

FIFTY-SEVENTH DAY

Thursday, April 29, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 6:51 o'clock p.m. with the President in the Chair.

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

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 503 to 519) were read by the Clerk and were placed on file:

Gov. Msg. No. 503, informing the Senate that on April 29, 2004, she signed into law Senate Bill No. 2647 as Act 24, entitled: "RELATING TO CORRECTIONS."

Gov. Msg. No. 504, informing the Senate that on April 29, 2004, she signed into law Senate Bill No. 2820 as Act 25, entitled: "RELATING TO AGRICULTURAL LANDS."

Gov. Msg. No. 505, informing the Senate that on April 29, 2004, she signed into law Senate Bill No. 2905 as Act 26, entitled: "RELATING TO MEDICAL BOARD DISCIPLINARY ACTION."

Gov. Msg. No. 506, informing the Senate that on April 29, 2004, she signed into law Senate Bill No. 2589 as Act 27, entitled: "RELATING TO HEALTH INSURANCE."

Gov. Msg. No. 507, informing the Senate that on April 29, 2004, she signed into law Senate Bill No. 2950 as Act 28, entitled: "RELATING TO GENERIC SUBSTITUTION OF PRESCRIPTION DRUG PRODUCTS."

Gov. Msg. No. 508, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2341 as Act 29, entitled: "RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION."

Gov. Msg. No. 509, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2414 as Act 30, entitled: "RELATING TO DENTAL INSURANCE."

Gov. Msg. No. 510, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2426 as Act 31, entitled: "RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS."

Gov. Msg. No. 511, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2498 as Act 32, entitled: "RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES."

Gov. Msg. No. 512, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2539 as Act 33, entitled: "RELATING TO HOSPITALS."

Gov. Msg. No. 513, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2558 as Act 34, entitled: "RELATING TO PENSION PLANS."

Gov. Msg. No. 514, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2630 as Act 35, entitled: "RELATING TO MOTOR VEHICLE RENTAL INDUSTRY."

Gov. Msg. No. 515, informing the Senate that on April 29, 2004, she signed into law House Bill No. 1819 as Act 36, entitled: "RELATING TO MOTOR VEHICLE INSURANCE."

Gov. Msg. No. 516, informing the Senate that on April 29, 2004, she signed into law House Bill No. 1898 as Act 37, entitled: "RELATING TO FINANCIAL LITERACY FOR YOUTH MONTH."

Gov. Msg. No. 517, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2300 as Act 38, entitled: "RELATING TO THE JUDICIARY."

Gov. Msg. No. 518, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2466 as Act 39, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM."

Gov. Msg. No. 519, dated April 29, 2004, transmitting her statement of objections to Senate Bill Nos. 3238 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 29, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3238

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3238 entitled 'A Bill for an Act Relating to Education.'

This bill has been referred to as the 'Reinventing Education Act of 2004.'

After listening to the advice of people throughout the community and considering all the pros and cons, it became clear that I could not in good conscience place my stamp of approval on the 'Reinventing Education Act of 2004.' This bill contains too many flaws in its present form. While not wanting to paint the bill with too broad a brush, it does not reinvent education, it mainly protects the status quo, and in one case it makes matters much worse by increasing bureaucracy and reducing accountability.

Fortunately there is time to correct the most serious flaws in Senate Bill No. 3238.

I am, therefore, exercising what I call a 'soft veto.' I am asking the Legislature to develop new language that would create legislation we can all take pride in and regard as a step forward.

I realize we have to identify a vehicle for this new education bill. There are many to choose from, including possibly **House Bill No. 1176** which has been in conference since April 2003. I propose that we rename our joint effort the '**Bipartisan Education Reform Act of 2004.**'

Because we still have one week left in the regular session of 2004, the executive and legislative branches have time to come together to craft an education bill that will bring about meaningful education reform.

I am recommending in this statement of objections that the Legislature enact five changes to Senate Bill No. 3238 using the vehicle of House Bill No. 1176. They are simple to make, yet would result in significant improvements at our schools. These changes are:

- Give principals control over 70 percent of their operating budgets initially, but phase-in a plan that would allow them eventually to control 90 percent of funds. At first glance it may not appear there is much difference between giving principals 70 percent versus 90 percent of the money. But it will mean a world of difference in the classroom. That is because at 70 percent most of the spending is already predetermined since it goes to salaries and related items over which the principal has little or no control. It is only when principals are given authority for 90 percent or more of the funds at their schools that they truly gain the financial flexibility they need to make meaningful improvements.
- Empower principals, set standards for their performance, and hold them accountable. In business, in education, and in every social organization, leadership makes the difference. Individual teachers also make a difference. But it is the principals who can inspire, motivate, and lead their schools by example.
- Give charter schools their fair share of funding, for facilities as well as operations, so they can provide instruction that is culturally appropriate for their communities. Charter schools have demonstrated that they can produce successful, self-confident students, even in the face of tremendous obstacles created by the Department of Education. Such schools are especially important for Hawaiian students, who suffer greatly under the Department of Education's one-size-fits-all system. It is time to give charter schools the resources and the support to excel.
- Instead of launching the 'weighted student formula' in the 2006-07 school year, start this sensible funding plan a year earlier. Under this formula, money would be allocated based on the needs of individual students. There are successful models we can use from school systems elsewhere. Let us get on with the task now.
- Make the school community councils advisory in nature. That way, councils can offer their recommendations to principals without complicating the decision-making process or confusing who the public should hold accountable.

