

FIFTIETH DAY

Monday, April 19, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:11 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Rosalyn H. Baker, 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-Ninth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 439 to 474) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 439, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, the nomination of HERBERT B. MINN, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 440, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, the nomination of HENRY SASAKI, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 441, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of SAM AIONA, term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 442, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of D. MELE CARROLL, term to expire June 30, 2005, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 443, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of JENNY FUJITA, term to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 444, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of JENNY FUJITA, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 445, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of ROBERT T. OKUDA, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 446, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of GERRY SILVA, term to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 447, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of GERRY SILVA, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 448, submitting for consideration and confirmation to the Civil Defense Advisory Council, the nomination of MYRON N. DOBASHI (RET), term to expire June 30, 2008, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 449, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of WILLIAM A. BURWELL, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 450, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MARTHA GUINAN, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 451, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of PATRICIA L. HEU MD, MPH, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 452, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MARY F. JOSSEM, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 453, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of ELROY K.M. MALO, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 454, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of EVAN A.R. MURAKAMI, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 455, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of SHERYL NELSON, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 456, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MARK F. ROMOSER, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 457, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of BETSY R. WHITNEY, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 458, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MARK YASUO YABUI, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 459, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County

Subarea, the nomination of GLENN E. SPARKS BSN, MHA, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 460, submitting for consideration and confirmation to the Health Planning Council, Kaua'i County Subarea, the nomination of ZACHARY J. OCTAVIO, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 461, submitting for consideration and confirmation to the Health Planning Council, Maui County Subarea, the nomination of JULIE A. CLARK-MCGEE MN, RN, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 462, submitting for consideration and confirmation to the Health Planning Council, Maui County Subarea, the nomination of DENISE L. COHEN, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 463, submitting for consideration and confirmation to the Health Planning Council, West Oahu Subarea, the nomination of DAVID J.W. CHANG, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 464, submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, the nomination of CHRISTOPHER P. SIBLEY, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 465, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of CHARLES P.M.K. BURROWS EDD, term to expire June 30, 2008, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 466, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of ROBERT J. LU'UWAI, term to expire June 30, 2008, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 467, submitting for consideration and confirmation to the Kaneohe Bay Regional Council, the nomination of JOHN M. MORGAN, term to expire June 30, 2008, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 468, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of RON AGOR, term to expire June 30, 2008, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 469, submitting for consideration and confirmation to the Real Estate Commission, the nomination of CAROL MAE A. BALL, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 470, submitting for consideration and confirmation to the Real Estate Commission, the nomination of MICHELLE SUNAHARA LOUDERMILK, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 471, submitting for consideration and confirmation to the Hawai'i Television and Film Development Board, the nomination of EDDIE KAMAE, term to expire June 30, 2008, was referred to the Committee on Economic Development.

Gov. Msg. No. 472, submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, the nomination of STEPHEN C. GREEN, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 473, submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, the nomination of ANN T. ZANE, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 474, informing the Senate that on April 16, 2004, she signed into law House Bill No. 2251 as Act 6, entitled: "RELATING TO CHAPTER 291E," was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 553 to 624) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 553, transmitting H.C.R. No. 7, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 7, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO REEVALUATE THE PLACEMENT OF THE OFFICE OF THE PUBLIC GUARDIAN," was referred to the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 554, transmitting H.C.R. No. 10, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 10, entitled: "HOUSE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 555, transmitting H.C.R. No. 12, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT SPRECKELSVILLE, WAILUKU, MAUI, HAWAII, FOR MAINTENANCE OF ROCK GROIN PURPOSES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 556, transmitting H.C.R. No. 13, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF BREAKWATER PURPOSES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 557, transmitting H.C.R. No. 45, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 45, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROMOTE THE RECOVERY OF NATIVE PLANT SPECIES BY ENCOURAGING THE ESTABLISHMENT OF NATIVE TREE FARMS ON PUBLIC LANDS AND LANDS NOT DESIGNATED AS IMPORTANT AGRICULTURAL LANDS," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 558, transmitting H.C.R. No. 49, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 49, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A POLICY REVIEW TO EXAMINE THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK AS A GUIDING PRINCIPLE IN CONDUCTING THE STATE'S AFFAIRS," was referred to the Committee on Energy and Environment.

Hse. Com. No. 559, transmitting H.C.R. No. 57, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY TO DETERMINE A RETAIL SALES TAX RATE SUFFICIENT TO REPLACE THE STATE INCOME, GENERAL EXCISE, AND FUEL TAXES," was referred to the Committee on Ways and Means.

Hse. Com. No. 560, transmitting H.C.R. No. 62, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 62, entitled: "HOUSE 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 jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 561, transmitting H.C.R. No. 63, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was referred jointly to the Committee on Education and the Committee on Health.

Hse. Com. No. 562, transmitting H.C.R. No. 77, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 77, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL

RELATIONS TO ENFORCE THE PROVISIONS OF ACT 44, SESSION LAWS OF HAWAII 2003, IN ACCORDANCE WITH THE LEGISLATURE'S INTENT," was referred to the Committee on Labor.

Hse. Com. No. 563, transmitting H.C.R. No. 83, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE CURRENT USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT AND THE ADOPTION OF A STATE POLICY SUPPORTING USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT OPERATIONS," was referred jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 564, transmitting H.C.R. No. 87, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE CITY AND COUNTY OF HONOLULU ENTERTAIN SOLICITED AND UNSOLICITED PROPOSALS FOR MASS TRANSIT," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 565, transmitting H.C.R. No. 88, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 88, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF GAY, LESBIAN, BISEXUAL, AND TRANSGENDER YOUTH OF HAWAII," was referred jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 566, transmitting H.C.R. No. 90, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 90, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 567, transmitting H.C.R. No. 91, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 91, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO FORM A TASK FORCE TO RESEARCH AND COLLECT INPUT FROM LOCAL TOUR OPERATORS AND THE LOCAL COMMUNITY, RELATIVE TO CREATING A COMPREHENSIVE DEFINITION OF ECOTOURISM AND DEVELOPING STANDARDS AND OPERATING GUIDELINES FOR IMPLEMENTATION OF AN ECOTOURISM PROGRAM," was referred jointly to the Committee on Tourism and the Committee on Energy and Environment.

