

FORTY-SEVENTH DAY

Tuesday, April 13, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 10:30 o'clock a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Forty-Sixth Day.

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

At 10:36 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:54 o'clock a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 362 to 383) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 362, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1259 H.D. 1 (S.D. 1);
 H.B. No. 1765 H.D. 1 (S.D. 1);
 H.B. No. 1859 H.D. 2 (S.D. 1);
 H.B. No. 1987 H.D. 1 (S.D. 1);
 H.B. No. 1991 H.D. 1 (S.D. 1);
 H.B. No. 2013 (S.D. 2);
 H.B. No. 2020 H.D. 1 (S.D. 2);
 H.B. No. 2098 H.D. 1 (S.D. 2);
 H.B. No. 2223 (S.D. 1);
 H.B. No. 2290 H.D. 1 (S.D. 2);
 H.B. No. 2408 H.D. 2 (S.D. 1); and
 H.B. No. 2472 H.D. 2 (S.D. 1),

was placed on file.

Hse. Com. No. 363, informing the Senate that the Speaker on April 8, 2004, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 1491, S.D. 1 (H.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone.

S.B. No. 1611 (H.D. 2):

Representatives Morita, Schatz, Waters, co-chairs; Jernigan.

S.B. No. 2009, S.D. 1 (H.D. 1):

Representatives Hiraki, chair; Herkes, Stonebraker.

S.B. No. 2294, S.D. 1 (H.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Thielen.

S.B. No. 2443, S.D. 1 (H.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Pendleton.

S.B. No. 2525 (H.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone.

S.B. No. 2528, S.D. 1 (H.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone, Meyer.

S.B. No. 2529 (H.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone, Moses.

S.B. No. 2704 (H.D. 1):

Representatives Hiraki, chair; Herkes, Stonebraker.

S.B. No. 2844, S.D. 1 (H.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Marumoto.

S.B. No. 2951, S.D. 1 (H.D. 1):

Representatives Hiraki, B. Oshiro, co-chairs; Herkes, Finnegan.

S.B. No. 2983, S.D. 2 (H.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone, Meyer.

S.B. No. 3098 (H.D. 1):

Representatives Takamine, chair; Kawakami, Kaho`ohalahala, Jernigan.

S.B. No. 3162, S.D. 1 (H.D. 1):

Representatives Takamine, chair; Kawakami, Waters, Bukoski.

S.B. No. 3185, S.D. 1 (H.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Thielen,

was placed on file.

Hse. Com. No. 364, informing the Senate that the Speaker on April 8, 2004, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 1824 (S.D. 1):

Representatives Hiraki, chair; Herkes, Finnegan.

H.B. No. 1828, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Pendleton.

H.B. No. 2140, H.D. 1 (S.D. 1):

Representatives Hiraki, chair; Lee, Marumoto.

H.B. No. 2147, H.D. 1 (S.D. 1):

Representatives Hiraki, chair; Lee, Marumoto.

H.B. No. 2196, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Ito, Pendleton.

H.B. No. 2206, H.D. 1 (S.D. 1):

Representatives Ito, Hamakawa, co-chairs; B. Oshiro, Thielen.

H.B. No. 2337, H.D. 1 (S.D. 1):

Representatives Hamakawa, Takamine, co-chairs; B. Oshiro, Finnegan.

H.B. No. 2375, H.D. 1 (S.D. 1):

Representatives Morita, B. Oshiro, co-chairs; Waters, Bukoski.

H.B. No. 2379, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Caldwell, Thielen.

H.B. No. 2380, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Caldwell, Pendleton.

H.B. No. 2397, H.D. 1 (S.D. 1):

Representatives Ito, Takamine, co-chairs; Mindo, Moses.

H.B. No. 2411, H.D. 1 (S.D. 1):

Representatives Hiraki, Hamakawa, Karamatsu, co-chairs; Stonebraker.

H.B. No. 2421 (S.D. 1):

Representatives Hiraki, chair; Herkes, Marumoto.

H.B. No. 2511 (S.D. 1):

Representatives Takamine, chair; Nishimoto, Bukoski.

H.B. No. 2683 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Caldwell, Finnegan.

H.B. No. 2789, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Caldwell, Thielen.

H.B. No. 2863, H.D. 1 (S.D. 1):

Representatives Chang, chair; Karamatsu, Herkes, Leong,

was placed on file.

Hse. Com. No. 365, returning S.B. No. 2589, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, was placed on file.

Hse. Com. No. 366, returning S.B. No. 2647, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, was placed on file.

Hse. Com. No. 367, returning S.B. No. 2820, which passed Third Reading in the House of Representatives on April 8, 2004, was placed on file.

Hse. Com. No. 368, returning S.B. No. 2905, which passed Third Reading in the House of Representatives on April 8, 2004, was placed on file.

Hse. Com. No. 369, returning S.B. No. 2950, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, was placed on file.

Hse. Com. No. 370, returning S.B. No. 469, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 469, and requested a conference on the subject matter thereof.

Hse. Com. No. 371, returning S.B. No. 2264, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2264, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 372, returning S.B. No. 2281, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2281, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 373, returning S.B. No. 2349, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2349, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 374, returning S.B. No. 2377, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2377, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 375, returning S.B. No. 2440, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2440, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 376, returning S.B. No. 2478, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2478, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 377, returning S.B. No. 2895, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2895, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 378, returning S.B. No. 2968, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2968, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 379, returning S.B. No. 2995, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2995, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 380, returning S.B. No. 3018, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3018, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 381, returning S.B. No. 3024, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3024, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 382, returning S.B. No. 3092, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3092, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 383, returning S.B. No. 3193, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3193, S.D. 2, and requested a conference on the subject matter thereof.

CONFERENCE COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1800, H.D. 1, presented a report (Conf. Com. Rep. No. 1-04) recommending that H.B. No. 1800, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1-04 and H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2300, H.D. 1, presented a report (Conf. Com. Rep. No. 2-04) recommending that H.B. No. 2300, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2-04 and H.B. No. 2300, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2280, presented a report (Conf. Com. Rep. No. 3-04) recommending that H.B. No. 2280, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3-04 and H.B. No. 2280, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1043, presented a report (Conf. Com. Rep. No. 4-04) recommending that H.B. No. 1043, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4-04 and H.B. No. 1043, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2004, H.D. 1, presented a report (Conf. Com. Rep. No. 5-04) recommending that H.B. No. 2004, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5-04 and H.B. No. 2004, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2743, H.D. 2, presented a report (Conf. Com. Rep. No. 6-04) recommending that H.B. No. 2743, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6-04 and H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2796, H.D. 1, presented a report (Conf.

Com. Rep. No. 7-04) recommending that H.B. No. 2796, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7-04 and H.B. No. 2796, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2525, presented a report (Conf. Com. Rep. No. 8-04) recommending that S.B. No. 2525, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8-04 and S.B. No. 2525, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senators Kawamoto and Ige, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3280) recommending that S.C.R. No. 18 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3280 and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COURAGEOUS LEADERSHIP OF THE UNIFIED BUDDHIST CHURCH OF VIETNAM AND THE URGENT NEED FOR RELIGIOUS FREEDOM AND RELATED HUMAN RIGHTS IN THE SOCIALIST REPUBLIC OF VIETNAM," was deferred until Thursday, April 15, 2004.

Senators Kawamoto and Ige, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3281) recommending that S.C.R. No. 22 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3281 and S.C.R. No. 22, entitled: "SENATE CONCURRENT RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL," was deferred until Thursday, April 15, 2004.

Senators Kawamoto and Ige, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3282) recommending that S.R. No. 11 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3282 and S.R. No. 11, entitled: "SENATE RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL," was deferred until Thursday, April 15, 2004.

Senators Kawamoto and Baker, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3283) recommending that S.C.R. No. 51 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3283 and S.C.R. No. 51, entitled: "SENATE CONCURRENT

RESOLUTION REQUESTING OUR CONGRESSIONAL DELEGATION'S SUPPORT FOR MEASURES TO RESTORE HEALTH CARE BENEFITS TO VETERANS," was deferred until Thursday, April 15, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3284) recommending that S.C.R. No. 52 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3284 and S.C.R. No. 52, entitled: "SENATE CONCURRENT RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES," was deferred until Thursday, April 15, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3285) recommending that S.R. No. 23 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3285 and S.R. No. 23, entitled: "SENATE RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES," was deferred until Thursday, April 15, 2004.

Senators Kawamoto and Fukunaga, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3286) recommending that S.C.R. No. 88 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3286 and S.C.R. No. 88, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF INTERISLAND AIR CARRIER FARE PRICE MECHANISMS," was deferred until Thursday, April 15, 2004.

Senators Kawamoto and Fukunaga, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3287) recommending that S.C.R. No. 102 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3287 and S.C.R. No. 102, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HONOLULU DISTRICT OFFICE OF THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES TO AUTHORIZE THE ENTRY OF FILIPINO LONGLINE FISHERMEN WITH VALID TRANSIT VISAS," was deferred until Thursday, April 15, 2004.

Senators Chun Oakland and Hanabusa, for the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3288) recommending that S.C.R. No. 4 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3288 and S.C.R. No. 4, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERAGENCY TASK FORCE TO EVALUATE THE OPENING OF CHILD WELFARE FAMILY COURT PROCEEDINGS TO THE PUBLIC," was deferred until Thursday, April 15, 2004.

Senators Chun Oakland and Hanabusa, for the Committee on Human Services and the Committee on Judiciary and Hawaiian

Affairs, presented a joint report (Stand. Com. Rep. No. 3289) recommending that S.C.R. No. 189 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3289 and S.C.R. No. 189, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR MALAMA O KAMALFI MAKAMAE IN ITS EFFORTS TO DEVELOP CARE HOME FACILITIES FOR NEEDY CHILDREN OF HAWAIIAN ANCESTRY," was deferred until Thursday, April 15, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3290) recommending that S.C.R. No. 49 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3290 and S.C.R. No. 49, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OFFERING OF CONTINUING MEDICAL EDUCATION ON PAIN MANAGEMENT," was deferred until Thursday, April 15, 2004.

Senators Baker and Sakamoto, for the Committee on Health and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3291) recommending that S.R. No. 46, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3291 and S.R. No. 46, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL," was deferred until Thursday, April 15, 2004.

Senators Kanno and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3292) recommending that S.C.R. No. 144 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3292 and S.C.R. No. 144, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was deferred until Thursday, April 15, 2004.

Senators Kanno and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3293) recommending that S.R. No. 77 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3293 and S.R. No. 77, entitled: "SENATE RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was deferred until Thursday, April 15, 2004.

Senators Fukunaga and Kanno, for the Committee on Economic Development and the Committee on Labor, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3294) recommending that S.C.R. No. 67 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3294 and S.C.R. No. 67, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY

CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003," was deferred until Thursday, April 15, 2004.

Senators Fukunaga and Kanno, for the Committee on Economic Development and the Committee on Labor, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3295) recommending that S.R. No. 31 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3295 and S.R. No. 31, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003," was deferred until Thursday, April 15, 2004.

Senators Kim, Fukunaga and Kawamoto, for the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3296) recommending that S.C.R. No. 129, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3296 and S.C.R. No. 129, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SECURE AN AUTHORIZED DESTINATION STATUS AGREEMENT WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO ALLOW VISITOR VISAS TO BE ISSUED TO CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA TO VISIT THE UNITED STATES; URGING PREMIER WEN JIABAO TO RESTORE HUMAN RIGHTS TO THE REPUBLIC'S CITIZENS AND CRACK DOWN ON ILLEGAL DRUG TRAFFICKING; AND REQUESTING THE DEPARTMENT OF HOMELAND SECURITY TO POSTPONE NEW IMMIGRATION PROCEDURES AT HONOLULU INTERNATIONAL AIRPORT UNTIL INCREASED CAPACITY IS IMPLEMENTED," was deferred until Thursday, April 15, 2004.

Senators Kim, Fukunaga and Kawamoto, for the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3297) recommending that S.R. No. 67, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3297 and S.R. No. 67, S.D. 1, entitled: "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SECURE AN AUTHORIZED DESTINATION STATUS AGREEMENT WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO ALLOW VISITOR VISAS TO BE ISSUED TO CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA TO VISIT THE UNITED STATES; URGING PREMIER WEN JIABAO TO RESTORE HUMAN RIGHTS TO THE REPUBLIC'S CITIZENS AND CRACK DOWN ON ILLEGAL DRUG TRAFFICKING; AND REQUESTING THE DEPARTMENT OF HOMELAND SECURITY TO POSTPONE NEW IMMIGRATION PROCEDURES AT HONOLULU INTERNATIONAL

AIRPORT UNTIL INCREASED CAPACITY IS IMPLEMENTED," was deferred until Thursday, April 15, 2004.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3298) recommending that S.C.R. No. 63, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3298 and S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL ORGANIZATIONS, PRIVATE AND PUBLIC, IN A COLLABORATIVE PROCESS WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO PLAN FOR, SUSTAIN, AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was deferred until Thursday, April 15, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3299) recommending that the Senate advise and consent to the nomination of JAMES P. EPURE MD to the Drug Product Selection Board, in accordance with Gov. Msg. No. 377.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3299 and Gov. Msg. No. 377 was deferred until Thursday, April 15, 2004.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3300) recommending that S.C.R. No. 79, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 79, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3301) recommending that S.C.R. No. 41 be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.C.R. No. 41, entitled: "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," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3302) recommending that S.R. No. 21 be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee

was adopted and S.R. No. 21, entitled: "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," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Fukunaga and Inouye, for the Committee on Economic Development and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3303) recommending that S.C.R. No. 58, as amended in S.D. 1, be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 58, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING A PUBLIC AND PRIVATE PARTNERSHIP TO DEVELOP A RAILROAD FROM WEST OAHU THROUGH CENTRAL OAHU TO THE NORTH SHORE OF OAHU," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senators Fukunaga and Inouye, for the Committee on Economic Development and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3304) recommending that S.R. No. 26, as amended in S.D. 1, be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 26, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING A PUBLIC AND PRIVATE PARTNERSHIP TO DEVELOP A RAILROAD FROM WEST OAHU THROUGH CENTRAL OAHU TO THE NORTH SHORE OF OAHU," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3305) recommending that S.C.R. No. 59 be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 59, entitled: "SENATE CONCURRENT RESOLUTION URGING THE RENAMING OF THE 'CONCEPT CAR' DODGE KAHUNA," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3306) recommending that S.R. No. 27 be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 27, entitled: "SENATE RESOLUTION URGING THE RENAMING OF THE 'CONCEPT CAR' DODGE KAHUNA," was referred to the Committee on Judiciary and Hawaiian Affairs.