These five changes are incorporated in a proposed House Bill No. 1176 attached to this statement of objections.

It is important to note that I did not mention local school boards among my proposed changes. That does not mean I have abandoned this critical concept, for I have not.

I will continue to do everything possible to give the people an opportunity to vote on the issue of nonpartisan, locally elected school boards in the 2006 general election.

Education reform is not about us – it is about the children. The people of Hawaii know that and they want to see significant progress this session. If the Legislature makes the 'five easy fixes' listed above, we will have a much better bill that will really advance the cause of student achievement through education reform.

Together, we have one last opportunity before the session ends to do what the people brought us here to do.

The education bill before me today does not really help our children in a systemic way. To let Senate Bill No. 3238 become law as is would mean we have squandered a chance to act in a bipartisan way to achieve real reform. And far worse, we would have deprived our children of the quality education they deserve.

I am recommending these five revisions on behalf of people all across our State who have watched many previous attempts to fix our schools and who should not settle for less than real education reform this time. While far from perfect, this modified legislation would move us ahead.

Someone once asked Thomas Edison if he got discouraged when an invention did not turn out as planned. 'I am not discouraged,' he said, 'because every wrong attempt discarded is another step forward.' Let us discard what is wrong with Senate Bill No. 3238 and pass a law that truly moves us forward.

For the foregoing reasons, I am returning Senate Bill No. 3238 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

At this time, the President made the following observation:

"The Senate will review the Governor's statement of objections to S.B. No. 3238, C.D. 1, and consider any appropriate action."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 691 to 697) were read by the Clerk and were placed on file:

Hse. Com. No. 691, returning S.C.R. No. 99, which was adopted by the House of Representatives on April 28, 2004.

Hse. Com. No. 692, returning S.C.R. No. 146, S.D. 1, which was adopted by the House of Representatives on April 28, 2004.

Hse. Com. No. 693, returning S.C.R. No. 167, which was adopted by the House of Representatives on April 28, 2004.

Hse. Com. No. 694, informing the Senate that the House reconsidered its action taken on April 8, 2004, in disagreeing to the amendments proposed by the Senate to H.B. No. 2098, H.D. 1 (S.D. 2).

Hse. Com. No. 695, informing the Senate that the House reconsidered its actions taken on April 15, 2004, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 1839, H.D. 2, (S.D. 2); and
H.B. No. 2749 (S.D. 1).

Hse. Com. No. 696, informing the Senate that the House reconsidered its action taken on April 29, 2003, in agreeing to the amendments proposed by the Senate to H.B. No. 851, H.D. 1 (S.D. 1).

Hse. Com. No. 697, informing the Senate that the Speaker on April 28, 2004, appointed Representatives M. Oshiro, chair, Caldwell, Blundell as managers on the part of the House for the consideration of amendments proposed by the House to S.C.R. No. 127, S.D. 1 (H.D. 1).

CONFERENCE COMMITTEE REPORTS

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2704, presented a report (Conf. Com. Rep. No. 51-04) recommending that S.B. No. 2704, 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. 51-04 and S.B. No. 2704, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2909, S.D. 1, presented a report (Conf. Com. Rep. No. 52-04) recommending that S.B. No. 2909, S.D. 1, 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. 52-04 and S.B. No. 2909, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2951, S.D. 1, presented a report (Conf. Com. Rep. No. 53-04) recommending that S.B. No. 2951, S.D. 1, 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. 53-04 and S.B. No. 2951, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2786, H.D. 1, presented a report (Conf. Com. Rep. No. 54-04) recommending that H.B. No. 2786, 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. 54-04 and H.B. No. 2786, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2834, S.D. 2, presented a report (Conf.

