studied a wide array of educational reform models. We studied the way public education is managed by many different states. We have looked outside our nation to see how education works in different countries. We’ve spoken with experts provided by the Governor. We’ve spoken with experts provided by the department. We have spoken with our own experts, Mr. President, and believe me, there’s no shortage of experts, no shortage of opinions, no shortages of studies, and no shortages of good, well thought-out suggestions about what we, as responsible decision makers, could do to make our schools better.

“The problem, Mr. President, is not a shortage of studies or a shortage of experts, the challenge is sorting out all these studies and deciding what to focus on in what would truly make a difference . . . what would truly have a positive impact on student performance . . . what would truly have a positive difference in how our schools are managed . . . but more importantly, what would make our schools and students perform better . . . what would make our school system more successful?

“To make a long story short, Mr. President, we present today to this body an educational reform package that incorporates, what I believe to be, the very best elements of all the suggestions from all the experts and all the studies that have been presented during the past 18 months of discussion.

“The package before you today contains six key elements:

“First, we have the Weighted Student Formula – This concept represents the foundation of the reform model proposed by Dr. Ouchi and its success is evidenced by the much talked about ‘Edmonton Model.’ This legislation changes fundamentally, fundamentally, the way we allocate funds to our schools, it provides our principals greater authority and responsibility for managing those funds, and states clearly our commitment to spend over 93 percent – over 93 percent – of the total money for our schools on our schools and not on unrelated DOE central administration.

“Second, we propose the Hawaii Principals Academy – We now offer principal support through a variety of avenues. The Hawaii Principals Academy will provide a unifying system that will insure that our principals receive the very best training possible. Since we now expect more from our principals, then it stands to reason that we must provide them more – more support, more training, and more professional development. The proposal before you also provides more pay and bonuses for principals. If we are going to ask them to do more work, if we are going to raise the performance bar, it is only right that we also increase their compensation.

“Third, School Community Councils. Yes, we have the SCBM organizations now currently in place; however, this legislation strengthens community involvement by increasing and broadening community participation, especially in the critical budget approval and financial planning process and also allows input into school personnel decisions while at the same time retaining the principal’s decision making authority.

“Fourth, we offer Teacher Excellence Incentives. This bill authorizes a \$5,000 per year bonus for every teacher that achieves National Certification – \$5,000 per year bonus for every teacher that achieves National Certification – plus, it further incentivizes teachers by paying up to \$2,500 in cost reimbursement to every teacher who successfully completes this rigorous, very rigorous, program. This is one point that all the experts and all the studies agree – attracting and retaining

highly qualified teachers is a critical component of all successful programs, and to do so, this legislation clearly recognizes that we must reward our exceptional teachers.

“The fifth point is a Reduction of Bureaucracy. Over and over again, month after month, year after year, we’ve all heard the stories – the nightmare stories of fighting the bureaucracy in our public school system, the tales of having to go through two, sometimes three, sometimes four different state agencies just to complete what may seem to be a simple task . . . a task like building a storage shed, hiring someone who doesn’t quite fit the mold. The examples of over-lapping jurisdictions by multiple state departments have in some areas reached the status of legend. Well now, this bill would end all of that. With the passage of this bill, the finger pointing stops, Mr. President. The finger pointing stops, the buck will stop at the superintendent’s desk, and, as she has requested, she will be held accountable.

“The sixth major component of this very comprehensive and valuable legislation, Mr. President, is Small Class Sizes. In my opinion, this is the most understated yet the most valuable component of this truly comprehensive legislative reform package. This legislation requires the state – this legislation, I’ll repeat, requires the state – to reduce class sizes in grades K-3 over a period of 4 years. The legislation also provides immediate, immediate, support in this effort in a very cost-effective manner by providing an additional half-time teacher or qualified teacher’s aid for every single third grade classroom in the state. With this measure, we will be able to immediately support the critical third grade age group by dramatically lowering the teacher to student ratio without building new classrooms. Those of you who have studied education reform, know clearly that being able to read by the time a child finishes third grade is a critical benchmark in the child’s long-term educational development.

“Mr. President, there are many, many other components of this educational reform package that are valuable and worthy of discussion – elements that support accountability, increased support for the college of education so we can train and graduate more teachers, and much, much more. But in the interest of time, I will close my remarks by taking a moment to offer my sincerest thanks to the many, many people who have participated in this important debate and played an important role in bringing this bill to the Floor today – teachers from around our state, parents, students, principals, business leaders, and administrators, not to mention the Legislators in this room. To all of them, I say, thank you.