ORDER OF THE DAY

**REFERRAL OF
HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM
THURSDAY, APRIL 8, 2004**

The President made the following committee assignments of House concurrent resolutions that were received on Thursday, April 8, 2004:

House
Concurrent
Resolution

Referred to:

No. 60 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations

No. 70 Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations

No. 95, H.D. 1 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

No. 112, H.D. 1 Jointly to the Committee on Labor and the Committee on Economic Development

No. 122 Committee on Health

No. 123, H.D. 1 Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Economic Development and the Committee on Human Services

No. 149 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

No. 195 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations

No. 251 Committee on Labor

ADVISE AND CONSENT

Stand. Com. Rep. No. 3178 (Gov. Msg. No. 247):

Senator Menor moved that Stand. Com. Rep. No. 3178 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of GERALD H. TAKEUCHI to the Board of Directors of the Hawai'i Hurricane Relief Fund, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3179 (Gov. Msg. Nos. 393 and 394):

Senator Menor moved that Stand. Com. Rep. No. 3179 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Board of Directors of the Housing and Community Development Corporation of Hawai'i of the following:

CHARLES G. KING, term to expire June 30, 2008 (Gov. Msg. No. 393); and

TRAVIS O. THOMPSON, term to expire June 30, 2008 (Gov. Msg. No. 394),

seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3210 (Gov. Msg. Nos. 240 and 241):

Senator Baker moved that Stand. Com. Rep. No. 3210 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Health Planning Council, Windward Oahu Subarea of the following:

GREGG Y. OISHI, term to expire June 30, 2007 (Gov. Msg. No. 240); and

BONNIE LEE S.L. PANG, term to expire June 30, 2007 (Gov. Msg. No. 241),

seconded by Senator Chun Oakland.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3211 (Gov. Msg. No. 374):

Senator Baker moved that Stand. Com. Rep. No. 3211 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of DAVID T. SAKAMOTO, MD, MBA as the State Administrator of the State Health Planning Development Agency, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3212 (Gov. Msg. Nos. 380, 381 and 382):

Senator Baker moved that Stand. Com. Rep. No. 3212 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

TERRI FUJII, term to expire June 30, 2008 (Gov. Msg. No. 380);

PATRICK S. SAKA, term to expire June 30, 2008 (Gov. Msg. No. 381); and

MARK H. YAMAKAWA, term to expire June 30, 2008 (Gov. Msg. No. 382),

seconded by Senator Chun Oakland.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3213 (Gov. Msg. Nos. 383, 384, 385 and 386):

Senator Baker moved that Stand. Com. Rep. No. 3213 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Health Planning Council, Hawai'i County Subarea of the following:

WAYNE S. HIGAKI, term to expire June 30, 2008 (Gov. Msg. No. 383);

KERRY A.K. INOUE, term to expire June 30, 2008 (Gov. Msg. No. 384);

PAUL PRESCOTT PAIVA, term to expire June 30, 2008 (Gov. Msg. No. 385); and

ALAN R. PARKER, term to expire June 30, 2008 (Gov. Msg. No. 386),

seconded by Senator Chun Oakland.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3214 (Gov. Msg. Nos. 389, 390, 391 and 392):

Senator Baker moved that Stand. Com. Rep. No. 3214 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Health Planning Council, Kauai County Subarea of the following:

LILI BRYAN-CONANT, term to expire June 30, 2008 (Gov. Msg. No. 389);

ALAN R. KIMURA, term to expire June 30, 2008 (Gov. Msg. No. 390);

TRINIDAD RAVAL, term to expire June 30, 2008 (Gov. Msg. No. 391); and

ELIZABETH UBAY, term to expire June 30, 2008 (Gov. Msg. No. 392),

seconded by Senator Chun Oakland.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3243 (Gov. Msg. No. 423):

Senator Fukunaga moved that Stand. Com. Rep. No. 3243 be received and placed on file, seconded by Senator Aduja and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of DORVIN D. LEIS to the Small Business Regulatory Review Board, term to expire June 30, 2008, seconded by Senator Aduja.

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

Ayes, 25. Noes, none.

THIRD READING

MATTER DEFERRED FROM THURSDAY, APRIL 8, 2004

H.B. No. 1820, H.D. 1, S.D. 1:

By unanimous consent, action on, H.B. No. 1820, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred to the end of the calendar.

Stand. Com. Rep. No. 3136 (H.B. No. 2840, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3136 be adopted and H.B. No. 2840, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 9) to H.B. No. 2840, H.D. 1, S.D. 2:

SECTION 1. House Bill No. 2840, H.D. 1, S.D. 2, is amended by designating Sections 1 and 2 as Part I, and by amending Section 1 to read as follows:

"SECTION 1. The purpose of this part is to appropriate a portion of the matching funds necessary for the Hawaii community development authority to receive grant moneys from the United States Department of Commerce, Economic Development Administration, in order to conduct economic master planning for Kalaeloa."

SECTION 2. House Bill No. 2840, H.D. 1, S.D. 2, is amended by adding eight new sections designated as Sections 3, 4, 5, 6, 7, 8, 9, and 10, designating those sections as Part II, and to read as follows:

"SECTION 3. The purpose of this part is to establish a Hawaii 3Ts school technology laboratories fund outside the state treasury for the continuation and expansion of the project EAST initiative or similar programs in public schools on all islands, and making an appropriation for the fund.

SECTION 4. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§302A- Hawaii 3Ts school technology laboratories fund.

(a) There is established the Hawaii 3Ts school technology laboratories fund (hereinafter, “fund”) as a separate fund of _____, a Hawaii nonprofit organization. Moneys received from the state, county, or federal government, private contributions of cash or other property, and the income and capital gains earned by the fund shall constitute its assets.

(b) _____ shall expend moneys in the form of either grants to organizations or contracts with private vendors from the fund for the establishment and maintenance of technology laboratories in public schools in Hawaii in accordance with this section.

(c) The fund may receive contributions, grants, endowments, or gifts in cash or otherwise from all sources, including corporations or other businesses, foundations, government, individuals, and other interested parties. The legislature intends that the public and private sectors work together as partners in securing contributions for the fund, and that _____, through its project, Hawaii 3Ts, assist the public and private sectors in reviewing and investigating all potential funding sources. The State may appropriate moneys to the fund; provided that any appropriations made by the State are not intended to supplant the funding of any existing public school programs for the establishment and maintenance of school technology laboratories.

(d) _____ shall appoint the members of the Hawaii 3Ts school technology laboratories board, which shall be responsible for:

- (1) Soliciting and otherwise raising funds for the fund;
- (2) Establishing criteria for the expenditure of funds;
- (3) Reviewing grant proposals utilizing criteria established by _____; and
- (4) Making recommendations for grants and other specific expenditures.

Members of the advisory board shall be stakeholders in Hawaii’s public education and workforce development entities, including students and parents, teachers and principals, business and community leaders, representatives from the county economic development boards, and representatives from the department of education, the department of business, economic development, and tourism, and the department of accounting and general services, who shall be represented on the advisory board.

(e) The aggregate principal sum deposited in the fund, and any income and capital gains earned by the fund but not expended for administration, shall be invested in accordance with the provisions of _____ in a manner intended to maximize the rate of return on investment of the fund.

(f) There may be an endowment component of the fund.

(g) The use of any state moneys may be restricted by the legislation appropriating these moneys to the fund.

(h) _____ is authorized to expend the principal from the fund for the purposes of the fund.

(i) Any organization submitting a proposal to _____ for fund moneys shall meet all of the following standards at the time of applications:

- (1) Be a for-profit organization duly registered under the laws of the State, or be a nonprofit organization determined by the Internal Revenue Service to be exempt from the federal income tax, or be an agency of the State or a county;
- (2) In the case of a nonprofit organization, have a governing board whose members have no material conflict of interest and serve without compensation;
- (3) In the case of an applicant that is not a state or county government agency, have bylaws or policies that describe the manner in which business is conducted and policies that relate to the management of potential conflict of interest situations;
- (4) Have experience with the project or in the program area for which the proposal is being made; and

(5) Be licensed and accredited, as applicable, in accordance with the requirements of federal, state, and county governments.

(j) All proposals submitted to _____ for fund moneys shall be approved by the department of business, economic development, and tourism for consistency in meeting design and materials standards for public schools.

(k) Organizations or agencies to which fund moneys are awarded shall agree to comply with the following conditions before receiving the award:

- (1) Employ or have under contract persons qualified to engage in the activity to be funded;
- (2) Comply with applicable federal, state, and county laws; and
- (3) Comply with any other requirements prescribed by _____ to ensure adherence by the recipient of the award with applicable federal, state, and county laws and with the purposes of this section.

(l) Chapter 103D shall not apply to organizations or agencies that apply for grants or contracts under this section; provided that _____ shall be held accountable for the use of the funds under a contract with the department of business, economic development, and tourism.

(m) Any contracts awarded by _____ shall be made under as much competition as practical to execute its purposes.

(n) The fund shall be audited annually by an independent auditor. The results of each annual audit shall be submitted to the department of business, economic development, and tourism not later than thirty days from the date receives the audit results. In addition, _____ shall retain for a period of three years, and permit the department of accounting and general services, the department of education, the department of business, economic development, and tourism, state legislators, and the auditor, or their duly authorized representatives, to inspect and have access to, any documents, papers, books, records, and other evidence that is pertinent to the fund.

(o) The fund shall not be placed in the state treasury, and the State shall not administer the fund, nor shall the State be liable for the operation or solvency of the fund, _____, or Hawaii 3Ts.

(p) For every dollar of state moneys granted by the fund to the project, there shall be a minimum of \$1 in value matched by _____ from private, federal, county, or community sources.

(q) For purposes of this section, “school technology laboratory” means a multi-station computer laboratory that offers students a variety of different types of hardware and software applications.”

SECTION 5. The director of business, economic development, and tourism shall submit an annual report to the legislature of the progress of the Hawaii 3Ts school technology laboratories fund no later than twenty days prior to the convening of each regular session.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary for fiscal year 2004-2005, as a grant-in-aid pursuant to chapter 42F, Hawaii Revised Statutes, to _____ for the Hawaii 3Ts school technology laboratories fund.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this part.

SECTION 7. The director of business, economic development, and tourism may employ the coordinator, who shall be exempt from chapter 76, Hawaii Revised Statutes, as necessary to effectuate the purposes of this part. The coordinator shall serve at the pleasure of the director of business, economic development, and tourism.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary for fiscal year 2004-2005, for a position in the department of business, economic development,

and tourism to coordinate public and private efforts to establish and maintain technology laboratories in public schools.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this part.

SECTION 9. If any provisions of this part, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the part which can be given effect without the invalid provision or application, and to this end the provisions of this part are severable.

SECTION 10. It is the intent of this part not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this part, but shall promptly report any such modification with reasons therefor to the legislature at its next session thereafter for review by the legislature."

SECTION 3. House Bill No. 2840, H.D. 1, S.D. 2, is amended by adding a Section 11, renumbering Section 3 as Section 12, designating those sections as Part III, and to read as follows:

"SECTION 11. New statutory material is underscored.
SECTION 12. This Act shall take effect on July 1, 2004."

Senator Fukunaga moved that Floor Amendment No. 9 be adopted, seconded by Senator Taniguchi.

Senator Fukunaga rose to speak on the amendment as follows:

"Mr. President, this floor amendment is intended to address a title problem for S.B. No. 3002, Making An Appropriation For Expansion Of Project East Initiative In Hawaii's Public Schools.

"The title problem was identified by the Attorney General's Office and by the Senate Majority Research Office after the bill had crossed over to the House. There were no 'no' votes on the House or Senate actions taken on S.B. No. 3002 prior to its return to the Senate, and another version of this bill was previously adopted by the Senate Economic Development Committee and transmitted to the Ways and Means Committee.

"This bill tracks the successful 3Rs approach in which DBEDT and the county economic development boards are interested in implementing this initiative. I urge my colleagues to vote in support of the motion."

The motion to adopt Floor Amendment No. 9 was put by the Chair and carried.

Senator Fukunaga moved that Stand. Com. Rep. No. 3136 be received and placed on file, seconded by Senator Taniguchi and carried.

By unanimous consent, H.B. No. 2840, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY," was placed on the calendar for Third Reading on Thursday, April 15, 2004.

THIRD READING

H.B. No. 2049, H.D. 1, S.D. 1:

Senator English moved that H.B. No. 2049, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ige.

Senator English then offered the following amendment (Floor Amendment No. 10) to H.B. No. 2049, H.D. 1, S.D. 1:

SECTION 1. House Bill No. 2049, S.D. 1, by:

- (1) Deleting Part II;
- (2) Amending section 3 to read as follows:

"SECTION 3. This Act shall take effect on November 24, 2010."; and
- (3) Making the following technical, nonsubstantive changes:
 - (a) Deleting the terms "PART I," "PART II," and "PART III" from page 1, line 1, page 7, line 3, and page 11, line 6, respectively; and
 - (b) Renumbering the sections to conform to accepted formatting style.

Senator English moved that Floor Amendment No. 10 be adopted, seconded by Senator Ige.

Senator English rose to speak on the amendment as follows:

"Mr. President, members, this action separates Section 2 of this bill, which was a renewable portfolio standards. The reason being is that our Senate bill is finally moving in the House and coming back.

"Thank you."

The motion to adopt Floor Amendment No. 10 was put by the Chair and carried.

By unanimous consent, H.B. No. 2049, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was placed on the calendar for Third Reading on Thursday, April 15, 2004.

Stand. Com. Rep. No. 3248 (H.B. No. 2645, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3248 be adopted and H.B. No. 2645, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hogue then offered the following amendment (Floor Amendment No. 11) to H.B. No. 2645, H.D. 2, S.D. 2:

SECTION 1. H.B. 2645 H.D. 2 S.D. 2 is amended by deleting Sections 1, 3, 4.

SECTION 2. H.B. 2645 H.D. 2 S.D. 2 is amended by renumbering Section 2 as follows:

"SECTION 1. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302A- Retired teachers; coursework waiver; substitute teachers. Retired department teachers who held a valid teaching certificate or license at the date of their retirement shall be exempt from any prerequisite coursework that the department requires of other substitute teachers for a period of ten years after the date of their retirement."

SECTION 3. H.B. 2645 H.D. 2 S.D. 2 is amended by inserting the following:

“SECTION 2. Article X of the Constitution of the State of Hawaii is amended by adding a new section to be designated and to read as follows:

“LOCAL SCHOOL BOARDS

Section . Public education in the State of Hawaii shall be provided through a decentralized system of independent school districts with schools required to follow and satisfy statewide student performance standards.

There are established four local school boards, one in each of the counties of Hawaii, Maui, Kauai, and the City and County of Honolulu, to be elected by the voters of each county as provided by law. Each local school board shall:

- (1) Formulate district-wide educational policies;
- (2) Select principals to manage the schools in the local school board’s school district;
- (3) Authorize the principal of each school to make the decisions that affect student performance, educational quality and use of resources;
- (4) Evaluate the principals managing schools in the local school board’s school district;
- (5) Administer programs that the schools are not able to administer alone; and
- (6) Establish an open system that allows, to the extent practicable given each school’s resources and capacity, the parents, guardians and caretakers of each public school student to select the school that the student will attend.

The legislature shall appropriate all general funds for school operations in a single amount to each local school board based on a formula established to distribute the general funds for school operations to all public schools based on the number and needs of students enrolled at each school.

SECTION 3. Article XVI, section 4, of the Constitution of the State of Hawaii is amended to read as follows:

“OATH OF OFFICE

Section 4. All eligible public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: “I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as to the best of my ability.” As used in this section, “eligible public officers” means the governor, the lieutenant governor, the members of both houses of the legislature, the members of the [~~board of education,~~] local school boards, the members of the national guard, State or county employees who possess police powers, district court judges, and all those whose appointment requires the consent of the senate.”

SECTION 4. Article X, sections 2 and 3, of the Constitution of the State of Hawaii are repealed.

[“BOARD OF EDUCATION

~~Section 2. There shall be a board of education composed of members who shall be elected in a nonpartisan manner by qualified voters, as provided by law, from two at-large school board districts. The first school board district shall be comprised of the island of Oahu and all other islands not specifically enumerated. The second school board district shall be comprised of the islands of Hawaii, Maui, Lanai, Molokai, Kahoolawe, Kauai and Niihau. Each at-large school board~~

~~district shall be divided into departmental school districts, as may be provided by law. There shall be at least one member residing in each departmental school district. The Hawaii State Student Council shall select a public high school student to serve as a nonvoting member on the board of education.~~

POWER OF THE BOARD OF EDUCATION

~~Section 3. The board of education shall have the power, as provided by law, to formulate statewide educational policy and appoint the superintendent of education as the chief executive officer of the public school system.”]~~

SECTION 5. Article XVIII, section 7, of the Constitution of the State of Hawaii, is repealed.