Hse. Com. No. 568, transmitting H.C.R. No. 92, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 92, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ADDRESSING THE CONCERNS RAISED BY RESIDENTS IMPACTED BY THE H-1 WAIMALU VIADUCT FREEWAY WESTBOUND WIDENING PROJECT," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 569, transmitting H.C.R. No. 94, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS," was referred jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 570, transmitting H.C.R. No. 100, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT FOR COMPLETION OF CONNECTIONS BETWEEN AND ENHANCEMENTS TO THE LEEWARD BIKE PATH AND PEARL HARBOR HISTORIC TRAIL," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Water, Land, and Agriculture and the Committee on Economic Development.

Hse. Com. No. 571, transmitting H.C.R. No. 101, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 101, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF TAXATION AND BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A REVIEW AND COST BENEFIT ANALYSIS OF ALL CURRENT TAX INCENTIVES UNDER TITLE 14, HAWAII REVISED STATUTES," was referred to the Committee on Ways and Means.

Hse. Com. No. 572, transmitting H.C.R. No. 103, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 103, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO EXAMINE THE FEDERAL INDEPENDENCE PLUS INITIATIVE TO DETERMINE IF HAWAII CAN BENEFIT FROM APPLYING FOR AND OBTAINING A WAIVER OR WAIVERS TO PROVIDE INDIVIDUALS WITH DISABILITIES WITH SERVICES IN THE COMMUNITY," was referred jointly to the Committee on Health and the Committee on Human Services.

Hse. Com. No. 573, transmitting H.C.R. No. 105, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 105, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS TO ALLOW PRIVATE PAY PATIENTS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL

HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT," was referred to the Committee on Health.

Hse. Com. No. 574, transmitting H.C.R. No. 106, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENT OF TRANSPORTATION TO TAKE AN ACTIVE ROLE IN PLANNING FOR AND PROVIDING PUBLIC TRANSPORTATION BOTH ON OAHU AND IN THE NEIGHBOR ISLAND COUNTIES," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 575, transmitting H.C.R. No. 113, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 113, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," was referred to the Committee on Energy and Environment.

Hse. Com. No. 576, transmitting H.C.R. No. 117, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO SUPPORT FULL FUNDING FOR THE CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT," was referred jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 577, transmitting H.C.R. No. 118, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 118, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A WATER QUALITY MONITORING PROGRAM FOR MARINE WATERS THAT EMPHASIZES ENVIRONMENTAL PROTECTION," was referred jointly to the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture.

Hse. Com. No. 578, transmitting H.C.R. No. 124, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 124, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A LEASE OF WATER RIGHTS FOR THE USE OF THE 'BLUE HOLE' DIVERSION AND PORTIONS OF A WATER TRANSMISSION SYSTEM LOCATED IN THE WAILUA SECTION OF THE LIHUE-KOLOA FOREST RESERVE FOR HYDROPOWER PRODUCTION PURPOSES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 579, transmitting H.C.R. No. 125, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 125, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," was referred jointly to the Committee on Energy and Environment and the Committee on Health.

Hse. Com. No. 580, transmitting H.C.R. No. 127, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 127, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A STUDY ON THE COST OF MAINTAINING ALOHA STADIUM," was referred jointly to the Committee on Economic Development and the Committee on Ways and Means.

Hse. Com. No. 581, transmitting H.C.R. No. 129, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CALIFORNIA SERVICE CENTER FOR THE BUREAU OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES TO REOPEN DUNCAN HAMILTON'S REQUEST FOR EXTENSION OF HIS E-2 NONIMMIGRANT TREATY INVESTOR STATUS AND FOR HIS TWO DAUGHTERS," was referred jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 582, transmitting H.C.R. No. 141, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was referred to the Committee on Health.

Hse. Com. No. 583, transmitting H.C.R. No. 146, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 146, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII," was referred jointly to the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 584, transmitting H.C.R. No. 151, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 151, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE LEGISLATURE ON THE AVAILABILITY OF

SPECIAL EQUIPMENT THAT INFLUENCES AN AUTOMOBILE'S SPEED AND THE ADVISABILITY OF ENACTING LEGISLATION TO REQUIRE THE USE OF GOVERNORS TO INFLUENCE AN AUTOMOBILE'S SPEED," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 585, transmitting H.C.R. No. 152, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 152, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON HOW MEDICAL MARIJUANA PLANTS AND PRODUCTS MAY BE PROCURED AND DISTRIBUTED TO PATIENTS REGISTERED WITH THE MEDICAL MARIJUANA PROGRAM," was referred jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 586, transmitting H.C.R. No. 156, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 156, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EVALUATE AND RECOMMEND POSSIBLE STATUTORY AND OTHER CHANGES TO STREAMLINE AND EXPEDITE MENTAL HEALTH TREATMENT TO PERSONS COMMITTED TO STATE-OPERATED OR -CONTRACTED FACILITIES," was referred jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 587, transmitting H.C.R. No. 157, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 157, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DISCLOSURE OF INFORMATION RELATED TO THE PETER BOY KEMA CASE," was referred to the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 588, transmitting H.C.R. No. 163, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE TO FOSTER AND IMPROVE RELATIONS BETWEEN ISRAEL AND THE STATE OF HAWAII," was referred jointly to the Committee on Tourism and the Committee on Economic Development.

Hse. Com. No. 589, transmitting H.C.R. No. 164, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 164, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO COMPLY WITH THE STATUTORY DIRECTIVE THAT THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM HAVE SOLE JURISDICTION OVER THE LAND USE COMMISSION, OFFICE OF PLANNING, AND THE HAWAII STATE PLANNING ACT," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development.