“Some of our members, Mr. President, may believe that this bill does not go far enough. Some of our members, Mr. President, may be inclined to oppose this bill because even though it contains many positive elements of which they may support, it does not contain everything that they would like. To those inclined to vote ‘no’ on this issue, I ask that for a moment you put aside the political rhetoric, put aside the instinctive desire to oppose and attack what is a genuine and comprehensive proposal to achieve real education reform. I ask, instead, that you take a moment to look at the content of the package, look for the good, look for the good things that are contained in this package and support them. As far as those elements of the package which you cannot support, offer suggestions for improvement and work together with us in a bipartisan community effort to continue in a positive fashion down this pathway toward improving our schools.

“Mr. President, this legislation represents a good solid step down the pathway to meaningful education reform. We, of course, still have much work to do and I look forward to working together with the House and with our community at

large to continue to improve and strengthen this legislation so that in the end we are successful in our quest to significantly improve public education in our State.

“Therefore, I ask our members to vote ‘yes’ in support of S.B. No. 3238, S.D. 2, vote yes to support positive, comprehensive educational reform that will make a difference where it counts – at the school level, in the classrooms, and with our students.

“Thank you, Mr. President.”

Senator Hogue rose to speak with reservations on the measure and said:

“Mr. President, I appreciate the words of the previous speaker and I rise to speak about this bill with strong reservations.

“I am speaking with reservations because I want, as the previous speaker mentioned, I want to work together with those on the other side of the aisle on this very, very important discussion. There are parts of this bill in which I agree with, and there are parts that I disagree with. I agree with the previous speaker that there are no shortages of experts and opinions in this particular area, and I think that it can be best solved if we do lower the rhetoric just a little bit and try to listen to each other.

“First of all, I wanted to go through some of the areas in which I agree, Mr. President. I’m glad that the Majority has moved forwards a bill that talks about the weighted student formula. It has worked in Edmonton. It has worked in Seattle. It has worked in Houston. I am glad we are talking about helping principals, because there is a shortage of principals, especially coming in the future. I’m glad that we are talking about helping teachers, because we definitely need to help them. In this period of recruitment and retention, we need people to get into the classroom.

“I’m glad we’re talking about small class size. I realize that’s an expensive entity, but I can tell with my own children that they do better in smaller class sizes. So, there is an area of agreement on some particular issues.

“I disagree, and many members of the Minority also disagree, with the school community councils. I think we have all seen the school system that SCBMs, Mr. President, have not been able to succeed. And the biggest reason for that is that the education system just does not like to hear other opinions. Over the years, the SCBMs have failed because of, basically, little fiefdoms that have been set up out there around the system, and I really have my doubts that this school community council will actually succeed.

“Probably the biggest problem with this particular bill talks about the oversight. In several sections, specifically page 5, section 6, talks about the superintendent shall develop and implement appropriate planning procedures and follow-up accountability reports without regard to Chapter 91 – in other words, administrative rules – to ensure planning, control and accountability in the use of monies by schools and school complexes. It goes on and talks about it on page 30, as well, about all the rights, powers, functions, duties, resources of the Department of Accounting and General Services. All of these parts of the particular bill, and it goes on and talks about it in other areas as well, takes away the oversight process from the administration. And I think that we all recognize that one-half of our budget comes through education and we have to have some oversight.

“So, this bill takes away that particular oversight and basically hands it over to the DOE, and I haven’t seen anything in the last 40 years that has indicated that they have done a really good job of overseeing themselves. So, taking this away from the executive offices I think is absolutely a step in the wrong direction.

“So, those are the areas in which we can agree, areas in which we can disagree, and I just wish that we could put forward another area that I know that the people in my district definitely are in support of and that we can at least discuss it over here on the Senate side and move a bill forward so that the people can ultimately make that decision, and that is competition – that is allowing for the breakup of the Department of Education through locally elected school boards. I wish that we could have that measure on the ballot. If we truly want to listen to all sides, Mr. President, if we truly want education reform to go forward and everybody to be heard from, then ultimately, we should hear from the people.

“So ultimately, I’m voting with reservations because I’m hoping that portion can go forward, that we can allow the people to decide in the ballot box in November.

“Thank you very much, Mr. President.”

Senator Hemmings rose to speak against the measure and said:

“Mr. President, I rise to speak against S.B. No. 3238.