[“1978 BOARD OF EDUCATION ELECTIONS

~~Section 7. Members elected to the board of education in the 1978 general election shall serve for two-year terms.”]~~

SECTION 6. The question to be printed on the ballot shall be as follows:

“Shall the existing public education system be reformed by replacing the existing department and board of education with at least four elected local school boards, one in each of the counties of Hawaii, Maui, Kauai, and the City and County of Honolulu?”

SECTION 7. Constitutional material to be repealed is bracketed and stricken. New statutory and constitutional material is underscored.

SECTION 8. This Act shall take effect upon approval, provided that the Constitutional amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii, provided that subsequent to ratification, sections 3 and 4 shall take effect on January 1, 2007.”

Senator Hogue moved that Floor Amendment No. 11 be adopted, seconded by Senator Whalen.

Senator Hogue rose to speak on the amendment as follows:

“Mr. President, thank you very much colleagues, as you can see by the title of this bill, it’s relating to education.

“The purpose of this amendment is to allow the voters of this State to have the opportunity to see whether they would like to have locally elected to school boards. It also includes the language of the previous bill which would had to do with whether or not there was prerequisite course work for retired teachers, a measure that we endorsed readily.

“I don’t want to get into a big debate here about education reform, but I know that there was a measure passed yesterday in Conference Committee. And it’s kind of interesting, I got a question from a reporter afterwards and I’ll just tell you what the reporter asked me. He asked me, ‘Is this real reform or is it kind of like putting make-up on a pig?’ I laughed at the question and didn’t answer it, but that was his question. So I’m not casting any aspersions on his question, but I am saying that obviously the public didn’t get a voice in that.

“This amendment would allow the people to get a voice as to whether or not they want elected school boards. I think they should get that voice.

“Thank you, Mr. President.”

Senator Sakamoto rose to speak in opposition to the amendment and stated:

“Mr. President, I rise in opposition to this measure.

“I guess through Session in the House as well as in the Senate, people did have an opportunity to voice reasons for local school boards whether it’s seven more or, as in this measure, four more. In the discussion, people didn’t come forward with many good reasons why student achievement would be raised when we allow district-wide formulation of educational policies when we already have statewide policies. People didn’t come forward saying why should we appropriate general funds to each single local school board when we’re already doing that in S.B. No. 3238, which was mentioned.

“There are several measures that deal with some of the problems for proponents of local school boards. One of those dealt with people feeling distant from the board. We’ve included in S.B. No. 3238, the conference draft, that the Board of Education shall hold at least two community meetings annually in each departmental school district, in addition to their regular meetings to address that issue, as well as, more importantly though, in each school there’ll be a school community council with members of the community, parents, teachers, others to really address the issue. We feel that this and many other provisions will certainly do more to help education.

“At this juncture, Mr. President, we need to focus on learning at the schools, in the classrooms and certainly we need to come forward with reinventing the schools – in essence, allowing the principal to be the pilot, open up the air for the schools to take off, roll down the runway and soar, Mr. President. We need to move ahead with the reinvention. As in the omnibus bill, we don’t need, Mr. President, more air traffic controllers at the mid-level asking for additional flight plans, rationing out fuel, re-ticketing passengers.

“Mr. President, I ask members to vote against this proposed amendment. Thank you.”

Senator Slom rose and said:

“Roll Call vote please, Mr. President.”

The Chair so ordered.

Senator Hemmings rose to speak in favor of the amendment and said:

“Mr. President, I rise to speak in favor of the amendment.

“Like the local airlines, it’s difficult, for the neighbor islanders especially, to get reservations or input with the public education system. This amendment is simply putting a question on the ballot and letting the people decide. Quite frankly, I don’t know how anyone could be opposed to it in view of the fact that it’s been recognized by everyone that the system that we are now operating under is obsolete and the statewide system, most especially, does not address the special problems that different school districts are confronted with.

“Nevertheless, if people in this state decide that they like the statewide system, they could do it through the ballot initiative, and that’s all this is asking for – for you, the Majority Party, to join us in letting the people decide on how the education system should be governed.

“So, I’m urging my colleagues to allow ‘democracy’ and let the people vote on this. Thank you, Mr. President.”

Senator Hooser rose to speak in opposition as follows:

“Mr. President, I rise in opposition.

“Mr. President, over the last 18 months, participating in the process of the Education Committee has taught me many things. I’ve learned many things from many people – teachers, parents, educational professionals, businesspeople. And the one lesson that I’ve learned most of all is that improving schools is not about school boards. It’s about schools themselves. It’s about what goes on in schools and the communities around those schools, what goes on in the classroom between teachers and their students.

“You know, I’m not willing to place something on a ballot which I believe is bad public policy. If I believed it was good public policy I would support this, but I don’t believe it’s good public policy. My research and the people I’ve talked to tell me that this is not substantiated by conclusive evidence that shows that smaller school districts are tied to increase in student performance, that’s number one. To the contrary, the omnibus bill that we’ll be voting on the Floor in a few days talks about and implements small class size, which is clearly substantiated by sound research. The seven school board proposal and the one that’s before us today also include an appointed overarching commission. And the voters of our State have already rejected twice appointed school boards.

“The prior issue of the seven school boards, and since this new one apparently mimics the provisions but has four schools boards, would need seven more Departments of Education, or now four more Departments of Education – four more layers of bureaucracy taking much needed money from classrooms and putting them into those bureaucracies.

“And most of all, there was a lot of talk about neighbor islanders and how the neighbor islanders are behind this and want this. Seven school boards or four school boards would be four or seven politically unequal organizations. In my district, the district of Kauai and Niihau, district seven, would be the smallest, and therefore the weakest, if you would, competing against school boards much larger in size for a finite amount of resources. In the old measure, the districts would be three times as large. With this new measure, Mr. President, Kauai would be competing against a school district over ten times as large, again for limited resources.

“I urge my colleagues to vote against this. You know, again, we’ve had a lot of talk about what the people of the neighbor islands want. I’ve asked the people in my community. I asked them from all parts of the island, 400 different people. I asked them, what is the most important thing that I can do as your Senator to improve public education? And the answer, Mr. President, the number one answer was: you can spend more money on public education, more money on schools, more money on books, more money on facilities, more money on important positions like PC & Cs. And the bill, our omnibus bill does this, Mr. President.

“The second most important thing the people told me they want me to do is to fight for smaller class size, and the omnibus bill does this in the critical ages – kindergarten, first and second, smaller class size.

“The third thing that my constituents are asking me to do is pay teachers more. And our bill provides a \$5,000 bonus for teachers that achieve national certification.

“At the very bottom of the list, Mr. President, at the very bottom of the list with right around 10 percent of the people saying that they believe the school boards are the most

important thing. I prefer to focus on the top of the list, Mr. President. Our bill does this. It puts decision making, and more importantly or equally importantly, at the school level. It empowers and holds principals accountable. It provides meaningful opportunity for the community to participate.

“Once again I state for the record, improving our schools is not about school boards. It’s about what happens at the school. It’s about what happens in the classrooms, and I encourage my colleagues to vote ‘no’ on this amendment.

“Thank you.”

Senator Menor rose and said:

“Mr. President, I will be voting ‘no’ on this amendment, but I do have some reservations.”

The motion to adopt Floor Amendment No. 11 was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 5. Noes, 20 (Aduja, Baker, Bunda, Chun Oakland, English, Espero, Fukunaga, Hanabusa, Hooser, Ige, Ihara, Inouye, Kanno, Kawamoto, Kim, Kokubun, Menor, Sakamoto, Taniguchi, Tsutsui).

The President then announced:

“We are now on Third Reading of H.B. No. 2645, H.D. 2, S.D. 2.”

At 11:12 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:13 o’clock a.m.

The motion to adopt Stand. Com. Rep. No. 3248 and pass H.B. No. 2645, H.D. 2, S.D. 2, on Third Reading was then put by the Chair and carried, Stand. Com. Rep. No. 3248 was adopted and H.B. No. 2645, H.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 3257 (H.B. No. 2215, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3257 be adopted and H.B. No. 2215, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings then offered the following amendment (Floor Amendment No. 12) to H.B. No. 2215, H.D. 2, S.D. 2:

SECTION 1. H. B. 2215, H. D. 2, S. D. 2 is amended by deleting sections 1-6.

SECTION 2. H. B. 2215, H. D. 2, S. D. 2 is amended by inserting the following:

“SECTION 1. Section 89-11, Hawaii Revised Statutes, is amended by amending subsections (d) and (e) to read as follows:

“(d) If an impasse exists between a public employer and the exclusive bargaining representative of bargaining unit (1), nonsupervisory employees in blue collar positions; bargaining unit (2), supervisory employees in blue collar positions; bargaining unit (3), nonsupervisory employees in white collar positions; bargaining unit (4), supervisory employees in white

collar positions; bargaining unit (5), teachers and other personnel of the department of education; bargaining unit (6), educational officers and other personnel of the department of education under the same salary schedule; or bargaining unit (7), faculty of the University of Hawaii and the community college system; bargaining unit (8), personnel of the University of Hawaii and the community college system, other than faculty; or bargaining unit (13), professional and scientific employees, the board shall assist in the resolution of the impasse as follows:

- (1) Voluntary mediation. During the first twenty days of the date of impasse, either party may request the board to assist in a voluntary resolution of the impasse by appointing a mediator or mediators, representative of the public from a list of qualified persons maintained by the board;
- (2) Mediation. If the impasse continues more than twenty days, the board shall appoint a mediator or mediators representative of the public from a list of qualified persons maintained by the board, to assist the parties in a voluntary resolution of the impasse. The board may compel the parties to attend mediation, reasonable in time and frequency, until the fiftieth day of impasse. Thereafter, mediation shall be elective with the parties, subject to the approval of the board;
- (3) Report of the board. The board shall promptly report to the appropriate legislative body or bodies the following circumstances as each occurs:
 - (A) The date of a tentative agreement and whether the terms thereof are confidential between the parties;
 - (B) The ratification or failure or ratification of a tentative agreement;
 - (C) The signing of a tentative agreement;
 - (D) The terms of a tentative agreement; or
 - (E) On or about the fiftieth day of impasse, the failure of mediation.

The parties shall provide the board with the requisite information; and

- (4) After the fiftieth day of impasse, the parties may resort to such other remedies that are not prohibited by any agreement pending between them, other provisions of this chapter, or any other law.
 - (e) If an impasse exists between a public employer and the exclusive representative of [~~bargaining unit (2), supervisory employees in blue collar positions; bargaining unit (3), nonsupervisory employees in white collar positions; bargaining unit (4), supervisory employees in white collar positions; bargaining unit (6), educational officers and other personnel of the department of education under the same salary schedule; bargaining unit (8), personnel of the University of Hawaii and the community college system, other than faculty;~~] bargaining unit (9), registered professional nurses; bargaining unit (10), institutional, health, and correctional workers; bargaining unit (11), firefighters; or bargaining unit (12), police officers [~~or bargaining unit (13), professional and scientific employees~~], the board shall assist in the resolution of the impasse as follows:
 - (1) Mediation. During the first twenty days after the date of impasse, the board shall immediately appoint a mediator, representative of the public from a list of qualified persons maintained by the board, to assist the parties in a voluntary resolution of the impasse.
 - (2) Arbitration. If the impasse continues twenty days after the date of impasse, the board shall immediately notify the employer and the exclusive representative that the impasse shall be submitted to a three-member arbitration panel who shall follow the arbitration procedure provided herein.
 - (A) Arbitration panel. Two members of the arbitration panel shall be selected by the parties; one shall be selected by the employer and one shall be selected by the exclusive representative. The

neutral third member of the arbitration panel, who shall chair the arbitration panel, shall be selected by mutual agreement of the parties. In the event that the parties fail to select the neutral third member of the arbitration panel within thirty days from the date of impasse, the board shall request the American Arbitration Association, or its successor in function, to furnish a list of five qualified arbitrators from which the neutral arbitrator shall be selected. Within five days after receipt of such list, the parties shall alternately strike names from the list until a single name is left, who shall be immediately appointed by the board as the neutral arbitrator and chairperson of the arbitration panel.

- (B) Final positions. Upon the selection and appointment of the arbitration panel, each party shall submit to the panel, in writing, with copy to the other party, a final position which shall include all provisions in any existing collective bargaining agreement not being modified, all provisions already agreed to in negotiations, and all further provisions which each party is proposing for inclusion in the final agreement.
- (C) Arbitration hearing. Within one hundred twenty days of its appointment, the arbitration panel shall commence a hearing at which time the parties may submit either in writing or through oral testimony, all information or data supporting their respective final positions. The arbitrator, or the chairperson of the arbitration panel together with the other two members, are encouraged to assist the parties in a voluntary resolution of the impasse through mediation, to the extent practicable throughout the entire arbitration period until the date the panel is required to issue its arbitration decision.
- (D) Arbitration decision. Within thirty days after the conclusion of the hearing, a majority of the arbitration panel shall reach a decision pursuant to subsection (f) on all provisions that each party proposed in its respective final position for inclusion in the final agreement and transmit a preliminary draft of its decision to the parties. The parties shall review the preliminary draft for completeness, technical correctness, and clarity and may mutually submit to the panel any desired changes or adjustments that shall be incorporated in the final draft of its decision. Within fifteen days after the transmittal of the preliminary draft, a majority of the arbitration panel shall issue the arbitration decision."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2004."

Senator Hemmings moved that Floor Amendment No. 12 be adopted, seconded by Senator Whalen.

Senator Hemmings rose to speak in favor of the amendment as follows:

"Mr. President, I wish to speak in favor of the amendment that I have offered.

"Mr. President, we have an opportunity to rectify the problem that was created by us last year. Under the Cayetano Administration, the Legislature passed S.B. No. 1096, which ended up being Act 90, 2001, which basically reinstated the

right to strike in balancing the tables in negotiations and collective bargaining. At that time, only two Senators voted against the measure. I repeat, only two Senators voted against the measure.

"Last year we retreated from that position and reinstated, in the collective bargaining process, binding arbitration. In the ensuing debate, it was pointed out that by doing so it would result in dramatic increases in the collective bargaining process that the taxpayers would have to come up with. And low and behold, this is exactly what happened.

"The total cost of the HGEA arbitration is going to be \$247 million from now until 2009. It's important to note that those employees receive an average of 24.5 percent pay raises in the last six years, far exceeding the 13 percent rate of inflation. Their recent award was going to average about 7.8 percent, considerably more than the administration offered.

"The bottom line is that binding arbitration has indeed done what everybody predicted it would do. It's taken the whole process and tallied in favor of a union at the expense the taxpayers and the expense of fair, equitable bargaining. It's so bad that Mayor Harris, at the county level, has already said that we should reject the HGEA pay raises. The Kauai Mayor said the same thing. In the other jurisdictions, at the county level they've said that in order to accommodate it, they may have to raise taxes on the people of Hawaii.

"It's a very simple decision the Majority Party has to make. You changed your mind last year and reinstated binding arbitration. What was predicated has come true, resulting in severe cuts in the state budget to possibly accommodate binding arbitration decisions. Many of these cuts are going to affect human service programs and other programs for the needy.

