

FIFTY-EIGHTH DAY

Friday, April 30, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 6:44 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Suzanne Chun Oakland, 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 Fifty-Seventh Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 520 to 527) were read by the Clerk and were placed on file:

Gov. Msg. No. 520, dated April 30, 2004, transmitting her statement of objections to House Bill No. 2003 which she has returned to the House of Representatives without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

April 30, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2003

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, House Bill No. 2003, entitled ‘A Bill for an Act Relating to the Illegal Use of Controlled Substances.’

The purpose to this bill is to implement the recommendations of the Joint House-Senate Task Force on Ice and Drug Abatement that was created to address the epidemic proportion of crystal methamphetamine (‘ice’) use in Hawaii. This omnibus measure contains provisions that meet this purpose. However, it also contains provisions that would exacerbate the problem of ‘ice’ abuse in Hawaii.

Favorable provisions of this bill include increasing the prison sentence for those who manufacture drugs in the presence of a child, amendments to the drug paraphernalia law that would make it easier for law enforcement officials to prosecute these cases, and amendments that provide the Hawaii Paroling Authority with discretion in determining whether parole should be revoked for violations involving illegal drugs. In addition, the bill partially restores sentencing judges’ discretion to impose a jail sentence with regard to certain drug convictions. The bill also addresses the need for substance abuse treatment by mandating parity in health insurance plans allowing substance abuse to be treated like other medical conditions.

Although these provisions are a step in the right direction, they are unfortunately outweighed by other egregious provisions. For example, there are provisions in this bill that would actually reduce the penalty for manufacturing ‘ice’ and make the penalty for manufacturing small quantities of ‘ice’ less than the penalty for manufacturing small quantities of other dangerous drugs. As ‘ice’ manufacturing is a more serious problem in Hawaii than the manufacture of other dangerous

drugs, this change in the law would be particularly inappropriate. Currently, manufacturing less than one-eighth of an ounce of methamphetamine is a class A felony with a mandatory minimum term of not less than ten years during which time the convicted person is not eligible for parole. Under this bill, that crime is reduced to a class B felony with a mandatory minimum term of only three years. Moreover, manufacturing that same quantity of any other dangerous drug remains a class A felony. Thus, if this bill were enacted into law, manufacturing small amounts of every dangerous drug except ‘ice’ would be a class A felony. This would not represent good public policy.

Furthermore, the bill even reduces the mandatory minimum sentence for manufacturing large quantities of ‘ice’ from ten years with no possibility of parole to a sentence of five years. This is unacceptable. This is also inconsistent with one of the avowed purposes of the bill: to ‘deter the proliferation of drug trafficking’ with regard to ‘ice.’ If we are to successfully intervene in the availability of ‘ice,’ these provisions should not be allowed to become law.

This bill is also objectionable because it overturns the Hawaii Supreme Court’s decision (*State of Hawaii v. Smith*, 103 Haw. 228, 81 P.2d 408 (2003)) that requires drug users with multiple felony convictions to be sent to jail. To the contrary, this bill provides drug users with multiple felony convictions the possibility of not serving even one day in jail. This is a matter of poor public policy, because other criminals with multiple prior offenses would be given a mandatory prison sentence.

Other objections to this bill include its disregard of the counties’ home rule. As currently drafted the bill infringes upon the zoning powers of the counties by exempting drug rehabilitation homes from land use ordinances that establish guidelines for these homes. The bill provides that, with regard to any drug rehabilitation home accommodating up to ten persons, ‘no conditional use, permit, variance, or special exception shall be required for a residence used as a drug rehabilitation home.’ The bill also provides that such a drug rehabilitation home ‘shall be considered a residential use of property and shall be a permitted use in residentially designated zones including . . . zones for single-family dwelling’ (emphases added). There is no provision that allows homeowners and residents any procedure to challenge a decision to place a drug rehabilitation home in their neighborhoods.

This bill also amends the zero tolerance in public schools law by mandating that students caught, for example, selling drugs be assessed for treatment and given treatment, if needed, rather than being suspended from school (except for a possible ten-day ‘crisis suspension’). The provision ties the hands of the Department of Education in disciplining students who possess, sell, or use drugs. Furthermore, the Department may be unable to implement the proposed revision, because not all schools have certified substance abuse treatment counselors on staff and because there may well be an inadequate number of programs to which students can be referred.