“Mr. President, I’m hoping that the Majority Party, since you’ve caucused so fast on this bill, has not already made up their minds on what this bill really does. This bill is another, of what I would call, Trojan horse legislation – what you see is not what you get. Mr. President and colleagues, in fact this bill, overall, is a huge step in the wrong direction. Yes, it does throw 30 more million dollars, approximately, at education and what it mandates, but it does in fact take away the executive branch of government’s power to be responsible and regulate education.

“I might say that, in hearing the discussions this morning by some previous speakers, one said we would oppose certain aspects of it because we didn’t get our way on it. In my case, that’s not true at all. We opposed the entire bill because it is, to make a long story short, disingenuous and certainly not going to change anything in the status quo. In fact, it will make it worse.

“I do agree with the previous speaker that our most important asset is our children and their future, and public education is the single biggest investment we make as taxpayers. By the DOE’s figures, it’s, as we know, \$1.726 billion-plus investment.

“And I do recall the last time we debated education, Mr. President, there were a number of very proud Legislators who stood up and told us how wonderful they were because they sent their children to public schools. But who did not stand up were the number of Legislators, and a number of education experts, and a number of teachers and union leaders, and some members of the Majority Caucus on this Floor, who send their kids to very expensive private schools. So let’s be honest about how much we invest and how much we support public education. My point is that we should not be pitting private and public schools against each other. We should all work collaboratively together to make sure that you and everybody else in this State has a choice in public education, not tell us we have to support public education while some of us send our children to expensive private schools.

“This bill is unbelievable because it’s probably going to be tested constitutionally, Mr. President, and as with a number of other pieces of legislation the Majority Party has offered to the Floor this year will probably be judged unconstitutional. You were wise enough to recently pull two unconstitutional proposals off the Floor.

“This bill removes the budget for the DOE from executive control. You allow the DOE to have exclusive control over all budgeting functions, including the funding of the collective bargaining increases. This is problematic because Article VII, Section 8, of the Constitution requires the Governor to submit to the Legislature a, and I might add, complete plan of proposed expenditures in the executive budget. If the DOE is allowed to create its own budget, it obviously could render the process unconstitutional. I suggest you have your legal check people double-check that particular aspect of the bill.

“The bill also may be unconstitutional because it effectively removes the DOE from the executive branch of government by taking away the powers of DAGS and Budget and Finance, DHRD, the attorney general, and the Department of Human Services, with respect to many of their functions. This is problematic because the Hawaii Constitution Article V, Section 6, says that the Governor is responsible for the supervision of each principle department.

“I find it absolutely incredible, looking at what this Legislature is doing this year to erode the executive branch of government’s powers, powers that you, the Majority Party, have had for 30 or 40 years, and all of a sudden all of it has to be taken away. It’s incredible and quite, quite disingenuous once again in contrary to the public’s interest. But this particular one in particularly onerous. And I would submit to the Majority Party that this, if in fact passes and is sent up to the Governor, is going to be extremely problematic because of the constitutional issues which I just enumerated.

“I would suggest the Majority Party gavel this Session into recess and take this bill back into your caucus room and discuss it again and find out what the constitutional questions are here today and make your decisions accordingly. We would be more than happy to work with you. I think you know that the Minority Party clearly pointed out the unconstitutionality of the two bills you tried to pass last week regarding kuleana lands taxation and your efforts to remove appointing powers of the Board of Regents unconstitutionally. You might want to consider doing the same again today.

“Thank you, Mr. President.”

Senator Tsutsui rose in support of the measure and said:

“Mr. President, I rise in support of this measure.

“Mr. President, I would like to, first and foremost, commend the Chair of the Education Committee, the good Senator from Moanalua for his commitment to public education. He has spent a countless number of hours working with the DOE, working with the superintendent, working with teachers, principals, PTSA groups, organizations, you name it, basically, to find a way to redesign our public education system. And don’t take my word for it on the countless number of hours, if you look at that young man, who has probably gotten more gray hairs over the last 12 months than he has over the last 12 years, we know that he is truly committed to making our public school system better. It was because of his commitment that we have a measure before us that we can be very proud of.

“As a proud father of two young children who will be spending 13 years of their young lives in our public education

system, I'm very confident that we're moving in the right direction and that this measure will be the foundation that we need to improve student achievement statewide.

"Mr. President, I recommend that my colleagues support this measure.

"Thank you, Mr. President."

Senator Espero rose to speak in support of the measure and said:

"Mr. President, I'd like to rise in support of this measure.