"The opportunity to rectify this situation is now, by reinstating the right to strike and allowing the unions to bargain in good faith with the state and come out with hard fought negotiated compromise rather than having a third party, oftentimes not from the State of Hawaii, make financial decisions that are beyond our ability to pay.

"So, I urge my colleagues to do what you did last year. Think it through and make a decision according to what is best for the people that sent us here by voting 'yes' for this amendment.

"Thank you, Mr. President."

Senator Hanabusa rose to oppose the amendment and said:

"Mr. President, I rise to speak in opposition to this amendment.

"Mr. President, there's probably no one who was a stronger proponent of Act 90 than myself. And as well, last year when the Majority of this Body voted in favor of the repeal of the right to strike and the reinstatement of the binding arbitration, this Senator voted in opposition. However, Mr. President, I cannot support an amendment at this stage of this legislative process that seeks to reinstate the right to strike and repeal the binding arbitration process.

"When you look at our budget and you look at our employees, the HGEA units really account for the majority of our state employees. They are entitled to know what will affect the most important thing in their life, which is their wage and their terms and conditions of employment and whether that's going to be determined by arbitration or it's going to be determined by negotiation. I am a proponent of negotiation. I

believe in that process, but, Mr. President, I cannot stand by and support an amendment at this stage of our legislative process that's taking away their ability to participate in that process.

"So for that reason, Mr. President, I will be voting 'no' as to this amendment. Thank you."

Senator Slom rose to speak in support of the amendment as follows:

"Mr. President, I rise in support of the amendment.

"There is no wrong time to right a grievous wrong, and the grievous wrong was to change last year politically, as this Body did, to go back to the binding arbitration. And so, to say right now this is not the time to do it, it is the time to do it. It's time to do it before we continue to embark on a road that is going to wreak financial havoc with this state, with the taxpayers, and with the keiki that my colleagues are always talking about of the future, because they're the ones that are going to have to pay the burden.

"In addition to that, in terms of having public employee union members participate, they have absolutely zero participation in the binding arbitration process. They are not involved in it in any way. They don't have to approve it in any way. It is only the regular collective bargaining process with the right to strike that gives them full citizenship and an ability to take an active part.

"So, if we are concerned about the future of our public employees, if we are concerned about them as well as other taxpayers and our ability to pay, then we should right the wrong that was made last year while we still have an opportunity to do it. And I would urge my colleagues to support this amendment and I ask for a Roll Call vote, Mr. President.

"Thank you."

The Chair so ordered.

Senator Ihara rose to speak on a point of personal privilege and said:

"Mr. President, I have a point of personal privilege.

"For the viewer's benefit, could we use the microphones so that viewers watching on Olelo can know how we vote."

The motion to adopt Floor Amendment No. 12 was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 5. Noes, 20 (Aduja, Baker, Bunda, Chun Oakland, English, Espero, Fukunaga, Hanabusa, Hooser, Ige, Ihara, Inouye, Kanno, Kawamoto, Kim, Kokubun, Menor, Sakamoto, Taniguchi, Tsutsui).

The Chair announced:

"We are now on Third Reading of H.B. No. 2215, H.D. 2, S.D. 2."

The motion to adopt Stand. Com. Rep. No. 3257 and pass H.B. No. 2215, H.D. 2, S.D. 2, on Third Reading was then put by the Chair and carried, Stand. Com. Rep. No. 3257 was adopted and H.B. No. 2215, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 3263 (H.B. No. 2291, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3263 be adopted and H.B. No. 2291, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble then offered the following amendment (Floor Amendment No. 13) to H.B. No. 2291, H.D. 2, S.D. 2:

SECTION 1. HB 2291, H.D. 2 S.D. 2 is amended by deleting sections 1-4.

SECTION 2. HB 2291, H.D. 2 S.D. 2 is amended by inserting the following:

"SECTION 1. The legislature finds that persons with disabilities and many seniors are unable to use public transportation, such as buses. Although the city and county of Honolulu currently complies with the Americans with Disabilities Act of 1990 by providing "handi-cab" and "handi-van" services to the disabled and elderly, additional, alternative transit services are needed to enable this population to get necessary medical services, such as to and from medical appointments, in a timely fashion.

A number of cities and municipalities have supplemented their public transportation services for certain seniors and disabled residents with taxicab companies to provide transportation programs. For example, Montgomery County, Maryland has a discount taxi coupon program for persons with limited incomes who are elderly or who have a disability. Program participants can purchase up to \$100 worth of coupons per month at a substantially reduced rate, based on a sliding scale. The program requires an application and verification process to determine eligible individuals.

The purpose of this Act is to require the department of human services to develop and implement a discount taxi program to assist Hawaii residents who are elderly or disabled and have limited incomes.

SECTION 2. (a) The department of human services shall develop and implement a discount taxicab pilot program for the city and county of Honolulu, to be administered by the Oahu transit services, by contracting with interested private taxicab services to provide transportation to eligible residents to fulfill their transportation needs. Transportation provided by the program shall be demand-responsive and available throughout the city and county of Honolulu. The taxi discount program shall include performance-based incentives and disincentives that include consideration of on-time performance, accidents, missed trips, program participant complaints, and vehicle cleanliness.

(b) The department, with assistance from the executive office of aging and the disability and communication access board, shall develop standards to determine eligibility that shall include program participation by seniors and disabled individuals who have limited incomes not to exceed an amount to be determined by the department.

(c) The department, with assistance from the executive office of aging and the disability and communication access board, shall determine the method of identifying program participants and payment system.

(d) The taxi discount pilot program shall be funded by legislative appropriations and federal funds, when available. The department shall use its best efforts to obtain federal funds to enable the development, implementation, and maintenance of the discount taxi pilot program.

(e) The department shall adopt rules in accordance with chapter 91.

(f) The department shall submit a status report on the discount taxi pilot program to the legislature twenty days before the convening of each regular session beginning with the regular session of 2005 and ending with the regular session of 2009.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 2004-2005, for the establishment and implementation of a medical discount taxi pilot program in the city and county of Honolulu for elderly and disabled residents of limited incomes who are not wheelchair-bound.

SECTION 4. The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2004, and shall be repealed on June 30, 2009."

Senator Trimble moved that Floor Amendment No. 13 be adopted, seconded by Senator Whalen.

Senator Trimble rose to speak on the amendment as follows:

"Mr. President, this a very simple bill. I will not spend a great deal of time trying to convince you to support it, because you should be willing to support it on its face.

"It provides the opportunity for the Department of Human Services to negotiate discounted taxi fares for elderly and disadvantaged to obtain medical services.

"This bill will provide a needed service. It can be done without any costs to the taxpayer. It is a bill that 23 of you affixed your name to the end of at the beginning of this Session. I thought that you ought to have the opportunity, since you put your name there, to discuss and vote for.

"Number four, this bill also provides the opportunity for the Department of Human Services to seek federal grants to extend this . . . the extent of these transportation services to the extent that the costs are reimbursable by the federal government.

"Mr. President, I ask for a Roll Call vote, and colleagues, I ask you to support this measure. Thank you."

Senator Kawamoto rose to speak in opposition to the amendment and stated:

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

"Mr. President, we tried to cut a good bill. Mr. President, the Governor of the State of Hawaii has indicated to the Transportation Committee and the transportation people that transit and those kind of activities should be a county issue, and we tried to doing that.

"Mr. President, also the fact that in the last paragraph, they're requesting general funds to pay for this with no amount specified.

"In view of that, Mr. President, I urge my colleagues to vote 'no.'"

Senator Trimble rose to speak in rebuttal and stated:

"Mr. President, I offer a brief rebuttal.

"I would be satisfied for a \$1 appropriation in response to the Senator from God's country.

"Number two, the Department of Human Services is already heavily involved in supply of pass through money for people that are low income and disadvantaged.

"Number three, the Department of Human Services is more interested that transportation services for people disadvantaged be supplied on a timely basis than what is currently happening at the county level, at least in the City and County of Honolulu.

"So, I do urge my colleagues to consider supporting this issue. Thank you."

The motion to adopt Floor Amendment No. 13 was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 6. Noes, 19 (Aduja, Baker, Bunda, English, Espero, Fukunaga, Hanabusa, Hooser, Ige, Ihara, Inouye, Kanno, Kawamoto, Kim, Kokubun, Menor, Sakamoto, Taniguchi, Tsutsui).

The Chair announced:

"We are now on Third Reading of H.B. No. 2291, H.D. 2, S.D. 2."

Senators Hanabusa, Kim, Tsutsui, Baker, Ihara, Ige and Aduja requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion to adopt Stand. Com. Rep. No. 3263 and pass H.B. No. 2291, H.D. 2, S.D. 2, on Third Reading was then put by the Chair and carried, Stand. Com. Rep. No. 3263 was adopted and H.B. No. 2291, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Chun Oakland, English, Slom, Trimble).

THIRD READING

MATTERS DEFERRED FROM THURSDAY, APRIL 8, 2004

H.B. No. 1261, H.D. 2, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 1261, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2254, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2254, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 707, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2426:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2426, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR

ELEVATOR MECHANICS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3124 (H.B. No. 2414):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3124 was adopted and H.B. No. 2414, entitled: “A BILL FOR AN ACT RELATING TO DENTAL INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3129 (H.B. No. 2297, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3129 was adopted and H.B. No. 2297, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GUARDIANSHIP AND PROTECTIVE PROCEEDINGS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3131 (H.B. No. 2301, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3131 was adopted and H.B. No. 2301, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3132 (H.B. No. 1634, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3132 was adopted and H.B. No. 1634, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3133 (H.B. No. 1944, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3133 was adopted and H.B. No. 1944, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3134 (H.B. No. 2137, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3134 was adopted and H.B. No. 2137, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO A ONE CALL CENTER,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3135 (H.B. No. 2170, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3135 was adopted and H.B. No. 2170, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3138 (H.B. No. 2022, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3138 was adopted and H.B. No. 2022, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3139 (H.B. No. 2459, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3139 was adopted and H.B. No. 2459, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3141 (H.B. No. 1893, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3141 was adopted and H.B. No. 1893, H.D. 2, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 3142 (H.B. No. 1929, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3142 was adopted and H.B. No. 1929, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3143 (H.B. No. 2547, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3143 was adopted and H.B. No. 2547, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3144 (H.B. No. 2667, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3144 was adopted and H.B. No. 2667, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE MEDIUM EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3145 (H.B. No. 2815, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3145 was adopted and H.B. No. 2815, S.D. 1, 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, 25. Noes, none.

THIRD READING

H.B. No. 2558, H.D. 1:

On motion by Senator Menor, seconded by Senator Hanabusa and carried, H.B. No. 2558, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 2009, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2749, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 2749, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2759, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 2759, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND IN PUPUKEA-PAUMALU, OAHU," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2005, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2005, H.D. 1, 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, 25. Noes, none.

H.B. No. 1819:

On motion by Senator Menor, seconded by Senator Kokubun and carried, H.B. No. 1819, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2143, H.D. 2, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2143, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1980, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 1980, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2320, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2320, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2674, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Menor and carried, H.B. No. 2674, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2498, H.D. 1:

On motion by Senator English, seconded by Senator Inouye and carried, H.B. No. 2498, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3217 (H.B. No. 2569, H.D. 1, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3217 was adopted and H.B. No. 2569, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NIIHAU SHELL PRODUCTS," having been

read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3221 (H.B. No. 2023, H.D. 2, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3221 was adopted and H.B. No. 2023, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE APPEALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3222 (H.B. No. 2385, H.D. 1, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3222 was adopted and H.B. No. 2385, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS RECORDS BY CHILD SUPPORT ENFORCEMENT AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3223 (H.B. No. 2363, H.D. 1, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3223 was adopted and H.B. No. 2363, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2341, H.D. 1:

On motion by Senator Inouye, seconded by Senator Espero and carried, H.B. No. 2341, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3230 (H.B. No. 2578, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3230 was adopted and H.B. No. 2578, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3231 (H.B. No. 1560, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3231 was adopted and H.B. No. 1560, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF VESSELS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES,"

having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3234 (H.B. No. 2322, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3234 was adopted and H.B. No. 2322, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3235 (H.B. No. 2722, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3235 was adopted and H.B. No. 2722, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI WATERSHED IMPROVEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3237 (H.B. No. 1756, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3237 was adopted and H.B. No. 1756, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3247 (H.B. No. 2286, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3247 was adopted and H.B. No. 2286, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3259 (H.B. No. 1590, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3259 was adopted and H.B. No. 1590, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS' RIGHTS AND BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3260 (H.B. No. 1904, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3260 was adopted and H.B. No. 1904, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3261 (H.B. No. 1908, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3261 was adopted and H.B. No. 1908, H.D. 2, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 3262 (H.B. No. 2250, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3262 was adopted and H.B. No. 2250, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3265 (H.B. No. 2662, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3265 was adopted and H.B. No. 2662, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3270 (H.B. No. 2814, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3270 was adopted and H.B. No. 2814, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3271 (H.B. No. 2716, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3271 was adopted and H.B. No. 2716, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SOUTH KONA WILDERNESS AREA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3274 (H.B. No. 2786, H.D. 1, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3274 was adopted and H.B. No. 2786, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3276 (H.B. No. 2048, H.D. 1, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3276 was adopted and H.B. No. 2048, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3277 (H.B. No. 2093, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3277 was adopted and H.B. No. 2093, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL PROFESSIONAL LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3278 (H.B. No. 2798, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3278 was adopted and H.B. No. 2798, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

MATTERS DEFERRED FROM THURSDAY, APRIL 8, 2004

Stand. Com. Rep. No. 3125 (H.B. No. 2539, H.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 3125 be adopted and H.B. No. 2539, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Hemmings rose to speak in favor of the measure and said:

"Mr. President, I asked for this to be pulled out of the Ordinary Calendar for the simple reason that it's a step in the right direction. Your Minority Party for years has been advocating getting rid of the certificate of need process because it's problematic to the marketplace and medical service and is especially cumbersome and expensive for anyone wanting to improve a hospital or a major facility.

"This is a step in the right direction and hope the Majority Party sees the wisdom in the future of continuing down this road of liberating the medical marketplace from this burdensome process.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3125 was adopted and H.B. No. 2539, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3126 (H.B. No. 2092, H.D. 2, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 3126 be adopted and H.B. No. 2092, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

“Mr. President, please note my reservations, and I have written comments to be inserted into the Journal.”

The Chair having so ordered, Senator Tsutsui’s remarks read as follows:

“Mr. President, I don’t understand why accepting Canadian medical licensure is a pressing issue. The question I would need answered before approving this bill would be whether or not we have a genuine need for more doctors. I have serious concerns when it comes to the quality of medical care provided to our residents. This is an issue that should be further researched before passed.

“Thank you.”

Senator Hogue rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this particular measure.

“I do so reluctantly because I understand the intent of this bill, which is to allow those physicians who are trained and educated in Canada to come and actually practice here locally. However, there was some compelling testimony that came forward that I want to read part of it into the record right now from a Dr. Peter Galpin. He noted that the bill, in its particular form right now, would eliminate the oversight locally here by just allowing those who have a year of residency and some education in Canadian medical schools to come over here and get a license. There would be no discretion from the local board of medical examiners. And as he says:

‘While we recognize and applaud that BME would like to reduce or eliminate the discretionary portions of licensure, allowing the Royal College to determine eligibility of physicians for licensure removes any oversight by American organizations prior to licensure here in Hawaii.

‘Further,’ the doctor goes on to say, ‘once a physician is licensed by the State, they must become credentialed at a hospital. As a member of the credentials committee at one particular local hospital, I can tell you that verifying credentials is difficult enough for physicians trained in the United States. The problem is only compounded when records exist overseas.