Further, the provisions, as written, would result in two students who have engaged in exactly the same behavior to be punished differently. A student who sells drugs who DOES NOT need drug treatment is still subject to the ‘zero tolerance policy.’ However, a student who sells drugs who DOES need drug treatment is NOT subject to the ‘zero tolerance policy.’ In fact, the student with the drug problem is better off for disciplinary purposes than the student without the drug

problem, because the bill states that 'the child shall not be excluded from school and all disciplinary action shall be deferred' (emphasis added). The bill further provides that upon completion of the treatment program, all records of disciplinary action relating to the original offense shall be expunged. We should not enact legislation that, in effect, tells our children that being addicted to drugs is an effective way to avoid discipline or maintain a clean disciplinary record.

Moreover, we should not say that a student who deals large quantities of drugs, for example, cannot be suspended just because the student needs treatment. And, the provision appears to bar the zero tolerance policy even for a student who is caught selling drugs a second or third time.

House Bill No. 2003, in short, is a collection of provisions that are internally inconsistent, result in conflicting outcomes, and are, in some instances, inconsistent with good public policy. There are certain laudable provisions in the bill. I would hope they could be reenacted without those provisions that are steps backward rather than forward.

For the foregoing reasons, I am returning House Bill No. 2003 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 said bills and will consider any appropriate action."

Gov. Msg. No. 521, informing the Senate that on April 30, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution:

House Bill No. 2004 as Act 40, entitled: "RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES"; and

transmitting her statement of concerns relating to the measure, which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 30, 2004

STATEMENT OF CONCERNS REGARDING HOUSE BILL NO. 2004

Honorable Members
Twenty-second Legislature
State of Hawaii

I will allow House Bill No. 2004, entitled 'A Bill for an Act Relating to the Illegal Use of Controlled Substances' to become law without my signature.

This bill clearly has merit. It aims to provide the State and the counties with financial support to battle the crystal methamphetamine ('ice') epidemic. This bill funds intervention efforts, prevention, treatment efforts, and enhanced judicial programs in an effort to halt the spread of this dangerous and socially damaging drug.

HB 2004 appropriates \$14,702,419 for drug prevention and treatment programs as part of the Legislature's spending plan. Regrettably, it does so without considering the availability of fiscal resources. The Legislature's disregard of sound budgeting principles requires that I carefully consider these appropriations, together with monies appropriated in the regular State budget, to ensure that the State's budget is balanced. This will need to be done in the context of addressing the legitimate 'ice' abatement goals of our community.

This bill uses monies from three funding sources to pay for the \$14.7 million in proposed expenditures. The largest amount, over \$13 million, would be appropriated from general funds that are not included in the State's financial plan. Accordingly, these appropriations will stress available resources and must be weighed against other statewide priorities.

The second source is the Emergency Budget Reserve Fund (EBRF). A total of \$1.15 million would be taken out of this account. The EBRF was created to provide the State a critical reserve of monies during an emergency period, a severe economic downturn, or an unforeseen and drastic reduction in State revenues. The Emergency Fund was not intended to provide money for valid programs that are ongoing in nature, such as substance abuse treatment facilities. These centers should not have to wait anxiously from year to year not knowing until the eleventh hour whether they will be accommodated by dipping into the emergency reserves. Furthermore, funding drug prevention and treatment operations in this manner erodes the emergency account. Bond rating agencies point out that maintenance of this fund at about 5 percent of general fund revenues, or approximately \$190 million, is considered the level for an effective reserve. The fund's current balance of \$54.3 million is considerably below this prudent goal.

The third source of funding is the Environmental Response Revolving Fund. \$300,000 would be removed from this fund to examine the effects of 'ice' labs. Using these monies for this purpose is, at best, a 'stretch' since the purpose of this revolving fund was to earmark money for cleaning up oil spills.

I am also concerned that some of the appropriations made in this bill are inadequate to fulfill the Legislature's mandates. For example, funding appropriated to the Department of Public Safety to expand its canine drug interdiction program would only cover the costs of one dog and not the handler. Similarly, the Department of Public Safety has also pointed out that \$125,000 will not be sufficient to implement drug assessments for the inmate population they must process.