"I'd just like to make some comments regarding some of the comments made by one of our colleagues regarding sending your kids to public school or private school. I, personally, am one to both public and private, so I'm on both sides, I guess.

"The comment was made that we shouldn't pit public and private schools against each other. It was said on this Floor. Yet, the issue of where we send our children was brought up in the same context. Why even bring it up, because at issue is where a parent, who has a personal choice, wants to send their child to get educated. Many go to the public schools, some go to the private schools. But that's not the issue today. And for a Senator to continue to harp on that issue while some people here send their kids to private schools, that's okay; that's their choice. There are literally thousands of parents in this situation. So is he questioning also their decision to send their kids to private schools?

"This, Mr. President, is a very good bill. It supports principals. It supports teachers. It gets parents involved in the school. It's good work that will probably improve between now and the end of the Session, and I encourage all of my colleagues to support it.

"Thank you."

Senator Slom rose to speak against the measure as follows:

"Mr. President, I rise in opposition to this bill.

"A year-and-a-half ago, the people in this State voted for change. They voted for change in individuals. They voted for change, more importantly, in some of our basic structures, institutions, and the way that we do business. They're not getting the change that they wanted because we, or I should say the Majority members of our Legislature are trying to thwart that change.

"And so, when I hear about choices, it's kind of interesting because that was what this legislation started out to be all about – to give individuals, particularly parents, choices – choices whether to send their kids to private schools or public schools, choices if we're going to actually make changes within the educational situation. And those of us that have been involved in public education efforts for many, many, many years, I guess if gray hair is an indication of wisdom and effort, then I've got a lot of credit for that.

"We've seen the frustration of parents and teachers. The frustration is not with the kids. The frustration has not been with the teachers. The frustration has been with the, quote, 'system' . . . the system being the Department of Education, the Board of Education, and the two very powerful unions – the HSTA and the HGEEA. And the idea was, we want people to have a choice at to whether or not we change what we do; that we change the only single statewide school district system in the United States; that we decentralize and bring down to more

of a community level or neighborhood level those decisions that affect education, that affect our children, that affect teachers, and those involved in any aspect of the educational process.

"It's interesting that so many members of the Majority Party just two short years ago were in support of giving parents and the voting public this choice. So let them vote on it. And that's what this is all about. I've said several times before, if I were on the other side, I would have called for a very quick vote because of all the lobbying and all of the information and misinformation that's gone out. I would have been confident that the people would have supported me and that they would have voted down the change for seven school boards, seven districts, or any appearance thereof, and then the issue would have been solved once and for all. And we could have said we followed the democratic process; we really truly listened to the people; and we let them make the decision, let them guide us, because obviously, we all come from many different directions here. But instead, we haven't done that.

"Every time I hear somebody stand up and say that a measure like this is for the children, I really cringe. This bill has nothing to do with our children. This bill has everything to do with power, control, and money. That's what it's all about.

"One of the earlier speakers said one of the six points about the wonders of this bill is it's going to end bureaucracy. To the contrary, what it will do will be to instill additional bureaucracy, except put that bureaucracy out of scrutiny and out of touch.

"What this bill does is not to offer people a choice, not to offer change, and really not to go in a different direction. What it says is, we are going to hold on to this power system of the DOE, the central, dictatorial, monolithic, monopolistic authority no matter what. And we don't care what the thousands of people have said statewide in all of the meetings, in all of the letters, in all of the e-mails and everything else.

"A statement was made about all of the experts. The problem is that there's an awful lot of people parading around here as experts that would like to be experts or thought of as being experts, but in fact they are not. But they're very expert at politicizing issues, and that's exactly what we have here. We have a political document.

"It's also interesting that for the last couple of months, the noted consultant and very esteemed expert, Dr. Ouchi, has been castigated by members of the Majority, and members of the unions, and others. But they like his weighted student formula, and so do we. We like that too. The only problem is it's kind of, Mr. President, like those people that run around and call themselves Keynesian economists but forget to quote all of the things that John Maynard Keynes said. We're forgetting to quote all of the things that were said in relation to the weighted student formula. There was never a statement that it was to be taken all by itself.

"There were preconditions in order to make it work, and the central precondition was decentralization – the breakup of the Department of Education authority. And that is what my colleagues resist the most, because unlike consideration for the children, there is out of that DOE and BOE a very effective political institution which has always – always – put money first. They've used the children and paraded the children, but it's always about money. That's why I've been very critical in the past that the union doesn't come down here and testify 'we want higher standards; we want more discipline; we want more textbooks' – no, they want more money. That's what it's always been about.