‘Further,’ the doctor says, ‘by recognizing the Royal College but not organizations in other countries with equal levels of training – say, England, Japan, Australia, Switzerland, Germany, etc. – we may lead to a vast expansion of the current law. Finally,’ he says, ‘Hawaii is the only state in the union to offer such a policy.’ And he asked these questions: ‘If this is such a good policy, why are we the only state to enact this type of Legislation? And if this is such a good policy, why does Canada require US physicians to undergo training and examination in Canada before licensure?’

I think these are good questions. The bill must be changed from its current form, so I will vote ‘no.’

“Thank you.”

Senator Baker rose to speak in support of the measure and stated:

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

“Unfortunately, the testimony that was just read into the record by the good Senator from the Kaneohe area was on the first version of this bill and not the current version of the bill. The bill before us is a changed bill. It was one that took some of the concerns of Dr. Galpin into account. It’s a measure that was worked on by the Hawaii Medical Association, by Dr. Galpin, by the Board of Medical Examiners, and the Attorney General. This is a measure that the administration supports. It’s also a measure that continues oversight in its current form by the Board of Medical Examiners.

“We heard this bill twice in the Health Committee, twice in Consumer Protection and Housing, and clearly we heard from folks like the Assistant Dean of the medical school talking about how the same accrediting agency that accredits the medical schools in the United States also accredits the schools in Canada, that their licensure requirements and their residency requirements and their course work is accredited by the same folks that accredit the schools in the United State and that requirements are substantially the same.

“The Board of Medical Examiners came to us asking that we work on this measure because they were unable to come up with criteria for ‘substantially equivalent’ and be fair across the board. And this measure tightens those requirements so that you can’t just come in from a third world country and maybe not have the adequate background and then end up as a licensed professional here. It is true that the hospitals do have to do credentialing, but there were hospitals testifying in support of this measure, so they don’t believe that credentialing is an issue.

“And finally, Mr. President, we have a need to provide qualified doctors and professionals in many specialties for which there is a shortage in our state. And this bill allows us to utilize physicians who have the same kind of training that American doctors going to American schools have and makes it possible to obtain their services here in Hawaii. The board in this draft does retain oversight and has been asked to look at the credentials on a going forward basis more regularly than they have in the past. And I believe that because we really have not lowered the standards, we’ve kept them high, that this is a good bill. It’s a bill that will help us recruit additional doctors into our state, additional qualified doctors, and it certainly is a boon for medical consumers throughout our state.

“I urge all my colleagues to support this measure. Thank you.”

At 11:36 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:38 o’clock a.m.

Senator Hogue rose in support with reservations and stated:

“Mr. President, after hearing the testimony of the Senator from Maui and pointing out something that I had not seen in the bill, please note my reservations on it, but I will vote in the affirmative.

“Thank you.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3126 was adopted and H.B. No. 2092, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3127 (H.B. No. 1770, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3127 be adopted and H.B. No. 1770, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hemmings rose in support of the measure and said:

"Mr. President, all too often your Loyal Opposition, your Minority stands up to oppose legislation. I'm very proud, for the second time today, I'm standing in support of this initiative.

"Mr. President and colleagues, this bill is what we all agreed at the start of this Session should be done. The Senate has added provisions in it to severely penalize those who speed excessively on our highways, and we, by doing this, affirm the concept that harsh and swift justice oftentimes is a deterrent to crime.

"This bill is a step in the right direction, and hopefully laws like this will help alleviate the problems we're having on our highways with speeders and racers. I'm glad that we can have a consensus with the Majority Party on this initiative."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3127 was adopted and H.B. No. 1770, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3128 (H.B. No. 2458, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3128 be adopted and H.B. No. 2458, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose to speak in opposition as follows:

"Mr. President, I stand in opposition to this measure.

"Reasonable people can listen to the same testimony and come to a different decision. I found that the comments made by the Judiciary were compelling.

"Last year we had the baby drop-off bill. I guess the major difference between last year's measure and this year's measure is that under the baby drop-off bill it was supposed to be 72 hours from birth and this can be any age. But I found that I had a problem with it when the Department of Human Services noted, and I guess it's by our Child Protective Services noted that there was a child that was not with its parents, that they could close the case file in that house even though the house was one that could not be licensable. My sense is that that determination should be done at a level above that of the caseworker.

"For that reason, I will be voting against the measure. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3128 was adopted and H.B. No. 2458, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 3130 (H.B. No. 2292, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3130 be adopted and H.B. No. 2292, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure as follows:

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

"We had several bills this year that basically would augment the computer improvements, so called, in the judiciary. The problem is we've been putting a lot of money into the computer system in the judiciary and the idea was that we were supposed to see results and to find it more efficient.

"We've had no reports that in fact it has resulted in efficiency. We continue to have complaints about the way in which the Judiciary does conduct its filings and so forth, but we did have increases in fees to go into the special fund that is now going to fund the computer system.

"I think that we need oversight on this before we continue to pay more expenditures and to hold the judiciary accountable to show us where in fact the progress and efficiency has been made.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3130 was adopted and H.B. No. 2292, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 3137 (H.B. No. 1885, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3137 was adopted and H.B. No. 1885, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A YOUTH SUMMIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3140 (H.B. No. 1856, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3140 be adopted and H.B. No. 1856, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure as follows:

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

“We had several bills this year that basically would augment the computer improvements, so called, in the judiciary. The problem is we’ve been putting a lot of money into the computer system in the judiciary and the idea was that we were supposed to see results and to find it more efficient.

“We’ve had no reports that in fact it has resulted in efficiency. We continue to have complaints about the way in which the Judiciary does conduct its filings and so forth, but we did have increases in fees to go into the special fund that is now going to fund the computer system.

“I think that we need oversight on this before we continue to pay more expenditures and to hold the judiciary accountable to show us where in fact the progress and efficiency has been made.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3140 was adopted and H.B. No. 1856, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3146 (H.B. No. 2911, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3146 was adopted and H.B. No. 2911, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

H.B. No. 2741, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 2741, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

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

“Here we have an example of another bill where there is no problem but the Legislature is trying to create a problem, and it’s one of trying to enforce divisiveness between the legislative branch and the executive branch by requiring additional reporting and responsibility that the Legislature wants from the executive branch in terms of agencies, deputy directors, special assistants and so forth.

“It never was a problem before. It’s not a problem now. We don’t have any evidence that there was a problem other than the Legislature doesn’t want the new administration to continue its policy of trying to re-staff certain positions.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 2741, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

H.B. No. 2748, S.D. 1:

Senator Taniguchi moved that H.B. No. 2748, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this measure.

“Under this bill, the Legislature would confirm permanent civil service status of the business action committee. I have consistently opposed all measures by which the Legislature would confirm permanent civil service status. I can think that in this case it is inappropriate even though personally I think that Milton Block has done a fantastic job; even though personally I feel that the business action center has done a superb job.

“I think that in order to keep the integrity of the civil service system, that we ought to let them, like everyone else that becomes a permanent civil service employee, go through the proper and appropriate recruitment process.

“Thank you, Mr. President.”

Senator Ihara rose to speak in favor of the measure and said:

“Mr. President, I have comments I’d like to submit into the Journal on this bill in favor.”

The Chair having so ordered, Senator Ihara’s remarks read as follows:

“Mr. President, I want to point out what I believe is an inaccuracy in the committee report on this bill. Specifically, the third paragraph states, in part, ‘. . . your Committee created and circulated a proposed Senate Draft 1 that deleted the substantive provisions of the measure and inserted therefor . . .’ I understand that the action described was taken by the Committee Chair, and not by the Committee because the Committee did not have the opportunity to consider this action. The Senate Majority Staff Office did modify their committee report boilerplate language to prevent such errors, but I understand that this particular committee report was drafted by the Ways and Means Committee.”

The motion was put by the Chair and carried, H.B. No. 2748, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE FINANCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hogue, Trimble).

H.B. No. 2774, H.D. 1, S.D. 1:

Senator Menor moved that H.B. No. 2774, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Aduja rose to speak in favor of the measure as follows:

“Mr. President, I have some discussion, if I may, in favor.

“Amateur radio operations are critical to Hawaii’s emergency and disaster response capability. To maintain this

capability, 'ham' radio operators must be able to use outdoor antennas from their residences. Because hams have encountered restrictions which prohibit antennas in many condominiums and subdivisions, we need legislative action to provide them with reasonable accommodation.

"The US Congress has ruled that 'reasonable accommodations should be made for effective operation of amateur radio from residences.' Congress has further declared that regulation of all levels of government should facilitate and encourage amateur radio operations as a public benefit.

"Congress has found amateur radio to be in the national interest for its service in emergencies, for advancing telecommunications, for providing a vital reservoir of trained operators and electronic experts, and for international good will.

"Hawaii is especially vulnerable in times of emergency, both because we are so far from outside help and because we are separated as islands. We are especially vulnerable here in Hawaii to natural disasters – hurricanes, tsunamis, high winds, volcanic activity and the like. Ham radio is our link with each other and the outside world when disaster strikes and official communications cannot meet our needs. Were any of you aware that during hurricane Iniki, ham radio was the only link available to connect Mayor Yukimura of Kauai with Governor Waihee?

"Senate President and colleagues, given the emergency and the assistance that we can get from ham radios, I do urge my colleagues to support these two measures.

"Thank you."

Senator Inouye requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2774, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBDIVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hooser).

H.B. No. 2773, H.D. 1, S.D. 1:

Senator Menor moved that H.B. No. 2773, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Ihara rose and said:

"Mr. President, I have reservations on this bill."

The Chair so ordered.

Senator Fukunaga requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2773, H.D. 1, 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, 24. Noes, 1 (Hooser).

H.B. No. 1840, H.D. 1, S.D. 1:

Senator Baker moved that H.B. No. 1840, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

Senator Hogue rose to speak with reservations and said:

"Mr. President, I rise, I guess, to voice my reservations about this particular bill.

"Fugitive dust, I didn't even know there was a term. But, fugitive dust is what this is about here. There has been some concern by the pineapple growers that the bill doesn't seem to be explicit to agricultural concerns – what happens if they would happen to have dust, whether it's fugitive or otherwise.

"The Department of Health has also indicated that they already have rules in place and that this is not necessary. I checked with the Department of Health this morning and they still don't believe that it is necessary because they have a rule.

"So, please note those reservations. Thank you."

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

"Mr. President, I rise in support.

"Yes, you know, Mr. President, the Department of Health finally has come out and said 'well, yes, we have rules.' But the issue has been that all throughout this bill, when it moved through the House and it finally came through to the Senate, they said we don't have rules to deal with this. So, somehow, mysteriously between hearings, between coming from the House over to the Senate, they finally discovered these rules somewhere and said 'oh, we have them now.'

"But you know, the real issue, and this is a fascinating thing, this Session we dealt with toxic and dangerous mold and fugitive dust and a few other things we've never heard of, but with this particular issue of fugitive dust, I think that what we've done in this particular bill is clarify the language. And if the Department of Health now says that they do have the rules, then it gives them much clearer direction of how to do those rules and makes it what we call 'user friendly,' because when people went to them, constituents, and said what are the rules on this, they said 'we don't have rules with this; in fact we don't deal with this.' And only in the last Committee, in the Joint Committee with Health and Environment and my committee, did the Department of Health come and say, 'oh, by the way, we have the rules on this.'

"So, I think that it's a clear indication that they need to get their act together on what they do and what they do not have rules on and then make it clear to the general public, to the constituents, when they go to them and ask them what are the rules. So, the whole reason that this is here is because they said they did not have rules on it.

"So, it makes it clearer, it makes it user friendly and I think all in all it ends up helping the consumer, and that's what we want to do. Thank you, Mr. President."

The motion was put by the Chair and carried, H.B. No. 1840, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2136, H.D. 1, S.D. 1:

Senator Kawamoto moved that H.B. No. 2136, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senators Ihara, Espero, Trimble, Hooser, Kim, Hanabusa, Baker, Aduja, Ige and English requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2136, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hogue, Tsutsui, Whalen).

H.B. No. 537, H.D. 1, S.D. 1:

Senator Hanabusa moved that H.B. No. 537, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Aduja requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 537, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Kawamoto, Slom, Whalen).

H.B. No. 2074, H.D. 1, S.D. 1:

On motion by Senator English, seconded by Senator Fukunaga and carried, H.B. No. 2074, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Whalen).

H.B. No. 2871, H.D. 2, S.D. 1:

On motion by Senator Kanno, seconded by Senator Sakamoto and carried, H.B. No. 2871, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2740, H.D. 1, S.D. 1:

Senator Kanno moved that H.B. No. 2740, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ihara.

Senator Slom rose to oppose the measure and said:

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

"We have a fact of closing law, which requires a period of time – 60 days – to notify workers if there's going to be any changes. This bill would increase that by 50 percent to 90 days.

"It already is a difficult thing for businesses if they have a threat of closing – they are still working with vendors; they're

working with employees; they're working with their financial institutions trying to stave off an eventual shutdown and trying to reach some kind of alternative accommodation. If we make the period of time even longer, what that does is jeopardize the attempt to reach a accommodation because then you're saying to the whole world that it looks like we have no other alternative, we're going to close. That has a deleterious effect on creditors and on financial institutions and so forth.

"So, instead of doing the workers a good deed by extending this, it actually does them harm, so I urge a 'no' vote on this bill."

Senator Sakamoto rose to speak in opposition to the measure as follows:

"Mr. President, I rise in opposition as well.

"Many small businesses really fight to the finish. There are many times where small businesses, or medium size businesses, or even large businesses it's one payroll away from perhaps closing their doors. As with the previous speaker, I think we should allow businesses to fight to the finish with their family of workers, managers, and customers as opposed to having them surrender very early in process."

Senator Ihara rose and said:

"I have reservations."

The Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2740, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF EMPLOYMENT CHANGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Hemmings, Hogue, Ige, Sakamoto, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 3215 (H.B. No. 1743, H.D. 2, S.D. 2):

Senator Inouye moved that Stand. Com. Rep. No. 3215 be adopted and H.B. No. 1743, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Whalen rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition. It's a strange bill, but I'm actually going to make a speech on it.

"Before everyone gets worked up talking about the turtles and the birds, the point of this is to show how extreme we are. The special management area varies in its distance from the actual shore. This bill requires a penalty of up to \$100,000 and \$10,000 a day for a homeowner who happens to have their light shining from their back porch out into the water. There's an exemption for hotels, condominiums, which, in my opinion, are really the focus of what this is where they shine lights into the water for the effect for the tourist or whatever.

"A homeowner who happens to have a dinner out on the patio or whatever is going on and the kids are running around in the yard at eight o'clock at night, the light shines across the back yard into the water, I don't think that's going to attract migrating turtles or anything else. But they can get hammered under this bill, and I think it's way too far in the extreme."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3215 was adopted and H.B. No. 1743, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hemmings, Hogue, Kim, Slom, Tsutsui, Whalen).

Stand. Com. Rep. No. 3216 (H.B. No. 1898, H.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3216 be adopted and H.B. No. 1898, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Slom rose to speak in support of the measure with reservations and said:

"Mr. President, I rise in support with reservations.

"My reservations . . . I guess I was a derelict. It should have an amendment here. This makes April 'Financial Courtesy for Youth Month.' But I'd like to extend that to my colleagues and to the general public. I remember the late Sylvia Porter called us a nation of economic illiterates. And I think that we need to have financial literacy not just for our young people, but also for many others in our community as well.