Despite these concerns, my Administration recognizes the importance of drug prevention and treatment programs. HB 2004 appropriates funds for the expansion of the highly successful drug court program, which is supported by the Law Enforcement Community. This bill also provides funding for the neighborhood-based Weed and Seed Program. However, support of this latter program may be problematic as the bill requires that a representative of the Attorney General chair a steering committee that already exists and must be chaired by the United States Attorney General, not the State Attorney General. Furthermore, the bill requires that the program establish an account for legislative appropriations, federal funds, and private contributions as a condition of receiving legislative funding. We must point out that this provision cannot be implemented because the federal government prohibits the co-mingling of federal funds with other funds. I urge the Legislature to take the necessary actions next year to correct these flaws in the Weed and Seed Program funding mechanism contained in this bill.

For the foregoing reasons, I will allow House Bill No. 2004 to become Act 40, effective April 30, 2004, without my signature.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 522, letter dated April 29, 2004, transmitting a proposed conference draft amending Sections 1, 3, and 7 of S.B. No. 2550, H.D. 1, to fund the tentative agreement for Bargaining Unit 5, pursuant to Section 89-10, HRS.

Gov. Msg. No. 523, letter dated April 26, 2004, informing the Senate that she will direct all government agencies to work towards identifying appropriate operational changes to accommodate the concerns of small businesses in response to S.C.R. No. 76 (2003).

Gov. Msg. No. 524, letter dated April 26, 2004, informing the Senate that her administration is still in discussions as to the implementation of S.C.R. No. 176 (2003), which urges the U.S. Congress to discontinue military base closures.

Gov. Msg. No. 525, informing the Senate that on April 30, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution:

House Bill No. 1800 as Act 41, entitled: "RELATING TO THE STATE BUDGET"; and

transmitting her statement of concerns relating to the measure, which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 30, 2004

STATEMENT OF CONCERNS REGARDING HOUSE BILL NO. 1800

Honorable Members
Twenty-Second Legislature
State of Hawaii

I will allow House Bill No. 1800, 'A Bill for an Act Relating to the State Budget,' to become law on April 30, 2004, without my signature. This action is taken pursuant to Section 16 of Article III of the State Constitution.

This bill provides \$7.9 billion in total operating appropriations, including \$3.9 billion in general fund appropriations for fiscal year 2004-2005. This bill also proposes expending \$1.3 billion for capital improvement projects, of which \$566 million would be funded through the issuance of general obligation bonds.

House Bill No. 1800 represents the largest part of the fiscal puzzle that is being pieced together in the final days of the Legislative session. But it does not represent the total picture, and therein lies the problem. There are over 50 appropriations bills and over 15 revenue bills in various stages of enactment that will impact the State's bottom line. Until all of these various proposals are acted upon, taxpayers will not know what the total price tag will be.

Further, House Bill No. 1800 reflects only half the fiscal equation. It is a spending plan. It does not provide an approach or a plan that takes into consideration the long term financial health of our State, especially the projected deficits of the following fiscal biennium.

Our State is at a critical juncture in its economic recovery. A hallmark of my Administration has been fiscal responsibility. As such, in December 2003 my office provided a clear, well thought out, and prudent budget. It also included a balanced financial plan that covered a six-year period between now and fiscal year 2009. This budget was subsequently updated in mid-April to reflect what the State could responsibly afford in collective bargaining raises for the HGEA and other bargaining units still under negotiation at that time.

In its rush to pass House Bill No. 1800, the Legislature ignored our mid-April budget plan. The Legislature also made budget adjustments that had no logic, such as deleting 54 permanent and 27 temporary full-time federally funded positions. This bill also eliminates funding for the John A. Burns School of Medicine which is scheduled to open in Kakaako in the spring of 2005. Additionally, House Bill No. 1800 adversely impacts funding for a court-mandated program and did not fund repairs for the Molokai irrigation system. As a result of the Legislature's hasty action, we were asked by the Chairman of the Senate Ways and Means Committee to submit a 'fix-it' budget bill, which we did last week.

We are now at the deadline to take action on House Bill No. 1800. Ironically, this is the same day the Legislature is considering the 'fix-it' budget bill my Administration submitted on April 26, 2004.

What this sequence of events illustrates is that the Legislature has acted without a comprehensive, multi-year financial framework. Continuing in this vein is simply not the responsible thing to do. Furthermore it leads to short term fixes that result in long term adverse consequences.