Com. Rep. No. 55-04) recommending that S.B. No. 2834, 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. 55-04 and S.B. No. 2834, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3185, S.D. 1, presented a report (Conf. Com. Rep. No. 56-04) recommending that S.B. No. 3185, S.D. 1, 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. 56-04 and S.B. No. 3185, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2077, S.D. 2, presented a report (Conf. Com. Rep. No. 57-04) recommending that S.B. No. 2077, S.D. 2, 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. 57-04 and S.B. No. 2077, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2926, S.D. 1, presented a report (Conf. Com. Rep. No. 58-04) recommending that S.B. No. 2926, S.D. 1, 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. 58-04 and S.B. No. 2926, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2928, presented a report (Conf. Com. Rep. No. 59-04) recommending that S.B. No. 2928, 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. 59-04 and S.B. No. 2928, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3502) recommending that the Senate advise and consent to the nominations to the State Boxing Commission of Hawai'i of the following:

HERBERT B. MINN, in accordance with Gov. Msg. No. 439; and

HENRY SASAKI, in accordance with Gov. Msg. No. 440.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3502 and Gov. Msg. Nos. 439 and 440 was deferred until Friday, April 30, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3503) recommending that the Senate advise and consent to the nominations to the Real Estate Commission of the following:

CAROL MAE A. BALL, in accordance with Gov. Msg. No. 469; and

MICHELLE SUNAHARA LOUDERMILK, in accordance with Gov. Msg. No. 470.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3503 and Gov. Msg. Nos. 469 and 470 was deferred until Friday, April 30, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3504) recommending that the Senate advise and consent to the nominations to the Board of Certification of Public Water System Operators of the following:

STEPHEN C. GREEN, in accordance with Gov. Msg. No. 472; and

ANN T. ZANE, in accordance with Gov. Msg. No. 473.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3504 and Gov. Msg. Nos. 472 and 473 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3505) recommending that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

WILLIAM A. BURWELL, in accordance with Gov. Msg. No. 449;

MARTHA GUINAN, in accordance with Gov. Msg. No. 450;

PATRICIA L. HEU MD, MPH, in accordance with Gov. Msg. No. 451;

MARY F. JOSSEM, in accordance with Gov. Msg. No. 452;

ELROY K.M. MALO, in accordance with Gov. Msg. No. 453;

EVAN A.R. MURAKAMI, in accordance with Gov. Msg. No. 454;

SHERYL NELSON, in accordance with Gov. Msg. No. 455;

MARK F. ROMOSER, in accordance with Gov. Msg. No. 456; and

BETSY R. WHITNEY, in accordance with Gov. Msg. No. 457; and

MARK YASUO YABUI, in accordance with Gov. Msg. No. 458.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3505 and Gov. Msg. Nos. 449, 450, 451, 452, 453, 454, 455, 456, 457 and 458 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3506) recommending that the Senate advise and consent to the nomination of GLENN E. SPARKS BSN, MHA to the Health Planning Council, Hawai'i County Subarea, in accordance with Gov. Msg. No. 459.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3506 and Gov. Msg. No. 459 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3507) recommending that the Senate advise and consent to the nomination of ZACHARY J. OCTAVIO to the Health Planning Council, Kaua'i County Subarea, in accordance with Gov. Msg. No. 460.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3507 and Gov. Msg. No. 460 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3508) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Maui County Subarea of the following:

JULIE A. CLARK-MCGEE MN, RN, in accordance with Gov. Msg. No. 461; and

DENISE L. COHEN, in accordance with Gov. Msg. No. 462.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3508 and Gov. Msg. Nos. 461 and 462 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3509) recommending that the Senate advise and consent to the nomination of DAVID J.W. CHANG to the Health Planning Council, West Oahu Subarea, in accordance with Gov. Msg. No. 463.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3509 and Gov. Msg. No. 463 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3510) recommending that the Senate advise and consent to the nomination of CHRISTOPHER P. SIBLEY to the Health Planning Council, Windward Oahu Subarea, in accordance with Gov. Msg. No. 464.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3510 and Gov. Msg. No. 464 was deferred until Friday, April 30, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3511) recommending that the Senate advise and consent to the nomination of MARK D. HUNSAKER to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 168.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3511 and Gov. Msg. No. 168 was deferred until Friday, April 30, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3512) recommending that the Senate advise and consent to the nominations to the Cable Advisory Committee of the following:

SAM AIONA, in accordance with Gov. Msg. No. 441;

D. MELE CARROLL, in accordance with Gov. Msg. No. 442;

JENNY FUJITA, in accordance with Gov. Msg. Nos. 443 and 444; and

GERRY SILVA, in accordance with Gov. Msg. Nos. 446 and 447.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3512 and Gov. Msg. Nos. 441, 442, 443, 444, 446 and 447 was deferred until Friday, April 30, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3513) recommending that the Senate advise and consent to the nominations to the Kaho`olawe Island Reserve Commission of the following:

CHARLES P.M.K. BURROWS EDD, in accordance with Gov. Msg. No. 465; and

ROBERT J. LU`UWAI, in accordance with Gov. Msg. No. 466.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3513 and Gov. Msg. Nos. 465 and 466 was deferred until Friday, April 30, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3514) recommending that the Senate advise and consent to the nomination of JOHN M. MORGAN to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 467.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3514 and Gov. Msg. No. 467 was deferred until Friday, April 30, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3515) recommending that the Senate advise and consent to the nomination of WARREN F. WEGESEND, JR. to the Hawai`i Community Development Authority (HCDA), in accordance with Gov. Msg. No. 476.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3515 and Gov. Msg. No. 476 was deferred until Friday, April 30, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3516) recommending that H.C.R. No. 60 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3516 and H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ('DREAM') ACT," was deferred until Friday, April 30, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3517) recommending that H.C.R. No. 117 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3517 and 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 deferred until Friday, April 30, 2004.