Hse. Com. No. 590, transmitting H.C.R. No. 166, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 166, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE STATE WATERS IN THE NORTHWESTERN HAWAIIAN ISLANDS TO PROVIDE LONG-TERM AND LASTING PROTECTIONS TO THE FRAGILE ECOSYSTEMS IN THAT REGION," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 591, transmitting H.C.R. No. 168, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 168, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES NAVY'S REQUEST FOR A LONG-TERM LEASE OF STATE LANDS AS WELL AS THE PRESERVATION OF A PERMANENT AGRICULTURAL BUFFER AROUND THE PACIFIC MISSILE RANGE FACILITY," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture.

Hse. Com. No. 592, transmitting H.C.R. No. 171, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO STUDY THE ADVISABILITY OF TRANSFERRING THE VANPOOL PROGRAM TO THE COUNTIES," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 593, transmitting H.C.R. No. 173, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 173, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES CONSULT WITH FILIPINO NATIONAL LONGLINE FISHERS SEEKING TO ENTER HAWAII CONCERNING NONIMMIGRANT VISA OPTIONS," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development.

Hse. Com. No. 594, transmitting H.C.R. No. 175, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 175, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING SECRETARY OF DEFENSE DONALD RUMSFELD TO IMPLEMENT A NATIONAL SECURITY PERSONNEL SYSTEM THAT PROTECTS AND MAINTAINS THE CIVIL SERVICE RIGHTS AND COLLECTIVE BARGAINING RIGHTS OF DEPARTMENT OF DEFENSE EMPLOYEES," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor.

Hse. Com. No. 595, transmitting H.C.R. No. 179, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF, AND PROVIDE COST ESTIMATES FOR, THE INSTALLATION OF AN ACCESS ROAD ON THE SOUTHERN END OF KAWAIHAE HARBOR TO INCREASE ACCESS TO THE SMALL BOAT HARBOR AND BEACH AREA, AND FOR OTHER HARBOR IMPROVEMENTS," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 596, transmitting H.C.R. No. 181, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 181, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE CONSTRUCTION PROJECTS TO HAVE CULTURAL CONSULTANTS AND MONITORS," was referred jointly to the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture.

Hse. Com. No. 597, transmitting H.C.R. No. 194, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 194, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INITIATE CONDEMNATION PROCEEDINGS TO PURCHASE REAL PROPERTY OWNED BY THE GALBRAITH ESTATE," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 598, transmitting H.C.R. No. 198, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE EFFORTS OF HAWAII'S CONGRESSIONAL DELEGATION IN OBTAINING FUNDING FOR THE KAUMALAPAU HARBOR PROJECT," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 599, transmitting H.C.R. No. 199, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE OFFICE OF HAWAIIAN AFFAIRS TO CEASE ISSUING ANY EASEMENTS TO THE CITY AND COUNTY OF HONOLULU FOR ACCESS TO HAIKU VALLEY AND TO 'HAIKU STAIRS,'" was referred jointly to the Committee on Judiciary and Hawaiian Affairs, the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 600, transmitting H.C.R. No. 201, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 201, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE BE ORGANIZED TO ADDRESS THE HAZARDS OF ROCK AND LAND SLIDES ON OUR URBAN POPULATIONS," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 601, transmitting H.C.R. No. 202, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE FEDERAL LEGISLATION TO PROVIDE ADDITIONAL RESOURCES TO EXPAND VISA PROCESSING CAPACITY IN THE CONSULAR SECTION OF THE UNITED STATES EMBASSY IN SEOUL IN THE REPUBLIC OF KOREA AND TO INCLUDE THE REPUBLIC OF KOREA IN THE VISA WAIVER PROGRAM," was referred jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 602, transmitting H.C.R. No. 203, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY AND IMPLEMENT PARITY BETWEEN OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, AND SPEECH THERAPISTS WITHIN THE DEPARTMENT OF EDUCATION," was referred jointly to the Committee on Education and the Committee on Labor.

Hse. Com. No. 603, transmitting H.C.R. No. 208, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADOPTION OF RULES RESTRICTING COMMERCIAL ACTIVITIES AND IMPLEMENTING AN EFFECTIVE RESTORATION AND CONSERVATION MANAGEMENT PLAN FOR THE HANAPEPE AND WAIMEA RIVERS ON KAUAI," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 604, transmitting H.C.R. No. 211, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES SEARCH FOR SURPLUS PROPERTY WITHIN THE STATE SYSTEM THAT COULD BE LEASED TO SUBSTANCE ABUSE TREATMENT PROGRAMS TO ASSIST IN THE TREATMENT OF RECOVERING ADDICTS AND THAT THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES LOOK FOR

AVAILABLE FEDERAL MONIES AND OTHER GRANTS TO HELP DEVELOP HOUSING FACILITIES FOR THESE TREATMENT PROGRAMS," was referred jointly to the Committee on Human Services and the Committee on Health.

Hse. Com. No. 605, transmitting H.C.R. No. 213, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 213, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A TASK FORCE TO DEVELOP A DRUG ENDANGERED CHILD PROTECTION PROGRAM," was referred jointly to the Committee on Human Services and the Committee on Health.