It is the Governor's role to exercise fiscal discipline in the management of State resources. I take this role seriously. This means that not all of the programs funded in House Bill No. 1800 can or will receive the amounts appropriated in this bill. It means that some high profile and popular programs may be reduced and others may have to wait while more urgent or legally mandated programs are funded first. And it means that not all the organizations expecting grants-in-aid and CIP projects will get the dollars they lobbied for this year.

We are on the verge of a bright future in the State of Hawaii. For the first time in years economic indicators are looking strong, unemployment is at a low of 3.8 percent, the business community is optimistic, the outside financial community has given us good bond ratings, and our citizens feel a bit better off. As former Governor Ariyoshi aptly pointed out, 'We have the opportunity to manage when times are good. We can only react when times are bad.'

It is in these good times that it becomes essential to manage the State's resources in a prudent, conservative, but sensitive manner. By carefully exercising the control of funds appropriated by House Bill No. 1800, I will work to maintain the reputation of sound fiscal management our state is now beginning to enjoy. It is for these reasons that I am allowing House Bill No. 1800 to become law as Act 41, effective April 30, 2004 without my signature.

Respectfully,

/s/ Linda Lingle

LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 526, informing the Senate that on April 30, 2004, she signed into law House Bill No. 2280 as Act 42, entitled: "RELATING TO STATE BONDS."

Gov. Msg. No. 527, dated April 30, 2004, transmitting her statement of objections to House Bill No. 2743 (line item vetoes) which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 30, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2743

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, House Bill No. 2743, entitled 'A Bill for an Act Relating to Non-General Funds.'

The stated purpose of this bill is to transfer moneys from certain special and revolving funds to the general fund, including setting up a mechanism to 'automatically' take money out of the Tobacco Settlement Special Fund and the State Parking Revolving Fund at the end of each fiscal year.

This bill is a manifestation of the questionable financial practices that have plagued the State for too long. Using moneys out of special funds to pay for ongoing expenses, such as arbitrated pay raises, is further evidence that the State is living beyond its means. This is not unlike a family taking money out of the children's college fund or an IRA account to pay its grocery bills. This practice must cease if we are to ensure the State's long-term fiscal health and well-being.

While I believe this practice should not continue over the long term, I realize that without some use of these moneys, the biennium budget will remain out of balance. Of the transfers of money made by this bill, I object to the following transfers, because I believe that these transfers will most severely compromise the ability of the State to carry out legally mandated programs:

1. The \$800,000 transfer from the Animal Quarantine Special Fund to the general fund. While the Legislature determined that there was \$800,000 in excess of the requirements of this fund and authorized the deposit of that amount to the general fund, I believe that a reduction of that magnitude would deplete this fund by fiscal year 2006 and cause the quarantine operations to close down. The impact on the health of our community by this action cannot be overstated.

2. The \$900,000 transfer from the Agricultural Loan Reserve Fund to the general fund. While the Legislature determined that there was \$900,000 in excess of the requirements of this fund and authorized the deposit of that amount to the general fund, this action would cripple the Department of Agriculture's ability to provide loans to farmers in the event of natural disasters, such as the recent floods experienced on all islands.

3. The \$3,000,000 transfer from the Special Land and Development Fund to the general fund. While the Legislature

determined that there was \$3 million in excess of the requirements of this fund and authorized the deposit of that amount to the general fund, taking this action would severely impact our ability to manage our parks, recreational, and conservation areas.

4. The \$12,500,000 transfer from the State Highway Fund to the general fund. This fund provides moneys critical to the repair and maintenance of our state highways. The recent flooding that has caused serious disrepair to our roadways is ample evidence of the need for these moneys. Additionally, money in this fund can be utilized to match federal highway dollars in a 20 percent to 80 percent ratio. Thus, taking \$12.5 million in highway fund is equivalent to the State losing \$50 million.