"So, I'll support it with reservations. Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3216 was adopted and H.B. No. 1898, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY FOR YOUTH MONTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1937, H.D. 2:

Senator Kawamoto moved that H.B. No. 1937, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senators Ihara, Tsutsui, Kim, English and Hooser requested their votes be cast "aye, with reservations," and the Chair so ordered.

At 12:00 o'clock noon, the Senate stood in recess subject to the call of the Chair.

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

Senator Sakamoto rose and said:

"Mr. President, on this measure, H.B. No. 1937, H.D. 2, I had a conversation yesterday with the Board of Education Chair regarding what this proposes to do in enhancing the participation of the military member. And he said, they're, in essence, doing that and they will work toward enhancing that and perhaps their rules. I move to recommit this measure, Mr. President."

On motion by Senator Sakamoto, seconded by Senator Hooser and carried, H.B. No. 1937, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," was recommended to the Committee on Transportation, Military Affairs, and Government Operations.

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:11 o'clock p.m., with the Vice President in the Chair.

Stand. Com. Rep. No. 3219 (H.B. No. 2630, H.D. 2):

Senator Espero moved that Stand. Com. Rep. No. 3219 be adopted and H.B. No. 2630, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Sakamoto.

The motion was put by the Chair and failed to carry, Stand. Com. Rep. No. 3219 failed to be adopted and H.B. No. 2630, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 10. Noes, 7 (Aduja, Hooser, Ige, Kanno, Taniguchi, Trimble, Tsutsui). Excused, 8 (Baker, Chun Oakland, English, Fukunaga, Hanabusa, Hogue, Ihara, Menor).

Stand. Com. Rep. No. 3220 (H.B. No. 1004, H.D. 1, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3220 was adopted and H.B. No. 1004, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 4 (Hemmings, Slom, Trimble, Whalen). Excused, 7 (Baker, Chun Oakland, English, Fukunaga, Hanabusa, Hogue, Ihara).

At 1:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:23 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Stand. Com. Rep. No. 3219 (H.B. No. 2630, H.D. 2):

Senator Tsutsui moved that the Senate reconsider its action taken earlier in the calendar on failing to adopt Stand. Com. Rep. No. 3219 and failing to pass H.B. No. 2630, H.D. 2, on Third Reading, seconded by Senator Kawamoto.

At 1:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:25 o'clock p.m.

Senator Baker rose and said:

"Point of order. Isn't the motion the vote is on, the motion to reconsider, and after a vote is taken on the motion to reconsider, then we vote on the bill?"

The Chair replied:

"Yes, we are voting now on the reconsideration."

Senator Baker further inquired:

"Isn't the reconsideration a voice vote of aye or nay?"

The Chair responded:

“Yes, but I think it’s the prerogative of the Chair. I took a hand vote.

“So, I believe we are in the middle of the vote. All in favor of reconsideration raise your right hand. This is for the reconsideration.”

The motion was put by the Chair and carried.

Senator Menor then moved that Stand. Com. Rep. No. 3219 be adopted and H.B. No. 2630, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Menor rose in favor of the measure with reservations and said:

“Madame President, I rise to speak in favor of this particular bill.

“I Appreciate the fact that my colleagues are allowing this measure to be reconsidered. Given the fact that we had a number of empty seats, including the one that I am standing in front of, and I didn’t have an opportunity to defend this bill, I would like to have that opportunity at this time.

“Prior to the Floor discussion on this measure, I hadn’t been planning to say anything. But given the fact that it appears that the votes might be close, I don’t want to take any chances. I at least want to put out my best effort to give it a good shot, and hopefully the majority of my colleagues will see the light and vote in support of my position.

“Let me just say that I think that those who have expressed concerns about this bill are missing the boat, and that I respectfully disagree with them in several respects. First of all, I think that in general, customers who rent the vehicles tend to be very price sensitive and akamai when it comes to purchasing gasoline for their rental vehicles. And if customers believe that they will save money by refilling their tanks with gasoline on their own, I think that they will do so even if a rental car employee tries to sell them the fuel option.

“It should also be noted that the practice of rent-a-car companies to make these fuel purchase options available is definitely not anti-consumer. In fact, many customers appreciate the availability of the fuel purchase option because they feel that it is more convenient to be able to purchase that option rather than having to take your rented automobiles to a service station to fill up their tanks on their own.

“Moreover, I think it should be emphasized that under Hawaii law a U-drive company that offers gasoline or this option is limited by what they can charge pursuant to this option. The rent-a-car company is allowed to charge the price per gallon for a liter of fuel and that charge cannot exceed the average of the local prevailing retail market price for similar fuels sold at self-service gasoline pumps by commercial gasoline dealers. In other words, you can’t overcharge on the gasoline that is going to be used or purchased through the fuel pump option.

“So, in that regard, the fact is it may cause the customers to choose to purchase this fuel option instead of going out on their own and refilling their own vehicles because they realize they can get as good or perhaps even a better deal by purchasing gasoline from the U-drive companies.

“Furthermore, the current law allows that customers who obtain a fuel purchase option to be able to get a refund if they decide to refill their tanks at an outside gasoline station. This

measure would retain this alternative option for consumers under existing law.

“The director of the Office of Consumer Protection, Stephen Levins, testified on this measure, and he indicated that he didn’t oppose it and he testified that his office has not identified any abuses that have occurred in the market of the fuel service purchase options by the U-drive companies.

“I would also like to inform my colleagues that on a related measure, the Legislature last Session passed a bill that would allow the U-drive companies to be able to consider the sale of consumer damage waivers or CDWs in the calculation of bonuses or commissions that are paid to rent-a-car employees. When we consider that bill, a number of my colleagues, some of whom oppose this measure, expressed fears and concerns at that point in time that the enactment of the CDW bill into law would result in abuses. During the hearing that we held on this measure, I specifically and pointedly asked Mr. Levins, again who’s the director of the Office of Consumer Protection, whether he’s been monitoring the CDW bill, and he indicated that he was, given the concerns that was expressed about that legislation last Session. He indicated that based on his careful and close monitoring of the U-drive companies and the implementation of the CDW law, he hasn’t found any complaints or abuses that we need to be concerned about to date.

“So, the fact is that the fears and concerns about the similar legislation that we passed last Session have not materialized, and I do not believe that those kinds of fears and concerns will pan out with respect to this measure that we are considering today.

“Another significant reason why rental car companies have not engaged in unfair deceptive practices in the market of CDWs and fuel purchase options is because they could be subjected to significant penalties, including the payment of treble damages under Chapters 437 and 480 of the Hawaii Revised Statutes. In this regard, these provisions of the law punishing U-drive companies for misleading or deceptive practices in statements to renters would remain as part of the law under this bill.

“Finally, this measure would bring Hawaii’s law into line with every other state in the nation to the extent that Hawaii is the only state that has this prohibition in place with respect to fuel service options.

“So, for all these reasons, I respectfully urge my colleagues to vote in favor of H.B. No. 2630, S.D. 2. Thank you.”

Senator Aduja requested her vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3219 was adopted and H.B. No. 2630, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 7 (English, Hanabusa, Hooser, Ige, Kanno, Taniguchi, Tsutsui). Excused, 2 (Bunda, Ihara).

THIRD READING

Stand. Com. Rep. No. 3225 (H.B. No. 1839, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3225 be adopted and H.B. No. 1839, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in opposition to the measure and stated:

“Madame President, I rise in opposition to this measure.

“I think that the law should speak with a consistent voice when it comes to narcotics. There is no need to codify an existing practice. Under this bill, it would include both chronic as well as acute pain. There is no provision that would insist that a patient be terminally ill before he would allow a physician to prescribe or allow the patient to go physician hunting for a physician that would prescribe narcotics.

“I oppose this measure. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3225 was adopted and H.B. No. 1839, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PAIN PATIENT’S BILL OF RIGHTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Bunda, Ihara).

Stand. Com. Rep. No. 3226 (H.B. No. 2844, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3226 was adopted and H.B. No. 2844, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Hemmings, Hogue, Ige, Kawamoto, Slom, Trimble, Whalen). Excused, 1 (Bunda).

Stand. Com. Rep. No. 3227 (H.B. No. 1860, H.D. 1, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 3227 be adopted and H.B. No. 1860, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose to speak in opposition to the measure as follows:

“Madame President, I rise in opposition to this measure.

“I am opposed to the proposition that every year we consider separately one or two measures that would provide for a check-off on your income tax return. I feel that the appropriate process is to ask the Legislative Auditor or the Legislative Reference Bureau to prepare a list of those that would be appropriate for us for consideration. And for us to decide say perhaps once every ten years what should be on the income tax forms to avail people the opportunity to have it checked off.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3227 was adopted and H.B. No. 1860, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Slom, Trimble). Excused, 2 (Bunda, Taniguchi).

Stand. Com. Rep. No. 3228 (H.B. No. 2061, H.D. 2, S.D. 1):

Senator Kokubun moved that Stand. Com. Rep. No. 3228 be adopted and H.B. No. 2061, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Slom rose to speak in opposition as follows:

“Madame President, I rise in opposition to the bill.

“We’re talking about creating the Aloha Aina Patrol. First it was limited to Honolulu County. Now it’s extended to all counties. I think it takes away flexibility. It’s another case of earmarking with special funds. And we have blank amounts, so we don’t know what we’re talking about in terms of the magnitude of appropriations. In addition to that, what we really should be doing is hiking the funding for existing county police forces.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3228 was adopted and H.B. No. 2061, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 2 (Bunda, Taniguchi).

Stand. Com. Rep. No. 3229 (H.B. No. 2608, H.D. 1, S.D. 1):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 3229 was adopted and H.B. No. 2608, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 3232 (H.B. No. 1793, H.D. 2, S.D. 1):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 3232 was adopted and H.B. No. 1793, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAND EXCHANGE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3233 (H.B. No. 1848, H.D. 1, S.D. 1):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 3233 was adopted and H.B. No. 1848, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hogue, Slom, Trimble). Excused, 2 (Kawamoto, Taniguchi).

Stand. Com. Rep. No. 3236 (H.B. No. 2859, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3236 be adopted and H.B. No. 2859, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak in favor of the measure and said:

“Madame President, I rise to speak in favor of this resolution.” (Laughter.)

Senator Hogue rose and said:

“Madame President, I think the point is very well taken. This should have been a resolution and not a bill.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3236 was adopted and H.B. No. 2859, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN INTERNATIONAL EQUESTRIAN FACILITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Chun Oakland, Hemmings, Hogue). Excused, 1 (Kawamoto).

Stand. Com. Rep. No. 3238 (H.B. No. 2396, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3238 be adopted and H.B. No. 2396, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

“Madame President, I rise in opposition to the bill.

“I think we all or hope we all understand that we need new money, new capital formation in the State of Hawaii. We’re not going to get it by having another state fund, private investment fund, but what we are going to get, if we’re going to entice and encourage new funds, is an improved business climate and budgetary spending considerations that are in line with the taxpayers’ ability to pay.

“So, I think that should be our first line of incentive in all things. Thank you.”

Senator Trimble rose to oppose the measure and said:

“Madame President, I rise in opposition to the measure for slightly different reasons.

“I agree that we need to have funds that invest in venture capital and start-up companies in Hawaii. We already have an appropriate vehicle to do this. We have an employee retirement system. They set aside perhaps up to 8 percent to invest in funds that do exactly this. Unfortunately, the funds that they select do not consider or have not considered or have not adequately considered investing in firms in Hawaii.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3238 was adopted and H.B. No. 2396, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Trimble).

Stand. Com. Rep. No. 3239 (H.B. No. 2191, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3239 be adopted and H.B. No. 2191, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in opposition to the measure as follows:

“Madame President, usually when we provide incentives we provide incentives to encourage firms to take a particular action. It is not my understanding that the firm that we’re talking about in this case would not make these investments if the tax incentives were not available. So I think that this may be an inappropriate use of an incentive program that does not, has not accomplished the intended result of being an incentive but barely gives tax benefits for investment that would occur anyway. So, I’ll be voting ‘no’ on this measure.”

Senator Hooser requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3239 was adopted and H.B. No. 2191, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 3240 (H.B. No. 2611, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3240 was adopted and H.B. No. 2611, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Trimble).

Stand. Com. Rep. No. 3241 (H.B. No. 2961, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3241 be adopted and H.B. No. 2961, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure as follows:

“Madame President, I rise to speak against H.B. No. 2961.

“Frankly, and to the point, to be consistent on this issue, we believe that this extends the shelf life of dependency on fossil fuels, especially oil. We think that all public assets and tax credits should be put into renewables such as geothermal, wind, solar, and hydrogen which would be a much more enduring and environmentally sound investment regarding fuel.

“So, we believe that this is an unwise tax credit at this time. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3241 was adopted and H.B. No. 2961, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ETHANOL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 3244 (H.B. No. 267, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3244 be adopted and H.B. No. 267, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

“Madame President, I rise in opposition to this bill.

“The bill has had an interesting history and purports to allow for the independence of thought and speech by agencies that are currently situated administratively under the Department of Accounting and General Services, mainly the Office of Elections and the Campaign Spending Commission.

“But what the bill does is it’s another attempt to drive a wedge between executive authority by the Legislature, because it takes the ability of the Legislature to appoint the election review panel, which is an executive function. It also allows for the hiring of outside attorneys. Generally we found that there has not been a problem in this area except for one that has been created by the Legislature this year.

“So, I urge a ‘no’ vote.”

Senator Kawamoto requested his vote be cast “aye, with reservations,” and the Chair so ordered.

Senator Ihara rose with reservations and stated:

“Madame President, I have reservations on this bill similar to the ones mentioned by the Senator from Hawaii Kai.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3244 was adopted and H.B. No. 267, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3245 (H.B. No. 1335, H.D. 3, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3245 was adopted and H.B. No. 1335, H.D. 3, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TUITION WAIVERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3246 (H.B. No. 1924, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3246 was adopted and H.B. No. 1924, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TEACHER COMPENSATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3249 (H.B. No. 403, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3249 was adopted and H.B. No. 403, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT

SYSTEM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 3250 (H.B. No. 1374, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3250 be adopted and H.B. No. 1374, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure and stated:

“Madame President, I rise in opposition to this bill.

“One of the things that the small business community has said is that we need strong workers’ comp fraud responsibility. We had it in a bill earlier this Session. The bill was changed. This gives the appearance that there will be an attempt by the state to remove and to lessen workers’ comp fraud, but in fact that is not the case. While it makes several good moves, it does not go far enough. And as I say, it gives the illusion that it’s going to solve the problem when in fact it does not.

“I urge a ‘no’ vote. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3250 was adopted and H.B. No. 1374, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 3251 (H.B. No. 1774, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3251 be adopted and H.B. No. 1774, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

“Madame President, I rise in opposition to this bill as well.

“What this bill will do is to grant an unemployed individual a full weekly benefit without the offset for wages paid during the week. As such, it does not encourage people to take full-time work but allows them or encourages them to continue taking both unemployment compensation and partial salaries.

“Thank you.”

Senator Aduja requested her vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3251 was adopted and H.B. No. 1774, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Sakamoto, Slom, Trimble).

Stand. Com. Rep. No. 3252 (H.B. No. 1778, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3252 be adopted and H.B. No. 1778, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure and stated:

“Madame President, I rise in opposition to this bill as well.

“What this bill does is basically interfere with private contracts. It extends wage benefits to all laborers and mechanics working on any government construction project. The definition of the laborers, mechanics, apprentices, and trainees is vague and extremely broad, and it interferes, as I say, with the private process.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3252 was adopted and H.B. No. 1778, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO WAGES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 3253 (H.B. No. 1780, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3253 be adopted and H.B. No. 1780, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

“Madame President, I rise in opposition to this bill.