Hse. Com. No. 606, transmitting H.C.R. No. 217, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 217, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE STATE CONSERVATION DISTRICT PROGRAM," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 607, transmitting H.C.R. No. 223, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 223, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE MAY 23, 2004, AS 'SEA TURTLE DAY' IN HAWAII," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 608, transmitting H.C.R. No. 225, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 225, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF HONOLULU TO CONDUCT A STUDY ON LENGTHENING YELLOW LIGHTS TO ADDRESS THE PROBLEM OF RUNNING RED LIGHTS," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 609, transmitting H.C.R. No. 226, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 226, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO FULLY FUND THE IMPACT AID PROGRAM," was referred jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 610, transmitting H.C.R. No. 231, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 231, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO SUPPORT A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF

THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was referred jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 611, transmitting H.C.R. No. 234, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 234, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE SECRETARY OF THE INTERIOR TO DESIGNATE A NEW NATIONAL SEASHORE FROM 'AHIHI-KINA'U NATURAL AREA RESERVE TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 612, transmitting H.C.R. No. 238, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO IMPLEMENT AN ONLINE 'FIXIT' SYSTEM ON THE STATE WEBSITE," was referred to the Committee on Science, Arts, and Technology.

Hse. Com. No. 613, transmitting H.C.R. No. 239, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 239, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, WITH THE ASSISTANCE OF THE STATE SURVEYOR AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO INVESTIGATE TECHNOLOGIES, EDUCATION, STAFF POSITIONS WITHIN THE DEPARTMENT AND TO DEVELOP CRITERIA TO QUALIFY SURVEYORS IN THE DETERMINATION OF SHORELINES," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 614, transmitting H.C.R. No. 249, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 249, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DEVELOP FLEXIBLE DESIGN GUIDELINES FOR SCENIC HIGHWAYS," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 615, transmitting H.C.R. No. 255, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 255, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND CITY & COUNTY OF HONOLULU TO ASSIST HOMEOWNERS IN PREVENTING FURTHER EROSION ALONG HEEIA, KEAAHALA/KEOLAA, KAWA, AND KANEOHE STREAMS ON OAHU," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 616, transmitting H.C.R. No. 260, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AGRIBUSINESS INCUBATOR IN WAIALUA," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development.

Hse. Com. No. 617, transmitting H.C.R. No. 261, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 261, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES, RULES, AND COUNTY ORDINANCES THAT CRIMINALIZE NON-SERIOUS OFFENSES," was referred to the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 618, transmitting H.C.R. No. 263, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 263, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATION OF MARINE LIFE CONSERVATION DISTRICTS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 619, transmitting H.C.R. No. 267, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 267, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REPORT TO THE LEGISLATURE ON PROGRESS MADE BY THE OFFICE OF THE ATTORNEY GENERAL AND THE PROSECUTING ATTORNEYS FROM THE COUNTIES OF THE STATE OF HAWAII IN USING CHAPTER 846E, HAWAII REVISED STATUTES, TO RESTORE PUBLIC ACCESS TO REGISTRATION INFORMATION REGARDING DANGEROUS PERSONS CONVICTED OF CERTAIN OFFENSES AGAINST CHILDREN AND CERTAIN SEXUAL OFFENSES," was referred to the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 620, transmitting H.C.R. No. 165, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was referred jointly to the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture.

Hse. Com. No. 621, returning S.C.R. No. 30, which was adopted by the House of Representatives on April 16, 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.C.R. No. 30, and requested a conference on the subject matter thereof.

Hse. Com. No. 622, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2608, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2608, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 16, 2004, was placed on file.

Hse. Com. No. 623, informing the Senate that the House agreed to the amendments proposed by the Senate to H.B. No. 267, H.D. 2, and has on April 16, 2004, passed H.B. No. 267, H.D. 2, S.D. 2, on Final Reading in the House of Representatives, was placed on file.

Hse. Com. No. 624, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 16, 2004:

H.B. No. 1043, S.D. 1, C.D. 1;
H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 2796, H.D. 1, S.D. 2, C.D. 1; and
S.B. No. 2525, H.D. 1, C.D. 1,

was placed on file

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3438) recommending that the Senate advise and consent to the nomination of KYONG-SU IM to the Land Use Commission, in accordance with Gov. Msg. No. 156.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3438 and Gov. Msg. No. 156 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3438 and Gov. Msg. No. 156 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3439) recommending that the Senate advise and consent to the nomination of JAMES A. FRAZIER to the Commission on Water Resource Management, in accordance with Gov. Msg. No. 167.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3439 and Gov. Msg. No. 167 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3439 and Gov. Msg. No. 167 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3440) recommending that the Senate advise and consent to the nomination of TEENA M. RASMUSSEN to the Board of Directors of the Agribusiness Development Corporation, in accordance with Gov. Msg. No. 170.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3440 and Gov. Msg. No. 170 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3440 and Gov. Msg. No. 170 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3441) recommending that the Senate advise and consent to the nomination of KEOKI A. LEONG to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 251.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3441 and Gov. Msg. No. 251 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3441 and Gov. Msg. No. 251 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3442) recommending that the Senate advise and consent to the nominations to the Advisory Committee on Pesticides of the following:

JO-ANNA NAKATA, in accordance with Gov. Msg. No. 340; and

CYNTHIA K.L. REZENTES, in accordance with Gov. Msg. No. 341.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3442 and Gov. Msg. Nos. 340 and 341 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3442 and Gov. Msg. Nos. 340 and 341 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3443) recommending that the Senate advise and consent to the nomination of ALAN H. GOTTLIEB to the Board of Agriculture, in accordance with Gov. Msg. No. 375.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3443 and Gov. Msg. No. 375 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3443 and Gov. Msg. No. 375 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3444) recommending that the Senate advise and consent to the nominations to the Natural Area Reserve System Commission of the following:

DALE B. BONAR, in accordance with Gov. Msg. No. 401;

RICHARD F. HUGHES PH.D., in accordance with Gov. Msg. No. 402; and

LLOYD LEE LOOPE, in accordance with Gov. Msg. No. 403.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3444 and Gov. Msg. Nos. 401, 402 and 403 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3444 and Gov. Msg. Nos. 401, 402 and 403 was deferred until Thursday, April 22, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3445) recommending that the Senate advise and consent to the nomination of JOAN DOBBS PH.D., C.N.S. to the Health Planning Council, Honolulu Subarea, in accordance with Gov. Msg. No. 388.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3445 and Gov. Msg. No. 388 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3445 and Gov. Msg. No. 388 was deferred until Thursday, April 22, 2004.