“And now, they don’t want any oversight at all. Not only don’t they want the executive department, which, as the Minority Leader has pointed out, has a constitutional right and authority and responsibility to participate in, they don’t want any oversight by any other governmental agencies either. The whole idea is that they haven’t done well in the past, but now, turn them loose and they’ll really do well this time.”

The President interjected:

“Senator Slom, could you keep your remarks to the bill, please.”

Senator Slom responded:

“Yes, yes I can, Mr. President, thank you.

“The bill talks about the responsibility of the superintendent of education but doesn’t talk about who’s going to be responsible for the oversight of the superintendent. And the statement was made that the buck stops here. The buck is not going to stop here. We won’t know where the buck is or where it’s going. And the problem is that if we’re looking at a measure to really improve our school system, then we have to take into consideration the choices and the considerations of other people who are not included within this bill.

“So, while there may in fact be good parts to the bill, particularly since the other bills were melded into it, that many of us do support and can continue to support, the bill as a whole does not perform the function that it says it does – and that is meaningful, educational reform. And that’s why I’m going to vote ‘no’ on the bill.

“Thank you, Mr. President.”

Senator Chun Oakland rose in support of the measure and said:

“Mr. President, I stand in support of this measure, and I would like to request the remarks of the Senator from Kauai to be inserted into the Journal as if they were my own.

“Elder Mary Tom’s prayer was very apropos to today’s discussions. I believe this bill is a major breakthrough that will make a significant difference in the education of our children.

“As a proud product of the public school system and mother of three public school children, I believe this bill represents great hope and great confidence in our educators, our principals, our superintendent, our parents and our children.

“I urge you to support this measure and thank the Chairs and Vice-Chairs of our Education and Ways and Means Committees and their members, as well as all House and Senate members who have put so much attention, time and thought into this matter.

“Thank you, Mr. President.”

Senator Espero rose in rebuttal and said:

“Mr. President, a brief rebuttal and clarification.

“In the debate of education reform it’s been stated that two years ago you folks supported this; two years ago you okayed this. The clarity is that two years ago, this issue came before the State Legislature. However, two years ago the Hawaii State Legislature never did pass out measures regarding local school boards, like some people imply. We never did. It was debated. It went through the process, and the issue died in Conference.

So, the Hawaii State Legislature two years ago never supported anything in terms of local school boards.

“From then to now, we’ve had time to think about it, look at it, debate it more, and we’ve got this bill before us, and again, I hope all my colleagues support this. But let me just clarify that two years ago, the Hawaii State Legislature never passed any measures regarding local school boards.

“Thank you.”

Senator Baker rose in support of the measure and said:

“Mr. President, I rise in support of this measure.

“I, too, would like to have the remarks of the good Senator from Kauai inserted into the Journal as my own, because I think they outline very well why this bill is important and why it’s important for us to continue to look at it and debate it and move it forward. Because, by and large, the criteria that I think all of us should judge a reform package on is: Is it going to positively impact student achievement? Is it going to get resources down to the school? Is it going to begin to adequately fund education?

“My colleagues across the way constantly harp that we’re just throwing money after things. It’s all about money. It’s all about resources. Well, in essence, it is, because every change that you want to make for the public schools, or for any program, if you want to improve them, if you want to provide the resources and the tools that are going to impact student achievement, it all costs money – whether it’s smaller class size, whether it’s improved facilities, whether it’s more textbooks, whether it’s more teachers; whether it’s better principals – there’s a dollar figure to that. I don’t view that as throwing money after it. I view it as making an investment in our future.

“Public education is the cornerstone of this democracy, and if we hadn’t had public education, we would not have had our other institutions thrive. And that’s why this bill is so important, because it’s about making change; it’s about bringing accountability; and it’s about focusing on students at the local level.

“Your know, it’s unfortunate that our colleagues across the way believe that change has only one face. But I think if we look throughout the ages, change has come in many shapes, many sizes and many forms, and this bill is about more change. Maybe it doesn’t look like their change, but from my perspective, it looks like the kind of change that is going to get resources to where they’re most needed. It’s going to be spent where they can have the greatest impact, and it’s providing the tools and the incentives to get more teachers into the classroom, to have teachers and principals better prepared, and to me, it’s the kind of thing that meets the test for what change ought to be – doing things that are going to positively impact student achievement, and getting the resources down to the school level.