“There was a great deal of talk about the necessity for granting paid family leave for government employees to attend parent teacher conferences. At one time, and under current law, there was no cap or no requirement that the hours be limited. While this bill seeks to limit the time off to two hours, it begs the question – the original issue was whether or not employees were actually utilizing the time, how many, and for what purpose.

“We’ve seen no statistics or no data showing that in fact public employees were using this time off to attend these conferences and there’s no oversight. And so, even limiting it to two hours amounts to two hours of additional paid time off without adding any responsibility that they actually attend the functions for which this legislation was drafted.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3253 was adopted and H.B. No. 1780, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hogue, Slom).

Stand. Com. Rep. No. 3254 (H.B. No. 1786, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3254 was adopted and H.B. No. 1786, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3255 (H.B. No. 1792, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3255 be adopted and H.B. No. 1792, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

“Madame President, I rise in opposition to this bill.

“As the State Department of Labor has stated, there is no reason to do this. There already are earmarked federal funds for certain purposes. However, what the State Department of Labor was saying was that the uses contained in this measure, H.B. No. 1792, go far beyond what the federal government allows and, as a matter of fact, may result in the loss of federal funds and/or additional penalties to the State. In other words, it’s an abuse of federal funds for unemployment purposes.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3255 was adopted and H.B. No. 1792, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LABOR,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3256 (H.B. No. 2025, H.D. 3, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3256 be adopted and H.B. No. 2025, H.D. 3, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure as follows:

“Madame President, I rise in opposition to this bill.

“As testimony showed, I had personally asked the head of the Civil Rights Commission if this legislation was needed. The answer was ‘no.’ We have the law on the books. It’s not going to do anything, to add anything, or provide anything new. This is just window dressing to try to continue an issue which has already been decided in the state.

“So, there are adequate remedies. Penalties have been assessed. We do not need this legislation. Thank you.”

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

“Madame Chair, I’d like to rise in support of this measure.

“This bill just has to do with wage clarity. This has to do with equality for women in our workforce. This has to do with being able to give them a fair wage for fair work equal to their counterparts. It’s a good bill. It’s a good message. It’s a good piece of legislation that we should be passing today.

“Thank you, Madame Chair.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3256 was adopted and H.B. No. 2025, H.D. 3, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EQUAL PAY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3258 (H.B. No. 680, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3258 be adopted and H.B. No. 680, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure and stated:

“Madame Chair, I rise in opposition to this bill.

“Now, I know that no one in this Body needs any ethics training, so I don’t know who the bill is actually focused on. I would say this, that it’s kind of ridiculous to say that we’re going to need training to do what is right and what we know is the law. We have an ethics commission that is set up to adjudicate any violations or also to advise us.

“I wonder who’s going to give the ethics training. I hope it’s not any of our previous colleagues who have spent time in jail, although maybe they’d have the experience so they can do that. And this is the same Body that doesn’t want legislative drug testing for everybody, so I don’t think we need ethics training for everybody. We can maybe decide in caucuses during recess who we should send to ethics training.

“Thank you.”

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

“Madame Chair, I’d like to rise in support of this measure, also.

“This measure falls under the heading of government reform. This year it looks like it’s going to be a good year for government reform in this legislative Body. It started when Speaker Say and President Bunda eliminated the Chair veto rule that would not allow one Senator to have more power than other Senators have. It made us all equal.

“We’re also looking at legislation for campaign spending reform, and then we have this measure before us for ethics training, ethics education. Unfortunately, in today’s day and age, everyone here is not created equal. Some of us do more than others in certain areas, and in ethics training and education I believe all of us could use it.

“The newspaper highlights it today and there’s an editorial in the Star Bulletin – ‘Eject political lobbying from Governor’s offices.’ Maybe if there were some ethics training for the people that this bill looks at – cabinet members, high appointees, Legislators, OHA members – maybe this article in today’s newspaper would not even be an article.

“This is a bill which brings back the trust in government because the people, over the years, there has been a decrease in that trust and that faith in our abilities to watch ourselves and our abilities to do what’s right.

“This bill is a good bill – government reform. It’s the right bill, and for those that don’t like it, I’m just sorry that there’s so many Republicans against it.

“Thank you, Madame President.”

Senator Whalen rose to speak in opposition as follows:

“Madame President, I rise in opposition to the bill.

“I think the comment about the Republicans is that maybe it’s based on the philosophical difference between at least myself and the former speaker, in that you feel people need to take responsibility for their actions. Surely, no one can claim that ethics training or ethics class by a few of the Legislators who’ve gone to prison, or are in danger of doing so, would have saved them, because taking money from people, using your office to run a private business, setting up foreign companies to launder money is something the ethics class probably wouldn’t even talk about because it’s just plain common sense that you don’t do that type of stuff.

“I guess there’s a difference of philosophy in that if you intend to obey the law, if you intend to uphold high values and high morals, you don’t need somebody to tell you to go to a class. I know one of our colleagues here often sends letters to ethics commission asking them for their opinion on things where it’s gray.

“I don’t think we need to mandate classes for us to somehow gain the trust of the public. We’re either going to be ethical or we’re not. It’s not going to come from going to a class.

“And for my colleague who feels that this is a Republican versus Democrat issue, maybe he should limit it just to the Democrats, because at this point, it’s only been Democrats who’ve gone to jail for their unethical behavior.”

Senator Espero rose to speak in rebuttal and stated:

“Madame Chair, as I said earlier, none of us in here are perfect. We don’t know all the bills. Ethics training, ethics education, is complicated. With all the laws and all the rules now that are on the books, I doubt if anyone can cite half of what’s out there.

“And this is just education – like principal academies that try to make our principals better; like professional development for teachers. This is a job. This is where we get paid, and if we’re not willing to set aside two hours for the ethics commission – that would be the body that will provide the training, Mr. Mollway and his gang – then I think that says something about the Body.

“Again, it’s not a Republican or Democratic issue, it’s not. I’m just stating a fact that the Republicans were the ones that voted ‘no’ – not all of the Republicans, but just a few of the Republicans, and that’s just a fact.

“Thank you, Madame President.”

Senator Hemmings rose to speak against the measure as follows:

“Madame President, I rise to speak against this legislation.

“Quite frankly, I truly regret that this has become political. But, I will tell you that we don’t have to be trained to know the difference between right and wrong. We don’t have to be trained to know what honesty is. And I don’t believe anyone who is unethical or dishonest, that the training is going to help them. So, I’m rather insulted by trying to equate our ‘no’ vote against this measure as a political issue.

“I’d like to echo the retort of my colleague from Kona. None of us have gone to jail on this side of the aisle for being unethical or breaking campaign spending laws, or abusing the public trust. It would have been better if we just could have had this bill come to the Floor and voted on without the political

accusations. But since they were made against us, I think it's our duty to respond.

"We're very proud of who we are and our integrity, and we'll be voting 'no' against this bill. We don't need to have training to be honest."

Senator Slom rose to speak in rebuttal and said:

"Madame President, just a brief rebuttal.

"The public will be more secure and will have more confidence in us not because they know that we've gone to training or had treatment. What they will be confident in is when they see what we actually do, how we actually vote, how we conduct ourselves personally and professionally. That means much more than any training or any treatment.

"Thank you."

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

"Madame President, I rise in support of this measure.

"I hope as this training goes forward it isn't only about reading the lines and take turns reading paragraphs. People make mistakes . . . people need to be reminded . . . nobody's perfect. But, I hope the training does include talking about this perception of wrongdoing. Things we do many times, our colleagues on both sides of the aisle, we do what is right. But somehow, if there's a perception of wrongdoing that appears to be unethical, that is wrong. I believe the training should address that perception does not make something wrong.

"Trial by the media – that doesn't make things wrong. We should be strong enough do what is right in spite of fears, in spite of comments, rightly or wrongly. Ethics is about doing right in spite of what publications print or what people say and what accusations are made. Policies shouldn't be by public opinion, by rhetoric. We should be reminded that we should do what is right in spite of the whims, the fears, the perceptions.

"So, hopefully it will include helping us do what is right in spite of what many times fogs our thinking. Thank you."

Senator Hooser rose in support of the measure and said:

"Madame Chair, I rise in support of the issue.

"I'd like the words of the good Senator from Ewa Beach entered into the record as if they were my own. (The Chair so ordered.)

"I'd like to add that I think if you look around at professions in the world, whether it's a doctor, lawyer, accountants, most professions offer ethics training because it is something that is not as cut and dry. I, for one, am open to always this learning more and trying to act in a fashion that is of higher ethics and making better decisions as I grow older and learn more as I go through life. I certainly welcome additional training.

"I would suggest that if perhaps this training had been conducted prior on not just the second floor or the third or the fourth, but also on the fifth floor, perhaps they wouldn't have a political action committee operating out of the Offices of the Governor and raising those serious questions that they do today. And when asked about that conduct, the response was, 'well, we would never knowingly violate the law.'

"I would suggest that this bill, the training that will be provided, will prevent these types of actions from reoccurring. I urge my colleagues to vote in support.

"Thank you."

Senator Hemmings rose to speak in rebuttal and stated:

"Madame President, I rise on a point of rebuttal to the previous speaker.

"There's no foundation or truth that a political action committee was operating directly out of the Governor's Office. That has not been judged by the ethics committee or adjudicated.

"What is unethical is for someone to stand up on this Floor and make that accusation, Madame President, without foundation.

"I didn't want to get into this political debate. This bill will pass. But if you want proof, once again, check the criminal record of how many Majority members from the Senate and the House of Representatives ended up in trouble with the law.

"It's unfortunate that this turned into this political battle, but I'm not going to sit idly by and have the Governor insulted on the Floor of the Legislature with this legislation, and I recommend you vote 'no' against this bill.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3258 was adopted and H.B. No. 680, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Whalen).

Stand. Com. Rep. No. 3264 (H.B. No. 2523, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3264 be adopted and H.B. No. 2523, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to oppose the measure and said:

"Madame President, I rise in opposition to this measure.

"I think the reasonable thing to do instead of looking at one fund or one revenue source one at a time and saying this one shall be exempted from paying for their share of central services, this one shall not, that we ask one group – Legislative Auditor, the Legislature Reference Bureau – to come up with consistent criteria by which all funds will be matched against. And then present their findings to this Body and then we can vote on it all at once, instead of dealing with it in a vacuum one at a time, two or three times each Legislative Session.

"Thank you."

Senator Slom rose to oppose the measure and said:

"Madame Chair, I also rise to speak in opposition to the bill.

"As I'm constantly reminded by my good Chair of Ways and Means, this is an administration bill. So, maybe by my speaking against it, it will pass easily.

"I have been opposed to the passenger facility charge for the last administration to this administration. I still am. I continue to be opposed to the creation of special funds. This takes the existing fund and turns it into a special fund. So, I'm opposed to that, and I'm opposed to the additional \$4.50 fee on each airline ticket.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3264 was adopted and H.B. No. 2523, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3266 (H.B. No. 2703, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3266 be adopted and H.B. No. 2703, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

"Madame Chair, I rise in opposition to this measure.

"This allows the counties, does not force them, but allows the counties to assess, impose, levy, collect impact fees for state highway improvements. It also creates the new state highway special fund for this. It will surely increase property taxes at the cost of housing within the counties that do decide to adopt this.

"Thank you."

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

"Madame Chair, I'd like to rise in support of this measure.

"Currently, the counties are assessing impact fees. This bill will allow the counties to use those fees on state roadways, in particular those areas that have much new development in growth – my area, Central Oahu, Waialeale, areas in the neighbor highways.

"This bill is to help deal with the traffic congestion and other problems that growth and development brings. I urge all of my colleagues to support it.

"Thank you."

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

"Madame President, I just wanted the Clerk to note my reservations in respect to this measure.

"There's a technical clause in the bill that I am hopeful will be addressed in Conference Committee. Thank you."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3266 was adopted and H.B. No. 2703, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Bunda).

Stand. Com. Rep. No. 3267 (H.B. No. 2883, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3267 be adopted and H.B. No. 2883, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

"Madame President, I rise in opposition to the measure.

"I think we all want enhanced wireless, particularly 911 coverage. However, there are two questions here that are unanswered. One is, what the total amount of surcharges, extra charges are going to be on top of the already very hefty surcharges on wireless use; and number two, the kinds of technology that will be used.

"We note that the police department is still having trouble with its Motorola communications and the technology to be used here is not spelled out.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3267 was adopted and H.B. No. 2883, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Bunda).

Stand. Com. Rep. No. 3268 (H.B. No. 2956, H.D. 1, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 3268 be adopted and H.B. No. 2956, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Hemmings rose to speak against the measure and said:

"Madame President, I rise to speak against this legislation.

"This is going to take money out of our fuel tax revenues. It should be used to fix the potholes on our highways and all the other problems we have with the highway system throughout this state. And on Oahu, it's going to put money into a commitment for a fixed guideway mass transit system of which we do not have a specific plan for yet.

"This is way premature. Sometime in the future it may be appropriate for the state to share in the cost of building a fixed guideway system for Oahu. But certainly, now is not the time, especially when we do not have a specific proposal in front of us.

"Therefore, I urge my colleagues to vote 'no.'"

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

"Madame Chair, briefly I'd like to rise in support of this measure.

"The battle is beginning again – whether the City and County of Honolulu should have a fixed rail system or not. We had this

battle in the '80s; we had it in the '90s. It's going to begin again. Traffic is not getting better right now.

"This is the area where both the city and county has failed in terms of coming up with some very pliable solutions that work. There's a lot of little band-aids going around, but do we need a fixed rail system? This would provide some seed money to the counties so that they can begin this dialog and this process once again.

"For those that support an elevated rail system, I urge them to support this bill. Thank you, Madame President."

Senators Hanabusa, English and Aduja requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3268 was adopted and H.B. No. 2956, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MASS TRANSIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Chun Oakland, Hemmings, Hogue, Slom, Trimble). Excused, 2 (Bunda, Taniguchi).

Stand. Com. Rep. No. 3269 (H.B. No. 1710, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3269 be adopted and H.B. No. 1710, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

"Madame President, I rise in opposition to the bill.

"This takes funds from one special fund and puts it into a newly created another special fund. I oppose it.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3269 was adopted and H.B. No. 1710, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3272 (H.B. No. 2739, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3272 be adopted and H.B. No. 2739, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in opposition to the measure and stated:

"Madame President, I rise in opposition to this measure.

"Have we already forgotten or didn't we learn the lesson of Pearl Harbor? Didn't we learn that it is bad public policy to put all your assets in a single location? When you concentrate your assets and a catastrophic event occurs, you run the risk of a complete meltdown.

"In Hawaii, we prepare for the worst. We stockpile toilet paper. We have even made a culinary art form out of the use of Spam. We have experienced every manmade and natural disaster imaginable. And usually, we are prepared.

"We have a long history of intentionally siting cultural, civic, and educational facilities inland away from the ocean. We have a deep respect for the devastating power and unpredictable nature of the sea. Be prepared is more than a boy scout motto. It is second nature to our community. We know firsthand the potential hazards of drugs, floods, volcanic eruptions, hurricanes, and tsunamis. Common sense is experience faced.

"Our newcomer residents arrive on our shores without the knowledge that has become ingrained and second nature to every islander. Without this collective memory, these newcomers pose a significant danger to the rest of the society when they assume positions of power to pursue agendas that are not closely scrutinized and reviewed publicly.

"We are about, as a matter of public policy, to invest hundreds of millions of dollars in research and educational facilities in Kakaako. These facilities will be in or adjacent to a tsunami zone. Given the fact that we know and have experience firsthand tsunamis, is it reasonable to locate and expose classrooms, labs, lecture halls, human resources, and research laboratories in a known environmental hazard zone?