ORDER OF THE DAY

**REFERRAL OF
HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM
FRIDAY, APRIL 16, 2004**

The President made the following committee assignments of House concurrent resolutions that were received on Thursday, April 15, 2004:

House
Concurrent
Resolution

Referred to:

No. 72, H.D. 1 Jointly to the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations

No. 73 Committee on Water, Land, and Agriculture, then to the Committee on Commerce, Consumer Protection and Housing

No. 81, H.D. 1 Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations

No. 84 Jointly to the Committee on Education and the Committee on Health

No. 108 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations

No. 111 Committee on Education

No. 115, H.D. 1 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

No. 145 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations

No. 153, H.D. 1 Jointly to the Committee on Health, the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations

No. 158 Jointly to the Committee on Education and the Committee on Health

No. 197, H.D. 1 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

No. 214 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Human Services

No. 216 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Energy and Environment

No. 236, H.D. 1 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Health

No. 245, H.D. 1 Jointly to the Committee on Energy and Environment and the Committee on Health

No. 250 Committee on Transportation, Military Affairs, and Government Operations

No. 258 Committee on Transportation, Military Affairs, and Government Operations

No. 265, H.D. 1 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Human Services

No. 266 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

ADVISE AND CONSENT

Stand. Com. Rep. No. 3436 (Gov. Msg. Nos. 404, 405 and 406):

Senator Sakamoto moved that Stand. Com. Rep. No. 3436 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Center for Nursing Advisory Board of the following:

ARLENE E. ILAE, terms to expire June 30, 2004, and June 30, 2008 (Gov. Msg. Nos. 404 and 405); and

KEVIN MULLIGAN, term to expire June 30, 2007 (Gov. Msg. No. 406),

seconded by Senator Hooser.

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

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

Stand. Com. Rep. No. 3437 (Gov. Msg. No. 407):

Senator Menor moved that Stand. Com. Rep. No. 3437 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 CARLITO P. CALIBOSO to the Public Utilities Commission (PUC), term to expire June 30, 2010, seconded by Senator Baker.

Senator Menor rose to speak in support of the nominee and said:

"Mr. President, I just wanted to offer some brief remarks in support of Gov. Msg. No. 407, submitting for consideration and confirmation to the Public Utilities Commission, gubernatorial nominee Carlito B. Caliboso for a term to expire June 30, 2010.

"It gives me great pleasure to ask my colleagues at this point in time to join me in voting in favor of Mr. Caliboso's confirmation. Carlito Caliboso has served as the chair of the Public Utilities Commission since April 30, 2003, after we had confirmed him during the last Legislative Session. I can tell you that he's done a very solid job in trying to improve the operations of the Public Utilities Commission as well as in attempting to address the myriad of policy and technical issues that face the commission.

"Your Committee had an opportunity to do an extensive thorough review and consideration of Mr. Caliboso's background, experience and qualifications, and I am confident that he will be able to do an effective job as Public Utilities Commission Chair in the future.

"Again, Mr. President, I urge my colleagues to vote in favor of this confirmation. Thank you very much."

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

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

FINAL READING

Conf. Com. Rep. No. 10-04 (H.B. No. 1294, S.D. 1, C.D. 1):

On motion by Senator English, seconded by Senator Hooser and carried, Conf. Com. Rep. No. 10-04 was adopted and H.B. No. 1294, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 11-04 (H.B. No. 2061, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kim, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 11-04 was adopted and H.B. No. 2061, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2395, S.D. 2, H.D. 1:

Senator Hanabusa moved that S.B. No. 2395, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Ihara rose in opposition to the measure and said:

"Mr. President, I rise in opposition to S.B. No. 2395, relating to information practices.

"Mr. President, I spoke on Friday and gave some of my reasons why I oppose this bill. I want to just outline my six reasons why the Senate should vote down on this bill.

"Number one, this bill would take away from citizens, citizens' right to know who was using the state's convention center and give convention center lessees a new right. It takes away a right from citizens and gives a new right to convention center lessees. And this new right is a right to use our convention center in secret. That's number one.

"Number two, the bill would establish for the first time a public policy that explicitly and unequivocally, and I would say blatantly, exempt Hawaii's open records law for a purely economic reason. And I believe if we do this, particularly in this fashion, this sets up and opens the door to other facilities and other agencies in the state seeking a similar exemption for purely economic reasons.

"Number three, this bill would allow the state to withhold secrecy . . . actually would allow the state to withhold disclosure of convention center users, even if the state disagrees with the demand for secrecy. So the bill would allow any user to demand or require secrecy. All they have to say is 'I want secrecy. If you want me to use the convention center, I want to be able to use it in secret.' The state would be required to give the secrecy, to provide the secrecy even if the state disagrees. You know, they sign a contract and the state says well, I'm not sure if it's a good idea after all, the state does not have the option. And if the state did reveal the identity of the user of the convention center, the user could take the state to court because we are giving convention center users a statutory right to have their identity be kept secret even if the state disagreed.

"Number four, this bill would require secrecy even when the original reason for the secrecy goes away. The reason is that we want our convention center to be competitive, to be successful, and we all want that. Where I differ is that it is being done and proposed to be done at the expense of our citizen rights. But years from now when the convention center is successful and we're already competitive, in fact we don't even need this offering of secrecy as a way to sell our convention center, it's just an add on, a little extra, but we don't need it, really, to be competitive because we're already competitive. The state will still be required to provide secrecy to the convention center users even if we're packed to the gills and we're booked and we don't need anyone else. Many of those users say we want secrecy, they get secrecy, and to me that's not fair.

"Number five, the secrecy required in this bill would deny citizens critical information they need to exercise their right to protest and petition the government. This information, as you've guessed, is the identity of the users. It's hard to protest when you don't know who's using the convention center.