Section 5 of Article VII of the State Constitution provides that '[n]o public money shall be expended except pursuant to appropriations made by law.' The removal of money from the special and revolving funds constitute expenditures of that money from those special and revolving funds and must be authorized by 'appropriations made by law.' While this bill uses the term 'transfer' to authorize the removal of money out of various special and revolving funds, these authorizations to remove money by 'transfers' are 'appropriations made by law' within the requirement of Section 5 of Article VII of the State Constitution. Section 16 of Article III of the State Constitution provides that, '[e]xcept for items appropriated to be expended by the judicial and legislative branches, the governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same.' Because of the foregoing objections, I have taken the following actions pursuant to my line item veto authority:

1. Stricken out the \$800,000 special fund appropriation out of the Animal Quarantine Special Fund on page 1, line 6 and changed it to \$0.

2. Stricken out the \$900,000 special fund appropriation out of the Agricultural Loan Reserve Fund on page 1, line 12 and changed it to \$0.

3. Stricken out the \$1,500,000 special fund appropriation out of the Special Land and Development Fund effective July 1, 2004 on page 5, line 15 and changed it to \$0.

4. Stricken out the \$1,500,000 special fund appropriation out of the Special Land and Development Fund, effective January 1, 2005, on page 6, line 1 and changed it to \$0.

5. Stricken out the \$11,000,000 special fund appropriation out of the State Highway Fund, effective January 1, 2004, on page 6, line 7 and changed it to \$0.

6. Stricken out the \$1,500,000 special fund appropriation out of the State Highway Fund, effective June 29, 2005, on page 6, line 13 and changed it to \$0.

For the foregoing reasons, I am returning House Bill No. 2743 with the special fund appropriations for fiscal year 2004-2005 set forth above, totaling \$17,200,000, stricken from the bill.

For the foregoing reasons, I am returning House Bill No. 2743 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 698 to 719) were read by the Clerk and were placed on file:

Hse. Com. No. 698, informing the Senate that the amendments proposed by the Senate to the following House bills were agreed to by the House and said bills, as amended, passed Final Reading in the House of Representatives on April 29, 2004:

H.B. No. 2140, H.D. 1, S.D. 1;
H.B. No. 2147, H.D. 1, S.D. 1; and
H.B. No. 2421, S.D. 1.

Hse. Com. No. 699, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 1824, and H.B. No. 1824, S.D. 1, passed Final Reading in the House of Representatives on April 29, 2004.

Hse. Com. No. 700, informing the Senate that the amendments proposed by the Senate to the following House bills were agreed to by the House and said bills, as amended, passed Final Reading in the House of Representatives on April 29, 2004:

H.B. No. 1991, H.D. 1, S.D. 1;
H.B. No. 2223, S.D. 1; and
H.B. No. 2098, H.D. 1, S.D. 2.

Hse. Com. No. 701, informing the Senate that the amendments proposed by the Senate to the following House bills were agreed to by the House and said bills, as amended, passed Final Reading in the House of Representatives on April 29, 2004:

H.B. No. 1839, H.D. 2, S.D. 2;
H.B. No. 1893, H.D. 2, S.D. 1;
H.B. No. 2092, H.D. 2, S.D. 2;
H.B. No. 2363, H.D. 1, S.D. 2;
H.B. No. 2569, H.D. 1, S.D. 1;
H.B. No. 2749, S.D. 1; and
H.B. No. 2871, H.D. 2, S.D. 1.

Hse. Com. No. 702, 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. 2301, H.D. 1 (S.D. 1);
H.B. No. 2645, H.D. 2 (S.D. 2); and
H.B. No. 2748 (S.D. 1).

Hse. Com. No. 703, informing the Senate that the House reconsidered its action taken on April 2, 2004, in disagreeing to the amendments proposed by the Senate to H.B. No. 2375, H.D. 1 (S.D. 1).

Hse. Com. No. 704, informing the Senate that the House reconsidered its action taken on April 6, 2004, in disagreeing to the amendments proposed by the Senate to H.B. No. 2397, H.D. 1 (S.D. 1).

Hse. Com. No. 705, informing the Senate that the House reconsidered its action taken on March 30, 2004, in disagreeing to the amendments proposed by the Senate to H.B. No. 2206, H.D. 1 (S.D. 1).

Hse. Com. No. 706, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 29, 2004:

H.B. No. 1774, H.D. 2, S.D. 2, C.D. 1;
H.B. No. 1828, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 1860, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2022, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 2322, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2578, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2741, H.D. 1, S.D. 1, C.D. 1; and
S.B. No. 3207, S.D. 2, H.D. 2, C.D. 1.