“Mr. President, this bill, like anything else that’s crafted by human beings is not going to be perfect, but I think it goes a far step, many miles forward to doing the kind of reform and education and the kind of significant legislation that’s going to make all of us proud when, in the years hence, we see that our teachers have been empowered, our principals have been empowered, and our students are achieving greatly.

“I’d like the opportunity to insert some additional remarks on this measure in the Journal. Thank you.”

The Chair having so ordered, Senator Baker's remarks read as follows:

"We are all aware of the need for educational reforms in Hawaii's public school system. S.B. No. 3238, S.D. 2, is a positive bill that will enhance the ability of the educational system to ensure high academic achievement through reforms and decentralization measures.

"By establishing a weighted student formula, this bill takes into account the educational needs of each student by providing operating moneys to individual public schools and school complexes. This bill also improves student learning by providing funding to reduce the student-teacher ratio to twenty-five students to one teacher or less in kindergarten through grade three.

"In addition, S.B. No. 3238 supports statewide after-school care programs for students in kindergarten through grade six by establishing a revolving fund for the collection and disbursement of moneys to pay for the administration and operations of the after-school plus program.

"This bill also upholds excellence by providing salary schedules of principals, vice-principals and other educational officers based on a twelve-month term of service and provides retention bonuses and monies for additional faculty positions at the University of Hawaii's College of Education. Furthermore, it supports and recognizes outstanding teaching by providing the Hawaii teacher standards board with continued funding for implementing and administering a program of support for national board certification candidates.

"S.B. No. 3238, S.D. 2, addresses the need for serious educational reforms. It is great step toward our goal of creating an outstanding educational system and restoring the public's confidence in Hawaii's public schools."

Senator Hemmings rose in rebuttal and said:

"Mr. President, I was hoping I wouldn't have to rise again. I'm rising on a point of rebuttal.

"Regarding the public/private school debate, I sure wish this bill would accommodate more recognition of the fact that we should have partnerships with private institutions. I'd like the people who chastised me in pointing out the fact that I take issue with those who say they have confidence in public education, those who support public education, those who think that public education in Hawaii is so great and want to make it better with bills like this, I'd like to know why they then turn around and contradict their own utterances on the Floor by sending their children to private schools. My point being, Mr. President, there should not be this disingenuous, once again, battle between public and private education.

"Number two, the good Senator from Maui talked about money. It is about money. Right now, it's about 1,726,000,000-plus dollars that are being spent by public education. By their own figures, you know that it adds up to over \$9,450 per child – a lot more, by the way, than many people are paying to send their children to private schools.

"It is about money, because that investment has resulted in one of the worst rated public school systems in the nation by many, many organizations, including SAT scores. Yes, there are some wonderful schools in the public education system. Yes, most of the teachers and principals are wonderful, dedicated, hardworking, underpaid people. So the question is, Where does the money go?

"It is about money. When you have a problem in your own budget, when a company in the private sector has a problem with money and expenditures, they just don't throw more money at the problem. They indeed reform the system of how they spend. The budget has gone up every year to the point that this is the number one expenditure made by the people of Hawaii, and the measure of success is stagnated SAT scores.

"To the previous speaker, it is about money. It's about the amount of money that's being wasted on a monolithic, substantially documented, poorly performing system. And yes, this bill is change, no doubt about it. It's unconstitutional change that is going to take more money and all the power and put it into the hands of the cabal of leaders in the DOE, BOE, and HSTA that have brought us one of the most expensive and failing systems in the nation. It's change alright. It's change for the worse. It sustains the status quo, gives them more power – in fact, gives them all the power – and I think you will find at the end of the day that it may even be unconstitutional.

"I'm very proud to stand up and speak out against this bill. I'm very proud that we have offered alternatives down through the years, Mr. President, that the present system has proved one thing undeniably – that throwing more money and giving more power to the centralized system has indeed not worked.

"We'll see what happens. Thank you, Mr. President."

Senator Sakamoto rose in support of the measure and stated:

"Mr. President, I rise to speak in support of the measure.

"Rather than go through prepared remarks, I'd like to address some of the points raised. Not all of them, lest we be here for a longer time, but I think it's important to address some of the points raised.