"The Society of Professional Journalists came up with a few kind of, perhaps, extreme situations. You never know. It could happen. Exhibits and shows around the world go to all kinds of places and Hawaii is a good place to have conventions, particularly if they know they can come to Hawaii and come in secret. If there was a show that promoted the selling of automatic weapons to Hawaii residents, those who might oppose such shows would not know, or shows that want to promote genetically modified foods – I'm not saying I'm for or against any of these but these are examples of where there may be some controversy – or shows that celebrate the superiority of certain races would also be able to come here and celebrate to their heart's content all within the closed confines of our convention center and we wouldn't know it. The public would not have the ability to exercise their right to protest or to seek relief of government.

"Number six, the secrecy would also apply to particular information, particular situations that affect the neighbors of the

convention center, where I believe they do have the right to know, such as when there are large conventions where severe traffic congestion may be expected or there may be the presence of some danger of some kind, whether it's chemicals or some other means where they would want to know if they even have a list for their safety.

"Mr. President, I want to also note that in this version of S.B. No. 2395, the Legislature does not have access to convention center booking records. There was another draft that was in existence or is in existence that allowed the Legislature to have access to these records, but this version that we are voting on today does not allow for that.

"For all of these reasons, Mr. President, I urge Senators to vote this bill down once and for all times' sake. Thank you."

Senator Trimble rose to speak against the measure as follows:

"Mr. President, I rise in opposition to S.B. No. 2395.

"We expect our citizens to act rationally. To act rationally, they need complete and accurate information. Whether it is the national weather service telling us of an approaching hurricane or it's the highway department telling us about a road construction project, people need information to make rational decisions.

"The convention center is in Senate District 12 but there are also many residents in Senate District 12 that plan their life or some part of their life based upon the nature and size of a convention. I think that my constituents have a right to know whether it's the World Trade Organization or the Ku Klux Klan that is coming to town. They might want to make other plans. It is not the protestors that will be denied the information because they'll find out anyway. The only ones that will be in the dark are residents of Hawaii.

"For this reason and the others stated by the previous speaker, I ask that you consider the measure carefully and vote against it.

"Thank you."

Senator Kim rose in favor of the measure and stated:

"Mr. President, I rise to speak in favor of the bill.

"Mr. President, first, let me just make some clarifying remarks here. It was said to the media, and I believe it was said earlier on this Floor, that somehow this measure was killed by the Judiciary Committee and we were looking for a way of getting this measure around that. For the record, I asked Senator Hanabusa to hold the House measure when it was in their Committee because I knew that the Senate measure that had gone over was moving through the process and we do this all the time and that it would be coming over to us. So, that's for the record. It made it sound as if we killed it once and now we're trying to revive this measure, and that's not true.

"Let me also read from the committee report that came out of the Judiciary Committee. It says that following the hearing on this measure, the Department of Business, Economic Development and Tourism, the Hawaii Tourism Authority, and the Office of Information Practices mutually agreed on amendments to this measure. And these amendments were to allow information regarding the event to be released 10 days after the event occurs and allowing the booking business records to be disclosed if the event was canceled. That was the measure that came out of the Senate Judiciary Committee that

went over to the House. The House made some style changes to this measure which is why we're moving to agree.

"Also, the information that was said by an earlier speaker about the Legislators not being privy to this information is incorrect. I will read the bill to you, it says: '(a) Booking records relating to Hawaii convention center licensees shall not be disclosed under chapter 92F until ten days after the event has occurred, when requested by a potential licensee and disclosure may result in: (1) Disclosure of a potential licensee's confidential business information or proprietary information; or (2) The loss of a convention center booking,' and '(b) Subsection (a) shall not apply to disclosure to the legislature.' So, if anyone here in the Legislature requested this information, once we requested this information we would be open to the open records policy. So we are not exempt from that and that information would remain open to the public.

"Another thing that I would like to set straight, Mr. President, is that I'm not the force behind this measure. As the Tourism Chair, I introduced this measure because I was asked to by the HTA, the Hawaii Tourism Authority. The convention center people needed it. We are in a situation where we, the state, are running a commercial entity. The convention center is there to bring money into the state, to support our tourism, and that is exactly what as Chair of the Tourism Committee was my job to do as we move forward. The measure was amended by the Judiciary Committee and we agreed to those amendments that were made, I might add, I believe by DBEDT. This is the process that we go through.

"I believe that if the convention center is successful then we can repeal this measure. So, to say that the public will be forever and ever, or the state will be forever and ever bound by this legislation, I don't believe that's true. So, there are issues here, Mr. President, and I just suggest that the members vote as they may on this issue.

"Thank you."

Senator Slom rose in opposition as follows:

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

"This bill was a bad bill when we started out. It is a bad bill now. It's actually a worse bill with the House version. That's why we initially did not agree to the House version.

"The title of the bill has to do with information practices, so we're not talking about information, we're talking about secrecy and withholding information. I will quote also from the House committee report, stand. com. 1285, page 2, when it said, quote, 'The Office of Information Practices took no position on this measure, but suggested, during oral testimony, that the phrase "shall not be subject to disclosure" be changed to "may be withheld from disclosure" to afford the HTA discretion over when nondisclosure may apply. The HTA indicated at the hearing that it was not in favor of this change.'

"The whole record of this bill, and it doesn't matter whether it came from HTA, the Tourism Committee or DBEDT, it is a matter of principle. The principle is we are not providing for sunshine. We are not providing more information. We are in fact hiding information from the public, as was said by the previous speakers.

"In addition to that, those institutions that want to have private conventions or conferences do not want to know, do not want the public to know who is sponsoring the convention or who is in town, can do so. They have private facilities in which to do this. There is not indication that you're going to have a

large convention group that wishes anonymity. To the contrary, it would seem that it would be smaller groups that would not be economically profitable to the state.