Senators Kim and Fukunaga, for the Committee on Tourism and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3518) recommending that H.C.R. No. 161 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3518 and H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE HALEIWA TOWN AS THE SURFING CAPITAL OF THE WORLD," was deferred until Friday, April 30, 2004.

Senators Hanabusa, Inouye and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs, the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3519) recommending that H.C.R. No. 199 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3519 and 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 deferred until Friday, April 30, 2004.

ORDER OF THE DAY

FINAL READING

Conf. Com. Rep. No. 20-04 (H.B. No. 1860, H.D. 1, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 20-04 be adopted and H.B. No. 1860, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

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

"Mr. President, I again rise to ask my colleagues to vote in opposition to S.B. No. 1860.

"It is a worthy cause, perhaps few are more worthy than this. However, I think that this is bad policy to every year discuss one or two more items to be elicited to our check off form on our income taxes. The direction we should be going in, colleagues, is to make it a one-page form with ten lines instead of trying to add another line and additional costs and confusion to that of the taxpayer.

"I believe that one of the daily newspapers also wrote an editorial that commented that it may also be bad public policy for a series of additional reasons. I wish that you would consider those also before you cast your vote.

"Thank you."

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

"Mr. President, I speak in support of this measure.

"I'm very thankful for the Legislature considering this measure, which came out of the Keiki Caucus which is a bipartisan effort. This is one way that the community had suggested being able to raise funds for child abuse and spouse abuse prevention efforts, as well as treatment. We really would like to extend our congratulations to the community for this effort and to the Legislature for really supporting it.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 20-04 was adopted and H.B. No. 1860, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Hogue).

Conf. Com. Rep. No. 21-04 (H.B. No. 1774, H.D. 2, S.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 21-04 be adopted and H.B. No. 1774, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak in opposition to the measure and said:

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

"The purpose of the bill is to, quote, 'encourage eligible claimants of unemployment insurance to seek gainful employment.' That's a worthy objective. The point of the matter is the bill will do exactly the opposite because it takes the limitations off the terms of outside income or other income that can be used, giving the unemployment compensation benefits basically as a subsidy to continue people working on part-time or small types of employment rather than seeking fulltime gainful employment.

"In addition, the bill says that it allows the federal Reed Act funds to be used to offset anticipated increases and unemployment compensation claims. It's good that the bill does that, however, my reading of the federal Reed Act indicates that in fact the Reed Act funds cannot be used for this purpose and I think that we're going to have a legal challenge down the road.

"In any event, it does not help people get more employed. It is going to be more costly. I remind my colleagues that only employers pay unemployment compensation tax. There's no unemployment insurance. There's unemployment compensation tax. No employee pays into that fund.

"Thank you, I urge a 'no' vote."

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

"Mr. President, I rise in support of this legislation.

"Mr. President, as the bill states, the current law serves as a disincentive for persons seeking additional employment because the statute imposes a greater restriction on individuals seeking to maximize work opportunities and penalizes individuals as multiple employers.

"Probably when the statute was drafted, I don't think the Legislators at that time foresaw the number of part-time jobs that Hawaii's employees today need to have in order to survive. So the bill is specifically set up to address an individual who had a number of part-time jobs who got displaced from one of them and, unlike what the previous speaker implied, that it removes the cap that provides for some sort of limitless funding. The bill only provides that somebody will continue to receive the unemployment benefits until their compensation reaches the benefit amount, at which time the unemployment benefits would end. So, there is a cap involved.

"Thank you."

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

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

"Many times worthy goals certainly are good. But in this case, people are very smart. I know a person who works in an unemployment office and periodically when we chat isn't it amazing that the day before their benefits expire they find a job. Unfortunately, there are many good people who need every penny of their unemployment benefits that diligently try to find a job and perhaps can't. But the fear with a provision such as this with no tiering like if you earn half the amount perhaps you can get half the benefits, if you earn very little perhaps you'd get the whole benefit, this measure provides too much of an opportunity for people who want to work the system to get around the system and unfairly receive benefits that people who truly need unemployment benefits should have. As the speaker from Hawaii Kai said, many of our small businesses are struggling. This type of measure would put a leaky hole into some of our worthy unemployment programs.