"I think, regarding the criticism of the bill dealing with oversight in bureaucracy from outside the DOE, long before this Governor, this body has dealt with the issue of DAGS and how to deal with that external force. This isn't something new. This has been ongoing for a long time. This body has passed measures vetoed by the previous Governor relating to the attorney general and those types of issues. This body, as well as the department, and others have talked about personnel, getting the money to the schools, lessening those barriers. So this is certainly not about this Governor or about this year. This is about ongoing concerns on how to take away barriers, whether it's within the DOE or external to the DOE.

"Certainly on the constitutional matters, we'll check, just as other measures. We're well aware here that this is a work in progress and certainly not to say that anything, because someone raises objections, should be taken out, but I think good points are raised. So, as the Senator from Lanikai made a good point, let's work together, and the points that don't work, let's address those, the parts that do, let's address those.

"I think we talk about many things. One point was made how this legislation started, implying that this legislation started off somewhere else and ended up here. This legislation started off on the road to how do we improve student achievement, what do we do to empower the school principals, what do we do to help principals and teachers do their job, what do we do to help? Maybe another legislation started off somewhere else.

"The comment from the speaker from Hawaii Kai said bring more of this to the community and neighborhood level. Certainly, as we transform with the weighted student formula to the principals, to the school community councils, that indeed is changing from the status quo of present, things by formula, to

changing it to empower the principal and that school community even more. And that's a major change.

"Oversight . . . no oversight. Who is responsible for the superintendent? The people elect the board of education. The board of education hires the superintendent, evaluates the superintendent. So, for people to say who will oversee the superintendent, that is the board of education that is elected by our voters.

"Regarding the dollars spent, and I'm not here to debate whether it's 7,000, 8,000, 9,000, how much revenue, how much is spent, but as we talk about private schools, yes, some private schools' tuition is much lower. But as we talk about the schools, we say, why can't our schools be like the top private schools in our state whose tuition ranges in the neighborhood of \$12,000? And I've been recently informed by a parent that was told by their school board that although you pay \$12,000, that's only 2/3 of the cost to educate your child because of endowments, because of gifts, because of other things. So, if that is true, that it may cost \$18,000 for a child at some of our top schools, and we're saying why can't we be like them for half as much – with the problem children, with the special needs children, with the disciplinary problems – we have a ways to go.

"In conclusion, Mr. President, some people in this body talk about money first. I would like to talk about people first – our educators, our students, our families. Is it money first? Is it people first? And sometimes there are compromises, but people matter. That's what it's all about.

"Some people in this body talk about changing the management. Change the management . . . I would say we need to work with the people. You can choose – change the management or work with the people – work with the people in the system, work with the people who have children in the system, work with the people who pay their hard-earned taxes. So there are choices – Is it money first, people second? Or is it people first, money second? Is it change the management first, work with people second? Or is it work with people first, change the management second?

"Thank you, Mr. President."

Senator Trimble rose in opposition to the measure and said:

"Mr. President, I rise in opposition to S.B. No. 3238. I oppose this measure for three reasons.

"The first reason is that it is considered to be work in progress. When I vote and cast a vote today, I can only cast a vote, affirmative vote, for what is considered by those in this Body to be a finished product, because that product, once we send it out, may not come back to us.

"The second reason that I oppose this bill is that so many other things were left in it. Some of those things appear to be micro-management by this institution in what could properly be considered what the Department of Education should decide on its own accord when it formulates its own budget.

"The third reason is, if we sweep away all the words that have been uttered today, the words were about education, the words were about children, but at the heart of the matter was bureaucracy. I rose a few Fridays ago and I said that bureaucracies are organic and unless we change the reward structure, we will not change the outcome. The reward structure for the Department of Education, as long as I can remember, has been failure. Failure ensured them the opportunity to ask for more money. That is again what has

happened this year. They always give a reason for not succeeding.

"I would like to have and I would like this Body to reward those managers that come before us in Ways and Means that were successful. But somehow, those that were successful, we raid their special funds, and those that spent all they got and didn't produce the results they wanted, were rewarded by more money. I think we have the wrong reward structure. We have accepted the excuses. We have given more control to the bureaucracy, and in the long run, it will not produce a product that we are happy with.

"Thank you, Mr. President."

Senator Kim rose in support of the measure and said:

"Mr. President, I rise to speak in support. Actually, I really rise to offer a rebuttal to our Minority Leader's rebuttal.

"This goes to the issue of the comments made about the battle between private and public schools, Mr. President. Remarks about people who perhaps don't send their children to public schools I think that only heightens the so-called battle between private and public schools.