"One may ask if the Hawaii Community Development Authority acted responsibly. The part of the decision that bothers me is that this decision was reached without a specific tsunami risk assessment to determine the risk for public review and scrutiny.

"Further, HCDA is compounding this questionable decision by allowing the coast sighting of wet laboratory space. Wet laboratory facilities do pose potentially significant risk to the surrounding community. Is it reasonable to locate such biomedical research facilities in a tsunami zone?

"Evan Dobbelle, as President of the University of Hawaii, was at the helm when this decision was reached. This decision under his watch was rushed through the 2001 Legislative Session without adequate notice and public review. The opportunity for free public land, \$150 million of free public money, and a major construction project timed for the election cycle was just too good to pass up. It overrode the sensible thing to do.

"This project demands careful and thoughtful evaluation of the potential risk to society by placing research laboratory space this close to the ocean. The board of directors of HCDA failed to act in the public interest when they did not insist on a specific tsunami risk assessment be performed before the shift in public policy of what was appropriate use of the Kakaako peninsula.

"The civil defense inundation maps do not assess the potential public danger presented by the proposed use for biochemical research. The function of these maps is to show those areas from which civil defense authorities need to evacuate people in case of a tsunami alert. They are not intended to replace a formal tsunami risk assessment, which may be used to determine the maximum amount of public investment that is appropriate in any one area and to specifically ban those uses that do pose significant public risk when disaster occurs.

"It is appropriate for the Governor to replace the remaining members of the HCDA board with persons who ask very basic questions. While the answers to these questions are sought, Governor Lingle should limit the use of this area until a formal tsunami risk assessment is performed. It is incumbent upon us as Legislators to possess the information needed to determine the greater public good before we authorize this \$100 million special purpose revenue bond for the construction of wet land space in the Kakaako peninsula.

“Madame Chair, I request a Roll Call vote.”

Senator Taniguchi rose and said:

“Madame Chair, will the previous speaker yield to a question?”

Senator Trimble having answered in the affirmative, Senator Taniguchi inquired:

“Was a tsunami risk assessment made for Waikiki Beach and the hotels adjacent to those beaches?”

Senator Trimble responded:

“I believe those are private investment and what I’m talking about is public investment, and there is a major difference between hotels that are easy to evacuate and wet laboratory space.”

Senator Taniguchi further inquired:

“So, the answer is ‘no?’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3272 was adopted and H.B. No. 2739, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION,” having been read throughout, and Roll Call vote having been requested, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 3273 (H.B. No. 189, H.D. 2, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3273 be adopted and H.B. No. 189, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to oppose the measure and said:

“Madame President, I’m going to rise in opposition to this particular bill.

“We talked about this previously. Members, I’m pro-choice. I would support this, but they have taken out the religious exception. I think it really doesn’t matter what the Catholic Church says on the mainland or what any other Catholic entity says. It’s strictly as a matter of what St. Francis Hospital believes, and if this goes against their belief to bring in these emergency contraceptives, I believe they should have that right as a hospital. And for that reason, I’ll be voting ‘no.’

“Thank you.”

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

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

“Of the more than 300,000 women who are sexually assaulted each year in the United States, an estimated 25,000 will become pregnant. Women who have been sexually assaulted have a compelling need for quick and easy access to emergency contraceptives. Sex assault survivors are under extreme physical and mental trauma. Female survivors of sex assault also face the additional stress of an unwanted pregnancy.

“Currently, emergency contraceptives are a part of the treatment protocol for identified victims of sexual assault. It is the standard of care established by the American Medical Association, but a recent statewide study showed that in Hawaii emergency rooms, this standard of care is inconsistently delivered. The treatment protocols for sex assault victims are not uniform and vary from emergency room to emergency room, and oftentimes are not even established written policies.

“Emergency contraception has been shown to be safe and effective. It’s important that the survivors of sex assault be allowed to gain access to the many medical options available to them. Every effort should be made to help victims of sex assault in order to allow them to begin to rebuild their lives.

“Madame President, what this bill is really about is about access to appropriate timely healthcare. It shouldn’t matter what hospital is near by when a victim of sex assault needs assistance. They need to have the best, most appropriate care available to them. This bill will ensure that access.

“I urge all my colleagues to vote in favor of this measure. Thank you.”

Senator Ihara requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3273 was adopted and H.B. No. 189, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY CONTRACEPTIVES FOR SEX ASSAULT SURVIVORS IN EMERGENCY ROOMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Aduja, Hemmings, Hogue, Kawamoto, Sakamoto, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 3275 (H.B. No. 2792, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3275 be adopted and H.B. No. 2792, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senators Hooser, Tsutsui and Aduja requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3275 was adopted and H.B. No. 2792, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PRIVATE ROADS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3279 (H.B. No. 1797):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3279 was adopted and H.B. No. 1797, entitled: “A BILL FOR AN ACT RELATING TO OPTOMETRY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

THIRD READING

**MATTER DEFERRED FROM
EARLIER ON THE CALENDAR**

H.B. No. 1820, H.D. 1, S.D. 1:

Senator Menor moved that H.B. No. 1820, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Kanno rose to speak in support of the measure with reservations and said:

“Madame President, I rise to speak in support with reservations.

“We were discussing the issue with the Chair of the Consumer Protection Committee and we’ve requested that the conferees look at the possibility of 20 days as a compromise and the Chair of Consumer Protection has graciously agreed to do as such. I also did talk to the Chair of the House Consumer Protection Committee during our lunch break, and he has agreed to disagree when the measure gets sent to the House so that the measure can be taken up in Conference.

“So, I would like to thank the members and the Chair from Consumer Protection. Thank you.”

Senator Ihara rose to support the measure with reservations as follows:

“Madame President, I rise in support with reservations now that the previous speaker had indications that the bill may be amended.

“I’m concerned . . . I do support a 20 day notice period. I cannot support a 15 day notice period. I’m concerned about policyholders who happen to have a mid-December, December 15th, expiration date, and they go on holiday and it’s so near the time period of the last part of December. There’s two 3-day weekends, and I hate to imagine if you are one of those policyholders and you arrive back on January 2nd or 3rd and find out your policy is expired. I’m just concerned about the logistics of mainland mail to Hawaii during that period. If you happen to be one of the unfortunate ones that have a mid-December expiration date.

“For those reasons, I have reservations. Thank you.”

Senator English rose to speak in favor of the measure with reservations and stated:

“Madame President, I rise in favor with reservations.

“I just want to point out something. The previous speaker hit on it, I think, and it’s this – well, you know in mid-March I’m still receiving mail from December of last year. It’s the US Postal system. I’m not sure what it is, but I’m still receiving catalogs and receiving things from mid-December. Well, I don’t know the difference between Oahu and Hana, but when the mail is that slow, we have a big problem. And I know for many people, especially in the rural areas, it takes another day for the mail to get out to Hana or to down to Kalaupapa or to these areas.

“I don’t know what the responsibility of the US Postal System is to deliver things on time, but I know the law says that when we drop something in the mail, it’s considered delivered. But think about this, if you put something in the mail in December and you don’t get it until March, the law says you received it the day that they posted it in the mail. Maybe part of the problem is that they use bulk rate mailing. Most of our insurance reminders that we get are bulk rate mailers as well.

“So I have my reservations on this. I think the fault is not really with the insurance carriers, but it’s with the US Postal system not delivering mail in a timely fashion. But nonetheless, I think that we’re moving in a good direction, a good compromise on this. So, I just wanted to note my reservations because of that.

“Thank you.”

Senators Hooser and Chun Oakland requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 1820, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 2:30 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:40 o’clock p.m., with the President in the Chair.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, APRIL 8, 2004

Stand. Com. Rep. No. 3180 (S.C.R. No. 166):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 166, entitled: “SENATE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENTS AND AGENCIES TO IMPLEMENT THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK ON ENVIRONMENTAL PROTECTION IN CONDUCTING THE STATE’S AFFAIRS,” was adopted.

Stand. Com. Rep. No. 3181 (S.R. No. 86):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 86, entitled: “SENATE RESOLUTION URGING THE STATE DEPARTMENTS AND AGENCIES TO IMPLEMENT THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK ON ENVIRONMENTAL PROTECTION IN CONDUCTING THE STATE’S AFFAIRS,” was adopted.

At 2:41 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:41 o’clock p.m.

Stand. Com. Rep. No. 3182 (S.C.R. No. 169):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 169, entitled: “SENATE CONCURRENT RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE OF THE STATE OF HAWAII FOR THE DEVELOPMENT OF THE SEAWATER AIR CONDITIONING/ THERMAL ENERGY STORAGE SYSTEM BY HONOLULU SEAWATER AIR CONDITIONING LLC FOR USE ON THE ISLAND OF OAHU,” was adopted.

Stand. Com. Rep. No. 3183 (S.R. No. 89):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 89, entitled: "SENATE RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE OF THE STATE OF HAWAII FOR THE DEVELOPMENT OF THE SEAWATER AIR CONDITIONING/ THERMAL ENERGY STORAGE SYSTEM BY HONOLULU SEAWATER AIR CONDITIONING LLC FOR USE ON THE ISLAND OF OAHU," was adopted.

Stand. Com. Rep. No. 3207 (S.C.R. No. 75):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 75, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," was adopted.

Stand. Com. Rep. No. 3208 (S.R. No. 35):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 35, entitled: "SENATE RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," was adopted.

Stand. Com. Rep. No. 3209 (S.C.R. No. 90, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 90, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL," was adopted.

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following Senate concurrent resolutions that were offered:

- | | |
|------------------------------------|---|
| Senate
Concurrent
Resolution | Referred to: |
| No. 116 | Committee on Judiciary and Hawaiian Affairs |
| No. 119 | Committee on Ways and Means |
| No. 157 | Jointly to the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture |
| No. 162 | Jointly to the Committee on Water, Land, and Agriculture, the Committee on Education and the Committee on Science, Arts, and Technology |
| No. 200 | Committee on Ways and Means |

RE-REFERRAL OF SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

- | | |
|----------------------|---|
| Senate
Resolution | Referred to: |
| No. 80 | Jointly to the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture |

RECONSIDERATION OF ACTION TAKEN

S.B. No. 3237, S.D. 1 (H.D. 1):

Senator Menor moved that the Senate reconsider its action taken on April 6, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 3237, S.D. 1, seconded by Senator Baker and carried.

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 3237, S.D. 1, seconded by Senator Baker.

Senator Menor noted:

"Mr. President, this is our Hawaii Rx-Plus bill. The House amendments include some technical amendments as well as a provision that includes an appropriation to allow for the implementation of this very important consumer program.

"I believe that these amendments are reasonable and therefore should be adopted by this Body."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3237, S.D. 1, and S.B. No. 3237, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was placed on the calendar for Final Reading on Thursday, April 15, 2004.

CONFERENCE COMMITTEE REPORT

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3238, S.D. 2, presented a report (Conf. Com. Rep. No. 9-04) recommending that S.B. No. 3238, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9-04 and S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3307) recommending that S.C.R. No. 77, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3307 and S.C.R. No. 77, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE 2004 AS THE 'YEAR OF POLIO AWARENESS' IN HAWAII," was deferred until Thursday, April 15, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3308) recommending that S.R. No. 37, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3308 and S.R. No. 37, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE 2004 AS THE 'YEAR OF POLIO AWARENESS' IN HAWAII," was deferred until Thursday, April 15, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3309) recommending that H.C.R. No. 159 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3309 and H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII MEDICAL ASSOCIATION, THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION, AND THE AMERICAN PSYCHIATRIC ASSOCIATION IN EXTENDING AN INVITATION TO THE AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES TO RETURN TO HONOLULU, HAWAII FOR ITS INTERIM WINTER MEETING IN 2007 OR 2008," was deferred until Thursday, April 15, 2004.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3310) recommending that H.C.R. No. 47 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3310 and H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE UNITED STATES POSTAL SERVICE TO HOST THE FINAL CEREMONY MARKING THE RELEASE OF THE 'SOUVENIR SHEET' OF ALL TWELVE CHINESE LUNAR NEW YEAR COMMEMORATIVE POSTAGE STAMPS IN HAWAII IN JANUARY 2005," was deferred until Thursday, April 15, 2004.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3311) recommending that H.C.R. No. 50, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3311 and H.C.R. No. 50, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL PUBLIC AND PRIVATE ORGANIZATIONS TO COLLABORATE WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO SUSTAIN AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was deferred until Thursday, April 15, 2004.

At 2:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:50 o'clock p.m.

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3312) recommending that S.C.R. No. 159, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted

and S.C.R. No. 159, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII'S EFFORTS TO RECRUIT AND RETAIN HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLOR OF THE UNIVERSITY OF HAWAII AT MANOA TO FORM A TASK FORCE TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN HAWAIIAN STUDENTS," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3313) recommending that S.C.R. No. 42 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 42, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF INCREASING THE OPERATING BUDGET OF THE UNIVERSITY OF HAWAII AT HILO IN ORDER TO ESTABLISH THE UNIVERSITY AS A FULL-FLEDGED COMPREHENSIVE UNIVERSITY," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3314) recommending that S.C.R. No. 48 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 48, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE REBUILDING AND REFURBISHING OF STUDENT HOUSING AT THE UNIVERSITY OF HAWAII," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3315) recommending that S.R. No. 22 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 22, entitled: "SENATE RESOLUTION SUPPORTING THE REBUILDING AND REFURBISHING OF STUDENT HOUSING AT THE UNIVERSITY OF HAWAII," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3316) recommending that S.C.R. No. 60, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 60, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3317) recommending that S.R. No. 28, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 28, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION," was referred to the Committee on Ways and Means.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3318) recommending that S.C.R. No. 61, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FISCAL AUDIT AND THE DEPARTMENT OF EDUCATION TO CONDUCT A PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3319) recommending that S.C.R. No. 46 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3319 and S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN HAWAII AND SUPPORTING ITS DESIGNATION AS AN 'EDUCATIONAL SERVICE AGENCY,'" was deferred until Thursday, April 15, 2004.

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

S.C.R. No. 11;
S.C.R. No. 149;
S.C.R. No. 181;
S.R. No. 7; and
S.R. No. 79.

Senator Kawamoto noted:

"Mr. President, S.C.R. No. 11 and S.R. No. 7, proposed S.D. 1, requests DAGS to design and erect signage for the Korean Vietnam Veterans Memorial on the State Capitol grounds.

"S.C.R. No. 181, proposed S.D. 1, recommends that the Long-Term Care Veterans Affairs State Home in Hilo be named in honor of Yukio Okutsu.

"S.C.R. No. 149 and S.R. No. 79 expresses support for Hawaii Superferry, Inc."

The Chair then granted the waiver.

Senator Kanno, Chair of the Committee on Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 127, and the Chair granted the waiver.

Senator Taniguchi, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. Nos. 119 and 200, and the Chair granted the waiver.

APPOINTMENT OF CONFEREES

S.B. No. 2269, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2269, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, Ige, Taniguchi, co-chairs; Aduja, Inouye, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2899, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2899, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Menor, co-chair; Chun Oakland, Kim as managers on the part of the Senate at such conference.

S.B. No. 2995, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2995, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Hanabusa, co-chair; Kanno, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3092, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3092, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators English, chair; Kokubun, co-chair; Hooser, Taniguchi, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3238, S.D. 2 (H.D. 2):

The President appointed Senator Kawamoto as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 3238, S.D. 2.

ADJOURNMENT

At 2:55 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 10:00 o'clock a.m., Thursday, April 15, 2004.