“And speaking to this item of profitability, stand. com. 1285 also says the following: ‘Your Committee finds that allowing the Center to honor nondisclosure clauses will enhance its opportunities to obtain bookings, thus serving the public interest in profitable operations, without unduly impeding public access to information.’ Well of course we have free speech and you can say anything, but that’s just not true. It will in fact impede public access to information and will not – will not – guarantee profitable operation to the convention center. The convention center was never, never envisioned as being a profitable operation, and the taxpayers of this state pay a hefty debt service – principal and interest – every year for the \$350 million original cost of the convention center. In addition, we pay hefty amounts for the marketing, for the servicing, for the personnel of this convention center. So it is a large and prominent investment.

“It’s interesting to me that this Legislature, who has always prided itself on Hawaii’s uniqueness, particularly with public records, if it supports this, this bill, it is supporting just the opposite and just sending mixed signals. From the time that the Legislature was cognizant of a public effort to build or to fund the convention center, I never heard a complaint that we would have difficulty in bookings unless the information was kept private – never until this Session. And then it seems that this bill has a life of its own or several lives because while we can argue semantics of whether it was killed or held or delayed or whatever, the bill was not going anywhere until it did get a new life. There’s a great deal of pressure to push this bill through, and one might ask where that pressure is actually coming from and what is the nature of it. I, like my colleagues, have been told, well, other jurisdictions require these kinds of secrecy clauses or at least allow them. That, colleagues, does not make it right and does not make it something that we have to adopt.

“We were never told that we could not get a specific convention or group to come here because they were afraid that people would find out in advance that they were coming. And in fact, if we look back to the history of this convention center and to the original marketing and the original discussions in the Legislature, we were always told this was going to be the convention center for travel agency groups, and attorney groups, and doctors, and dentists, and everyone else. And none of them seem to need any anonymity.

“And as far as protecting proprietary interest, proprietary interests are protected under the various laws and are not subject to someone having to put down on an application for the convention center yes the ABC Corporation is coming because we want to introduce our new product, the ABC Eliminator. So that’s not a good argument as well.

“And I guess the issue or the statement that was just made by the good Committee Chair of Tourism that if successful in terms of bookings and everything else, we can later repeal this bill, that doesn’t make any sense because there is no direct relationship. None that’s been shown, at least, between additional bookings, numbers of people coming here and the necessity for having this particular secrecy clause. And therefore there would be no reason to remove it.

“I think that we’re going down a bad road. There is bipartisan opposition to this bill. I don’t think it really serves either the convention center, the tourism industry, or those conventions that book our convention center or other facilities without trying to fool the public. So colleagues, I think that this is an important bill, and regardless of who is behind it and what

their motives really are, it’s something that does not belong in our information practices.

“I urge a ‘no’ vote and a Roll Call vote, Mr. President. Thank you.”

Senator Hooser rose in opposition also and stated:

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

“I’d like to state for the record that I believe the bill is well intended, well meaning, and it is perfectly appropriate to seek ways to protect the users of this facility, protect their trade secrets, proprietary information and other things that they may be fearful of getting out exposed to competitors who want to know. So I think the intent is positive and well meaning.

“I also think, Mr. President, given more time and more discussion that I and others perhaps would be able to come to terms with the amendments of the bill to make it more satisfactory to protect the public’s right to know and also extend maybe additional protections to the potential users of the convention center.

“However, at this time, in my opinion the bill is too far reaching and I will not be able to support it in this form. Thank you.”

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

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

“Mr. President, since we’ve had so many references to the Judiciary Committee I believe that as the Chair of the Judiciary Committee I must step up now and put the record as straight as I can.

“First of all, Mr. President, the terms at issue were originally contained in the Judiciary Committee’s amendment, the S.D. 2 to S.B. No. 2395, and let me explain why. During the hearing that we held, the testimony was basically that everyone could agree to the 10 days because the original version of the bill had no time limit. I believe the Tourism Committee put in 30 days or something like that, and then we got the compromise of 10. However, Mr. President, what then subsequently happened was we put in the amendment that if a booking was canceled, then immediately the information would become public.

“As our system works, when the House bill came over we had another hearing on the matter. And in that time, it was your Judiciary Chair that asked HTA and SMG, I think was the name of the company that’s doing the booking, ‘What’s the value of this to the economy? What is it that you feel you’ll be able to bring forward if we were to provide this bill for you?’ The answer was there would be \$11 million a year in direct tax benefit and \$132 million to the economy. This was their estimate. And I, in jest, partially in jest, said, ‘So when we look upon this matter and when the Legislature votes, that’s what we’re going to tell the people that it’s worth. That’s what you’re telling us that it’s worth.’ And they basically said, ‘that’s what we believe it’s worth.’

“I’d like to correct the statement made by one of the previous speakers. This is a very unusual provision. It does not exist elsewhere. And the reason why the HTA believed that it would give them an advantage is because it does not exist. However, the Judiciary Chair also asked another question of the HTA and that was regarding subpart (b), which says, ‘Subsection (a) shall not apply to disclosure to the legislature.’ And at that time, I told them straight out, ‘So if the good Senator from Kaimuki

has a standing request at the beginning of each year to know exactly what your bookings are, what would you do?' And they said, 'we would disclose it to the legislature.' So I said, 'If the good Tourism Chair had an informational hearing at the beginning of each year and said tell us what your bookings are, these bookings would have to be disclosed?' And they said, 'yes.'

"So my point was, 'so this provision that you're asking for, the secrecy provision that everyone's talking about, you would have to reveal it to the Legislature of the State of Hawaii.' And they said 'yes.' So I said, 'well, if that's the case, then it makes the Legislature really the watchdog over these matters. And the good Tourism Committee and/or any member of the Legislature could request that information.' And they said, 'that's exactly what would happen.'

"So, Mr. President, it's not as onerous as what's it's coming out to be because there is in this bill the ability and the right to know. And it would be up to each and every member of this Legislature as to whether or not they believe (1) they need to know; (2) people should know, because at that point it would become public.