Hse. Com. No. 707, returning S.C.R. No. 27, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 708, returning S.C.R. No. 40, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 709, returning S.C.R. No. 45, S.D. 1, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 710, returning S.C.R. No. 49, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 711, returning S.C.R. No. 56, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 712, returning S.C.R. No. 85, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 713, returning S.C.R. No. 92, S.D. 1, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 714, returning S.C.R. No. 114, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 715, returning S.C.R. No. 131, S.D. 1, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 716, returning S.C.R. No. 133, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 717, returning S.C.R. No. 136, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 718, returning S.C.R. No. 168, S.D. 1, which was adopted by the House of Representatives on April 29, 2004.

Hse. Com. No. 719, returning S.C.R. No. 212, which was adopted by the House of Representatives on April 29, 2004.

CONFERENCE COMMITTEE REPORTS

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. 2976, S.D. 1, presented a report (Conf. Com. Rep. No. 90-04) recommending that S.B. No. 2976, 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. 90-04 and S.B. No. 2976, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 680, H.D. 2, presented a report (Conf.

Com. Rep. No. 91-04) recommending that H.B. No. 680, 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. 91-04 and H.B. No. 680, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," 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. 1611, presented a report (Conf. Com. Rep. No. 92-04) recommending that S.B. No. 1611, 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. 92-04 and S.B. No. 1611, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," 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. 17, S.D. 1, presented a report (Conf. Com. Rep. No. 93-04) recommending that S.B. No. 17, S.D. 1, H.D. 1, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 93-04 and S.B. No. 17, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3182, presented a report (Conf. Com. Rep. No. 94-04) recommending that S.B. No. 3182, 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. 94-04 and S.B. No. 3182, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senators English and Kawamoto, for the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3520) recommending that H.C.R. No. 149 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3520 and H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO HELP PREVENT THE INHUMANE TREATMENT OF THE YELLOWSTONE BUFFALO AND SUPPORT PASSAGE OF THE YELLOWSTONE BUFFALO PRESERVATION ACT, H.R. 3446," was deferred until Monday, May 3, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3521) recommending that H.C.R. No. 179 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3521 and 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 deferred until Monday, May 3, 2004.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3522) recommending that H.C.R. No. 77, H.D. 2, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3522 and 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 deferred until Monday, May 3, 2004.

Senators Kanno and Fukunaga, for the Committee on Labor and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3523) recommending that H.C.R. No. 112, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3523 and H.C.R. No. 112, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE REGARDING THE IDENTIFICATION AND DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSIONS LAWS OF HAWAII 2003," was deferred until Monday, May 3, 2004.

Senators Kanno and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3524) recommending that H.C.R. No. 195 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3524 and H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was deferred until Monday, May 3, 2004.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3525) recommending that H.C.R. No. 251 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3525 and H.C.R. No. 251, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING MAY 7, 2004, AS CLEANERS' APPRECIATION DAY IN THE STATE OF HAWAII," was deferred until Monday, May 3, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3526) recommending that the Senate advise and consent to the nomination of WAYNE A. SALAS to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Gov. Msg. No. 410.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3526 and Gov. Msg. No. 410 was deferred until Monday, May 3, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3527) recommending that the Senate advise and consent to the nomination of RON AGOR to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 468.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3527 and Gov. Msg. No. 468 was deferred until Monday, May 3, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3528) recommending that H.B. No. 2181, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3528 and H.B. No. 2181, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING FINANCING PROGRAMS," was deferred until Monday, May 3, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3529) recommending that the Senate advise and consent to the nominations to the Board of Regents of the University of Hawai'i of the following:

JAMES J.C. HAYNES II, in accordance with Gov. Msg. No. 165; and

JANE B. TATIBOUET, in accordance with Gov. Msg. No. 166.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3529 and Gov. Msg. Nos. 165 and 166 was deferred until Monday, May 3, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3530) recommending that the Senate advise and consent to the nomination of ANDRES ALBANO JR. to the University of Hawaii Board of Regents, in accordance with Gov. Msg. No. 489.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3530 and Gov. Msg. No. 489 was deferred until Monday, May 3, 2004.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3502 (Gov. Msg. Nos. 439 and 440):

Senator Menor moved that Stand. Com. Rep. No. 3502 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the State Boxing Commission of Hawai'i of the following:

HERBERT B. MINN, term to expire June 30, 2008, (Gov. Msg. No. 439); and

HENRY SASAKI, term to expire June 30, 2008 (Gov. Msg. No. 440),

seconded by Senator Baker.