"I urge my colleagues to vote 'no.'

Senator Kim rose to speak in opposition to the measure and said:

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

"Mr. President, I hoped that this measure would have put in some safeguards because I think there is a lot of room for abuse. While I can understand the issue of part-time employment and unless I'm reading this wrong, there's nothing in the bill that speaks of part-time employment. So, I think the bill needs to be more specific.

"I also think that perhaps a percentage of the pay should be looked at, but at this rate, one could make one dollar less than what their getting as far as benefits and still get the full amount. So, I think there is some concern here and at this point I'm not satisfied with the way the bill is.

"Thank you."

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 21-04 was adopted and H.B. No. 1774, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Aduja, Hemmings, Ige, Kim, Sakamoto, Slom, Trimble, Whalen). Excused, 1 (Hogue).

Conf. Com. Rep. No. 22-04 (H.B. No. 2741, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 22-04 be adopted and H.B. No. 2741, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure and said:

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

"Quite simply, what this measure does is interfere with the management of executive branches by providing the deputy director and special assistant positions of executive departments not belonging to the Department of Education or the University of Hawaii are subject to position justification requirements and legislative review. Clearly the accountability and the responsibility for these deputies must lie with the executive, with the departments, and also with the head of those departments.

"This is an abrogation of what we've always done before and I think clearly is an interference with the executive branch of government.

"Thank you."

Senator Trimble rose in opposition to the measure and said:

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

"Only yesterday we were talking about S.B. No. 1828 and we were concerned about what people did and how they acted and we decided we wanted to make the Capitol a . . . what is it . . . a defecation-free zone. And there are members of the public, when they view what we do here today, that will say that the Legislature has a different set of standards for its own actions.

"There are some that will say that this bill is petty and partisan, that will say that when the people elected Governor Lingle they wanted to give her a clear opportunity for a new beginning, and that when the Legislature resorts to measures such as this that they are not competing with the Governor for the minds and hearts of the people but rather playing politics, the political game in an unfair manner just to insure that she might not succeed.

"So, for this reason, I urge my colleagues to take the higher ground and to vote against this measure. Thank you, Mr. President."

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

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

"This measure is simply a matter of checks and balances. It asks the executive branch to provide justification for many of their high salaried employees. An example happened this year with the tourism liaison. My understanding is this high salaried individual was paid for by other positions. So, it would be nice for us to know where those positions came from, who they were, and can have that information if there's going to be someone within the executive branch making 70, 80, 90 thousand dollars a year.

"So, I think just some good checks and balances with the legislative branch reviewing the executive branch is more than appropriate.

"Thank you, Mr. President."

Senator Hemmings rose to speak against the measure and stated:

"Mr. President, I rise to speak against H.B. No. 2741 and its permeation with all its drafts.

"Mr. President, I would like to think that, in reflection of the previous speaker's utterances, that this did have some semblance of check and balances in it. But this is clearly an abuse of legislative power against the executive branch of government. I would ask the Majority Party if this was such a brilliant idea, why wasn't it done five, ten, fifteen, twenty years ago when the Majority Party controlled the executive branch of government? Why is it being done now?

"I'd also like to note for the record that if this was a sincere attempt to hold deputies and people employed in different departments to some sort of accountability for what they're paid and compensated, why does it exempt two of the biggest departments that have the most highly paid executives, the DOE and the UH? It seems like a point of contradiction. Is this really fiscal responsibility on the part of the Legislature or is this just plain old petty politics, as the newspaper editors have pointed out.

"In closing, I would like to remind everybody that this is one of the most famous erosion bills – a bill designed by the Majority Party to erode power from the executive branch and hold her feet to the fire just for the sake of politics. It is indeed petty, and I would suggest that the people we serve know it.

"Thank you, Mr. President."

Senator Sakamoto rose and said:

"Mr. President, just some clarifying remarks to the previous comments about the Department of Education and the University of Hawaii. This is a reminder that the University of Hawaii has a board of regents that has oversight over salaries and positions and the Department of Education has the board of education oversight over them, elected officials that do have oversight over that department, Mr. President."

Senator Slom rose and said:

"Mr. President, just another brief point of clarification, since we certainly need clarity at 7:15.

"For the good Senator from Ewa Beach, while he's driving back tonight he should recall that when he's talking about those high salaries that that was the whole issue about having an executive salary commission since the salaries have been unchanged in 14 years.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 22-04 was adopted and H.B. No. 2741, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Hogue).