"But notwithstanding, given those circumstances, HTA believed that this is the bill that they could go forward with and get the \$11 million in direct revenue and \$132 million indirect to the economy. We as a Legislative Body have made exceptions to basically our Freedom of Information Act – HRS 92F. We have done it in certain circumstances for NELHA, for example, where we have permitted them not to make public certain appendices to the lease that they enter into based upon proprietary information and competition. We do that. This is another example of whether or not this Legislature is going to do that as well.

"But one of the most critical aspects of this bill is the fact that it is not pure secrecy and that in fact it does shift the burden, to a large extent, to this Legislative Body. And yes, every member is going to have to decide, is that sufficient protection that you feel you can live with? And secondly, is the economic gain for the state in these difficult economic times sufficient to outweigh what you might consider to be that right that we're giving to HTA – a right that we have a lot of strings attached to, a right that we technically control.

"So based on that, Mr. President, I support the bill and I ask my colleagues to do the same because it is not the onerous bill that people paint it out to be. Read the bill. Read what it says. It has in it, clearly, the exemption for the Legislature, and I trust the members of this Legislative Body, both the Senate and the House, will be there to ensure that nothing, nothing goes forward that in fact would infringe upon the rights of the public, that if they believe something should be known, they would come forward and they will do their job as Legislators.

"Thank you, Mr. President."

Senator Trimble rose in rebuttal and said:

"Mr. President, I rise in brief rebuttal.

"The previous speaker talked about the rights of the Legislature, the rights of the Legislature for information. I think the underlying issue is the right of the people for information so that they can act responsibly and plan their life for their own convenience, and they can't do that if they don't know what is happening at the convention center.

"The previous speaker also mentioned another bill, so why don't we talk about the trilogy of the attacks on OIP. We might

as well start with S.B. No. 3185. We did something for our own convenience. We didn't want to be bothered with vexatious requests. And what is vexatious today we can revisit tomorrow and say exasperating; and the day after tomorrow, annoying. And after a while, we run the risk that OIP will actually be in collusion with individual departments to determine who and why and when people have a right for information.

"Then we went on to H.B. No. 2142. H.B. No. 2142 was necessary because it appears that some departments and some agencies don't care or don't know how to read Chapter 92F, and therefore want to put their own little exclusions in their own little chapter.

"But the end of the trilogy is far worse, and I would suggest there is no difference between the highway department telling people what roads are going to be under construction and the need for the people to know the size and nature of the conventions that are held right next door to where they live so they can plan their life accordingly. It is the people's right. It is one thing to deny the people the right to vote on things like school boards, but it is something else that we face here today – and that is their right to know.

"Thank you."

Senator Ihara rose in rebuttal as follows:

"Mr. President, a few rebuttal comments.

"I stand corrected on the provision that allows for disclosure to the Legislature. I wonder, though, why give Legislators access to this information and not citizens? And if the purpose is to keep these records secret, then are Legislators being expected to keep it secret? Or if not, then why give Legislators access and we represent citizens, and if we were to just make it public, then what's the point of the bill to begin with?

"Secondly, if the Tourism Chair wanted to have her intent be made known, I believe the Judiciary Committee should have deferred action on the bill and not held the bill. The recommendation on this bill's companion, the House companion to this bill, was to hold, and a vote was taken. That's why as you recall, Mr. President, we have Rule 22. And I supported changes to this Rule. This Rule allowed for a Chair to defer indefinitely as long as the reason for the deferral was made public. So the Chair, I think, rightly could have announced that one of the sponsors of the bill, the Tourism Chair, recommended that the bill be deferred because she wanted to act on the Senate version which was alive in the House. And I believe that would have been an appropriate action instead of voting to hold the bill. That is why I believe that it is a valid statement to say that the Judiciary Committee reversed its position from passing the bill or this issue – this policy expressed in this bill in the companion bill – in one point in time on March 1st, and actually on April 1st voting on the same issue to hold the bill. I believe that the actions of the Committee as is known and is public, a citizen, a Legislator, myself can validly assert that the Committee reversed its position.

"Nonetheless, Mr. President, I wanted to also mention there was reference to the Office of Information Practices having agreed to the ten day disclosure period. That's not true. I called the director of the Office of Information Practices. Mr. President, that's why I make points about there are sometimes information in committee reports that I disagree with, and I often let it go. But, this is an example of why it's important for members to read committee reports, because if they are, there's information in committee reports that are not challenged. And I

did not challenge it at the time. Then they stand as the report of the Committee. We can double-check this and I'm sure the Judiciary will. But I claim that the Office of Information . . . see, it implies that the OIP supports this bill or at least supports the ten day portion of it, and I assert that they do not.

Respectfully submitted,

"This erodes the open records law clearly. In fact it's the OIP director that raised the concern in his testimony in the House about the public not having the right to protest, not having the right to access information with which to use to protest users of the convention center.

Clerk of the Senate

Approved:

"Thank you, Mr. President."

President of the Senate

Senators Aduja, English, Espero, Ige, Kokubun, Menor and Taniguchi requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2395, S.D. 2, and S.B. No. 2395, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," having been read throughout, and Roll Call vote having been requested, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Baker, Chun Oakland, Fukunaga, Hemmings, Hogue, Hooser, Ihara, Inouye, Slom, Trimble). Excused, 1 (Whalen).

At 12:58 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:59 o'clock p.m.

APPOINTMENT OF CONFEREES

S.B. No. 473, S.D. 1 (H.D. 3):

The President appointed Senator Hanabusa as an additional co-chair 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. 473, S.D. 1.

S.B. No. 3052, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3052, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Taniguchi, co-chairs; Espero, Kim, Kokubun, Tsutsui, Whalen as managers on the part of the Senate at such conference.

ADJOURNMENT

At 1:01 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 21, 2004.