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3503 (Gov. Msg. Nos. 469 and 470):

Senator Menor moved that Stand. Com. Rep. No. 3503 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Real Estate Commission of the following:

CAROL MAE A. BALL, term to expire June 30, 2008 (Gov. Msg. No. 469); and

MICHELLE SUNAHARA LOUDERMILK, term to expire June 30, 2008 (Gov. Msg. No. 470),

seconded by Senator Baker.

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3504 (Gov. Msg. Nos. 472 and 473):

Senator Menor moved that Stand. Com. Rep. No. 3504 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Board of Certification of Public Water System Operators of the following:

STEPHEN C. GREEN, term to expire June 30, 2008 (Gov. Msg. No. 472); and

ANN T. ZANE, term to expire June 30, 2008 (Gov. Msg. No. 473),

seconded by Senator Baker.

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3505 (Gov. Msg. Nos. 449, 450, 451, 452, 453, 454, 455, 456, 457 and 458):

Senator Baker moved that Stand. Com. Rep. No. 3505 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

WILLIAM A. BURWELL, term to expire June 30, 2008 (Gov. Msg. No. 449);

MARTHA GUINAN, term to expire June 30, 2008 (Gov. Msg. No. 450);

PATRICIA L. HEU MD, MPH, term to expire June 30, 2008 (Gov. Msg. No. 451);

MARY F. JOSSEM, term to expire June 30, 2008 (Gov. Msg. No. 452);

ELROY K.M. MALO, term to expire June 30, 2008 (Gov. Msg. No. 453);

EVAN A.R. MURAKAMI, term to expire June 30, 2008 (Gov. Msg. No. 454);

SHERYL NELSON, term to expire June 30, 2008 (Gov. Msg. No. 455);

MARK F. ROMOSER, term to expire June 30, 2008 (Gov. Msg. No. 456);

BETSY R. WHITNEY, term to expire June 30, 2008 (Gov. Msg. No. 457); and

MARK YASUO YABUI, term to expire June 30, 2008 (Gov. Msg. No. 458),

seconded by Senator Chun Oakland.

Senator Baker rose to speak in support and said:

“Mr. President, I rise on behalf of Stand. Com. Rep. Nos. 3505 to 3510.

“Mr. President and colleagues, these are all governor’s messages that were referred to your Committee on Health. We examined all of these candidates and found that they were exceptionally well qualified and eager to assist with citizen input in our government.

“I highly recommend that all these be confirmed.”

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3506 (Gov. Msg. No. 459):

Senator Baker moved that Stand. Com. Rep. No. 3506 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of GLENN E. SPARKS BSN, MHA to the Health Planning Council, Hawai‘i County Subarea, term to expire June 30, 2008, seconded by Senator Chun Oakland.

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3507 (Gov. Msg. No. 460):

Senator Baker moved that Stand. Com. Rep. No. 3507 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of ZACHARY J. OCTAVIO to the Health Planning Council, Kaua‘i County Subarea, term to expire June 30, 2008, seconded by Senator Chun Oakland.

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3508 (Gov. Msg. Nos. 461 and 462):

Senator Baker moved that Stand. Com. Rep. No. 3508 be received and placed on file, seconded by Senator Chun Oakland and carried.

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

JULIE A. CLARK-MCGEE MN, RN, term to expire June 30, 2008 (Gov. Msg. No. 461); and

DENISE L. COHEN, term to expire June 30, 2008 (Gov. Msg. No. 462),

seconded by Senator Chun Oakland.

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3509 (Gov. Msg. No. 463):

Senator Baker moved that Stand. Com. Rep. No. 3509 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of DAVID J.W. CHANG to the Health Planning Council, West Oahu Subarea, term to expire June 30, 2008, seconded by Senator Chun Oakland.

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3510 (Gov. Msg. No. 464):

Senator Baker moved that Stand. Com. Rep. No. 3510 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of CHRISTOPHER P. SIBLEY to the Health Planning Council, Windward Oahu Subarea, term to expire June 30, 2008, seconded by Senator Chun Oakland.