ADOPTION OF RESOLUTION

MATTERS DEFERRED FROM WEDNESDAY, APRIL 28, 2004

Stand. Com. Rep. No. 3501 (H.C.R. No. 203):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and 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 adopted.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 469 (H.D. 1):

Senator Kanno moved that the Senate reconsider its action taken on April 13, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 469, seconded by Senator Hanabusa and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 469, on the following showing of Ayes and Noes:

Ayes, 4 (Kanno, Hanabusa, Taniguchi, Whalen). Noes, none. Excused, 1 (Kawamoto).

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.B. No. 469, seconded by Senator Hanabusa.

Senator Kanno noted:

“Mr. President, the bill, as amended, would prohibit an employer or labor organization from penalizing an employee who uses accrued or available sick leave.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 469, and S.B. No. 469, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 2021, S.D. 1 (H.D. 2):

Senator Kawamoto moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2021, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2021, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Kawamoto, Aduja, Espero). Noes, none. Excused, 1 (Whalen).

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2021, S.D. 1, seconded by Senator Espero.

Senator Kawamoto noted:

“Mr. President, the House made some technical nonsubstantive corrections on this bill.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2021, S.D. 1, and S.B. No. 2021, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STREET ROD VEHICLES,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 2246, S.D. 1 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2246, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2246, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Inouye, Espero, Whalen). Noes, none. Excused, 1 (Aduja).

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2246, S.D. 1, seconded by Senator Espero.

Senator Inouye noted:

“Mr. President, the purpose of this bill is to exempt agricultural leases, utility easements and access easements from the prohibition of private restrictions on agricultural uses and activities within state agricultural districts.

“The House amendments address having language that specifies that agricultural leases are exempt from the prohibition of private restrictions on ag leases and activities within state ag leases. It’s also adding a definition of agricultural leases and made some technical amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2246, S.D. 1, and S.B. No. 2246, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 2869, S.D. 2 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments

proposed by the House to S.B. No. 2869, S.D. 2, seconded by Senator Fukunaga and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2869, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 6 (Inouye, Fukunaga, Taniguchi, Espero, Kokubun, Trimble). Noes, none. Excused, 1 (Kanno).

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2869, S.D. 2, seconded by Senator Fukunaga.

Senator Inouye noted:

“Mr. President, this bill calls for an act relating to the maintenance of properties within the Kalaeloa community development district.

“There were just some minor technical and nonsubstantive amendments for clarity, consistency and style made by the House.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2869, S.D. 2, and S.B. No. 2869, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 3190, S.D. 1 (H.D. 1):

Senator Menor moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 3190, S.D. 1, seconded by Senator Baker.

At 7:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:18 o'clock p.m.

The motion was put by the Chair and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 3190, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Menor, Espero). Noes, none. Excused, 1 (Whalen).

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 3190, S.D. 1, seconded by Senator Baker.

Senator Menor noted:

“Mr. President, the purpose of this measure is to require the Public Utilities Commission to revoke the certificate or permit of a motor carrier that engages in the services of a driver who is not licensed as a commercial driver.

“The House made an amendment to delete the reference to a misdemeanor offense. Your Committee felt that this amendment was reasonable and appropriate and accordingly we would ask for the approval of these amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3190, S.D. 1, and S.B. No. 3190, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 2882, S.D. 1 (H.D. 1):

Senator Menor moved that the Senate reconsider its action taken on April 8, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2882, S.D. 1, seconded by Senator Baker and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2882, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Menor, Baker, Ige). Noes, none. Excused, 1 (Whalen).

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 2882, S.D. 1, seconded by Senator Baker.

Senator Menor noted:

“Mr. President, the purpose of this measure is to enact a new insurance code article to establish Hawaii as a point of entry for alien insurers.

“The House made some technical amendments to this measure and I believe that those amendments are appropriate.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2882, S.D. 1, and S.B. No. 2882, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ALIEN INSURERS,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 2994, S.D. 1 (H.D. 2):

Senator Hanabusa moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2994, S.D. 1, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2994, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Hanabusa, Taniguchi, Chun Oakland). Noes, none. Excused, 2 (Kokubun, Hogue).

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 2994, S.D. 1, seconded by Senator Taniguchi.

Senator Hanabusa noted:

“Mr. President, S.B. No. 2994 is the amendment to the use tax. This was a result of the *Baker and Taylor v. Kawafuchi* case, which the Supreme Court decided in January of this year.

“The amendments by the House merely expands the definition of ‘use’ under use tax and includes entities that are licensed in the HRS 237.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2994, S.D. 1, and S.B. No. 2994, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE USE TAX,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 3044 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 3044, seconded by Senator Kawamoto and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 3044, on the following showing of Ayes and Noes:

Ayes, 5 (Inouye, Kawamoto, Hanabusa, Hooser, Trimble).
Noes, none.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 3044, seconded by Senator Kawamoto.

Senator Inouye noted:

“Mr. President, the purpose of this bill is to create a misdemeanor offense for obstructing public access to the sea, the shoreline, and any inlet recreational area or any public right of ways, transit ways, or public transit corridors.