"I'm not going to stand here and pretend to know why people would send their children to private schools. I'm sure there are valid reasons why someone makes that choice, and our country is one of choice. But to state or to infer that because we might send our children to public school that we're not compassionate and we don't care about our public schools and perhaps we're not the right people to sit here and make determinations as to what we think is good in the public schools I think is an invalid argument at this point in time. Perhaps to say that you, yourself, did not attend a public school, then perhaps you may not be equipped to make that decision.

"I'd like to state that I am a product of the public schools. My entire family is products of the public schools – all of my cousins and my brother's children attend public school. My son happened to go to Kamehameha schools because of his birthright. Should I have to stand here and say the fact that my son goes to an inexpensive private school that we don't have compassion for the public school system? If you don't attend the University of Hawaii or you don't send your children to the University of Hawaii, you don't have compassion for our state university? I just think that these kinds of arguments just go further to make this battle where there really shouldn't be one.

"So, I just hope that in the future, Mr. President, we will keep our remarks to the merits of the bill that's in front of us. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2537 was adopted and S.B. No. 3238, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Slom, Trimble).

S.B. No. 2009, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2009, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2882, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2882, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INSURERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2896:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2896, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2951, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2951, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM WEDNESDAY, MARCH 3, 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 Friday, March 5, 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 Friday, March 5, 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 Friday, March 5, 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 Friday, March 5, 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 Friday, March 5, 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 Friday, March 5, 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 Friday, March 5, 2004.

H.B. No. 1737, H.D. 1 (Hse. Com. No. 36):

By unanimous consent, action on H.B. No. 1737, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," was deferred until Friday, March 5, 2004.

H.B. No. 1824 (Hse. Com. No. 37):

By unanimous consent, action on H.B. No. 1824, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS," was deferred until Friday, March 5, 2004.

H.B. No. 2003, H.D. 1 (Hse. Com. No. 38):

By unanimous consent, action on H.B. No. 2003, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," was deferred until Friday, March 5, 2004.

H.B. No. 2004, H.D. 1 (Hse. Com. No. 39):

By unanimous consent, action on H.B. No. 2004, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," was deferred until Friday, March 5, 2004.

H.B. No. 2013 (Hse. Com. No. 40):

By unanimous consent, action on H.B. No. 2013, entitled: "A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS," was deferred until Friday, March 5, 2004.

H.B. No. 2064 (Hse. Com. No. 41):

By unanimous consent, action on H.B. No. 2064, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE," was deferred until Friday, March 5, 2004.

H.B. No. 2166, H.D. 1 (Hse. Com. No. 42):

By unanimous consent, action on H.B. No. 2166, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE COMMISSION," was deferred until Friday, March 5, 2004.

H.B. No. 2363, H.D. 1 (Hse. Com. No. 43):

By unanimous consent, action on H.B. No. 2363, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS," was deferred until Friday, March 5, 2004.

H.B. No. 2558, H.D. 1 (Hse. Com. No. 44):

By unanimous consent, action on H.B. No. 2558, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION PLANS," was deferred until Friday, March 5, 2004.

Respectfully submitted,

H.B. No. 2630, H.D. 2 (Hse. Com. No. 45):

By unanimous consent, action on H.B. No. 2630, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY," was deferred until Friday, March 5, 2004.

Clerk of the Senate

Approved:

H.B. No. 2844, H.D. 1 (Hse. Com. No. 46):

By unanimous consent, action on H.B. No. 2844, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE," was deferred until Friday, March 5, 2004.

President of the Senate

Senator Taniguchi, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following Senate Bills:

S.B. No. 214;
S.B. No. 607;
S.B. No. 2066;
S.B. No. 2072;
S.B. No. 2654;
S.B. No. 2789;
S.B. No. 2904;
S.B. No. 2912;
S.B. No. 2936;
S.B. No. 3020; and
S.B. No. 3186.

At 1:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:01 o'clock p.m.

The Chair then granted the waiver.

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

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

"I'd like the record to reflect that this Senate is at its best – at its best – when we argue, debate, and passionately – passionately – state our positions on issues. It's not so good when we simply just roll in here and rubber stamp whatever the issue is of the day.

"I'd like to thank you, Mr. President, and I'd also like to thank the Chairman of the Ways and Means Committee, who's been extremely patient in the last several days in allowing us to passionately debate the issues which have a tremendous impact on the people who send us here.

"Thank you, Mr. President."

ADJOURNMENT

At 1:03 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., Friday, March 5, 2004.