“The House amendments created the misdemeanor offense for obstructing access to public property as well as providing examples of physical and impediments that cannot be installed to prevent the public from a public right of way. It also establishes minimal fines on second and subsequent convictions for this offense.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3044, and S.B. No. 3044, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.C.R. No. 79, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 27, 2004, in disagreeing to the amendments proposed by the House to S.C.R. No. 79, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 79, S.D. 1, seconded by Senator Chun Oakland.

Senator Baker noted:

“Mr. President, your Committees on Health and Human Services made an attempt to cover all of the points requested by the DD Council in the Senate version and the House perfected our attempts and these are the amendments that the council requested for their taskforce to move forward.

“I urge my colleagues to adopt.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 79, S.D. 1, and S.C.R. No. 79, S.D. 1, H.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 placed on the calendar for Final Adoption on Friday, April 30, 2004.

S.C.R. No. 101, S.D. 1 (H.D. 1):

Senator Fukunaga moved that the Senate reconsider its action taken on April 27, 2004, in disagreeing to the amendments proposed by the House to S.C.R. No. 101, S.D. 1, seconded by Senator Kawamoto and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 101, S.D. 1, seconded by Senator Kawamoto.

Senator Fukunaga noted:

“Mr. President, the House has amended this resolution in its entirety and used the contents of the resolution to request the United States Congress to provide for the compensation of awards to the fullest extent as determined by the Marshall Islands nuclear claims tribunal.

“Since the State of Hawaii has borne many of the costs of medical and other services for these immigrants to Hawaii, we agreed with the amendments since we hope that they will help our State.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 101, S.D. 1, and S.C.R. No. 101, S.D. 1, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROVIDE FOR THE COMPENSATION OF AWARDS, TO THE FULLEST EXTENT, AS DETERMINED BY THE MARSHALL ISLANDS NUCLEAR CLAIMS TRIBUNAL,” was placed on the calendar for Final Adoption on Friday, April 30, 2004.

S.C.R. No. 180, S.D. 1 (H.D. 1):

Senator English moved that the Senate reconsider its action taken on April 27, 2004, in disagreeing to the amendments proposed by the House to S.C.R. No. 180, S.D. 1, seconded by Senator Baker and carried.

Senator English moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 180, S.D. 1, seconded by Senator Baker.

Senator English noted:

“Mr. President, the House replaced the contents of this SCR entirely and is asking the Public Utilities Commission to explore how to implement the concept of intra-governmental wheeling to facilitate government wheeling of electricity and other regulatory measures to support the development of renewable energy systems by federal, state, and county agencies.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 180, S.D. 1, and S.C.R. No. 180, S.D. 1, H.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION THE PUBLIC UTILITIES COMMISSION IS REQUESTED TO EXPLORE HOW TO IMPLEMENT THE CONCEPT OF INTRA-GOVERNMENTAL WHEELING TO FACILITATE GOVERNMENT WHEELING OF ELECTRICITY," was placed on the calendar for Final Adoption on Friday, April 30, 2004.

Senator Kanno, requested a waiver of the notice requirement pursuant to the 2004 Committee on Conference Procedures for S.C.R. No. 127, and the Chair granted the waiver.

Senator Taniguchi, requested a waiver of the notice requirement pursuant to the 2004 Committee on Conference Procedures for S.B. No. 3182, 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.B. No. 2181, and the Chair granted the waiver.

DISCHARGE OF CONFEREE

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

The President discharged Senator Kokubun as a co-chair and appointed him as a 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. 1491, S.D. 1.

CONFERENCE COMMITTEE REPORTS

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 7:30 o'clock p.m., the Senate took the following actions:

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 473, S.D. 1, presented a report (Conf. Com. Rep. No. 60-04) recommending that S.B. No. 473, S.D. 1, H.D. 3, 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. 60-04 and S.B. No. 473, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2887, S.D. 2, presented a report (Conf. Com. Rep. No. 61-04) recommending that S.B. No. 2887, 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. 61-04 and S.B. No. 2887, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2839, S.D. 2, presented a report (Conf. Com. Rep. No. 62-04) recommending that S.B. No. 2839, 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. 62-04

and S.B. No. 2839, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2606, S.D. 1, presented a report (Conf. Com. Rep. No. 63-04) recommending that S.B. No. 2606, S.D. 1, 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. 63-04 and S.B. No. 2606, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3170, S.D. 2, presented a report (Conf. Com. Rep. No. 64-04) recommending that S.B. No. 3170, 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. 64-04 and S.B. No. 3170, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1238, S.D. 2, presented a report (Conf. Com. Rep. No. 65-04) recommending that S.B. No. 1238, 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. 65-04 and S.B. No. 1238, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was deferred for a period of 48 hours.

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. 2056, S.D. 1, presented a report (Conf. Com. Rep. No. 66-04) recommending that S.B. No. 2056, S.D. 1, 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. 66-04 and S.B. No. 2056, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," was deferred for a period of 48 hours.

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. 2200, presented a report (Conf. Com. Rep. No. 67-04) recommending that S.B. No. 2200, 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. 67-04 and S.B. No. 2200, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

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. 2425, S.D. 1, presented a report (Conf. Com. Rep. No. 68-04) recommending that S.B. No. 2425, S.D. 1, 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. 68-04 and S.B. No. 2425, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

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. 2716, S.D. 1, presented a report (Conf. Com. Rep. No. 69-04) recommending that S.B. No. 2716, S.D. 1, 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. 69-04 and S.B. No. 2716, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

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. 2538, S.D. 1, presented a report (Conf. Com. Rep. No. 70-04) recommending that S.B. No. 2538, S.D. 1, 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. 70-04 and S.B. No. 2538, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL," was deferred for a period of 48 hours.

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. 2671, S.D. 1, presented a report (Conf. Com. Rep. No. 71-04) recommending that S.B. No. 2671, S.D. 1, 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. 71-04 and S.B. No. 2671, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL," was deferred for a period of 48 hours.

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. 2790, S.D. 1, presented a report (Conf. Com. Rep. No. 72-04) recommending that S.B. No. 2790, S.D. 1, 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. 72-04 and S.B. No. 2790, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL," was deferred for a period of 48 hours.

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. 2791, S.D. 1, presented a report (Conf. Com. Rep. No. 73-04) recommending that S.B. No. 2791, S.D. 1, 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. 73-04 and S.B. No. 2791, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR

MONTESSORI SCHOOL OF MAUI, INC.," was deferred for a period of 48 hours.

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. 3086, presented a report (Conf. Com. Rep. No. 74-04) recommending that S.B. No. 3086, 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. 74-04 and S.B. No. 3086, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2968, S.D. 1, presented a report (Conf. Com. Rep. No. 75-04) recommending that S.B. No. 2968, S.D. 1, 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. 75-04 and S.B. No. 2968, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS," was deferred for a period of 48 hours.

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. 2063, S.D. 2, presented a report (Conf. Com. Rep. No. 76-04) recommending that S.B. No. 2063, 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. 76-04 and S.B. No. 2063, 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.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2358, S.D. 2, presented a report (Conf. Com. Rep. No. 77-04) recommending that S.B. No. 2358, S.D. 2, 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. 77-04 and S.B. No. 2358, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION CLAIMS," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3092, S.D. 1, presented a report (Conf. Com. Rep. No. 78-04) recommending that S.B. No. 3092, S.D. 1, 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. 78-04 and S.B. No. 3092, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1756, H.D. 2, presented a report (Conf. Com. Rep. No. 79-04) recommending that H.B. No. 1756, 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. 79-04 and H.B. No. 1756, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1710, H.D. 2, presented a report (Conf. Com. Rep. No. 80-04) recommending that H.B. No. 1710, H.D. 2, 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. 80-04 and H.B. No. 1710, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," 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. 1786, H.D. 1, presented a report (Conf. Com. Rep. No. 81-04) recommending that H.B. No. 1786, 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. 81-04 and H.B. No. 1786, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2911, H.D. 2, presented a report (Conf. Com. Rep. No. 82-04) recommending that H.B. No. 2911, 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. 82-04 and H.B. No. 2911, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1929, H.D. 1, presented a report (Conf. Com. Rep. No. 83-04) recommending that H.B. No. 1929, 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. 83-04 and H.B. No. 1929, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2049, H.D. 1, presented a report (Conf. Com. Rep. No. 84-04) recommending that H.B. No. 2049, 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. 84-04 and H.B. No. 2049, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1820, H.D. 1, presented a report (Conf.

Com. Rep. No. 85-04) recommending that H.B. No. 1820, 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. 85-04 and H.B. No. 1820, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2143, H.D. 2, presented a report (Conf. Com. Rep. No. 86-04) recommending that H.B. No. 2143, 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. 86-04 and H.B. No. 2143, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2773, H.D. 1, presented a report (Conf. Com. Rep. No. 87-04) recommending that H.B. No. 2773, 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. 87-04 and H.B. No. 2773, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2774, H.D. 1, presented a report (Conf. Com. Rep. No. 88-04) recommending that H.B. No. 2774, 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. 88-04 and H.B. No. 2774, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBDIVISIONS," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2074, H.D. 1, presented a report (Conf. Com. Rep. No. 89-04) recommending that H.B. No. 2074, 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. 89-04 and H.B. No. 2074, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS," was deferred for a period of 48 hours.

ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 6:30 o'clock p.m., Friday, April 30, 2004.