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3511 (Gov. Msg. No. 168):

Senator Baker moved that Stand. Com. Rep. No. 3511 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of MARK D. HUNSAKER to the State Board of Public Accountancy, term to expire June 30, 2007, seconded by Senator Ige.

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3512 (Gov. Msg. Nos. 441, 442, 443, 444, 446 and 447):

Senator Baker moved that Stand. Com. Rep. No. 3512 be received and placed on file, seconded by Senator Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Cable Advisory Committee of the following:

SAM AIONA, term to expire June 30, 2006 (Gov. Msg. No. 441);

D. MELE CARROLL, term to expire June 30, 2005 (Gov. Msg. No. 442);

JENNY FUJITA, terms to expire June 30, 2004, and June 30, 2008 (Gov. Msg. Nos. 443 and 444); and

GERRY SILVA, term to expire June 30, 2004, and June 30, 2008 (Gov. Msg. Nos. 446 and 447),

seconded by Senator Ige.

Senator English rose in favor of the nominee and said:

“Mr. President, I rise in support of Gov. Msg. No. 442.

“This is the nomination of D. Mele Carroll to the Cable Advisory Committee and I ask the members to support her nomination. As many of you know, she worked with me for many years and is very well versed in the issues of the cable regulatory regime. She will do an excellent job in that position.

“Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3513 (Gov. Msg. Nos. 465 and 466):

Senator Inouye moved that Stand. Com. Rep. No. 3513 be received and placed on file, seconded by Senator Aduja and carried.

Senator Inouye then moved 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, term to expire June 30, 2008 (Gov. Msg. No. 465); and

ROBERT J. LU`UWAI, term to expire June 30, 2008 (Gov. Msg. No. 466),

seconded by Senator Aduja.

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3514 (Gov. Msg. No. 467):

Senator Inouye moved that Stand. Com. Rep. No. 3514 be received and placed on file, seconded by Senator Aduja and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of JOHN M. MORGAN to the Kaneohe Bay Regional Council, term to expire June 30, 2008, seconded by Senator Aduja.

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Stand. Com. Rep. No. 3515 (Gov. Msg. No. 476):

Senator Inouye moved that Stand. Com. Rep. No. 3515 be received and placed on file, seconded by Senator Aduja and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of WARREN F. WEGESEND, JR. to the Hawai`i Community Development Authority (HCDA), term to expire June 30, 2007, seconded by Senator Aduja.

Senator Kanno rose in support and stated:

“Mr. President, I rise in support of Gov. Msg. No. 476, Warren F. Wegesend, Jr, who is being nominated and confirmed to the Hawaii Community Development Authority.

“He works hard in our community as the general manager of the Villages of Kapolei Community Association, an often difficult and thankless task, and he has done an excellent job of providing balanced leadership for the community. I have only good things to say about Warren and the work that he has done. I’m sure he’ll do a good job on HCDA.

“Thank you.”

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

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

FINAL READING

Conf. Com. Rep. No. 23-04 (S.B. No. 2586, S.D. 2, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 23-04 be adopted and S.B. No. 2586, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Baker rose in support of the measure and said:

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

“Mr. President, this was one of the measures that your Health Committee and your Consumer Protection Committee considered this year to help us improve access to quality healthcare. We all know that while it seems that we have a lot of dentists in our state, to find a dentist to provide care to

someone who lacks insurance or might be on Medicaid has been very difficult. This bill will help us attract and recruit dentists to work specifically in this population by providing licensing by credential.

“This measure had the support of dental coalitions throughout the state, on the neighbor islands, here on Oahu, the Board of Dentistry, the Dental Association, and lots and lots of dentists and hygienists. It’s a very good piece of legislation and I urge all my colleagues to support it.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 23-04 was adopted and S.B. No. 2586, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Menor, Sakamoto).

Conf. Com. Rep. No. 24-04 (S.B. No. 2948, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 24-04 was adopted and S.B. No. 2948, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING SERVICES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Trimble). Excused, 3 (Espero, Menor, Sakamoto).

Conf. Com. Rep. No. 25-04 (S.B. No. 2608, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 25-04 was adopted and S.B. No. 2608, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Menor, Sakamoto).

Conf. Com. Rep. No. 26-04 (S.B. No. 2929, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 26-04 was adopted and S.B. No. 2929, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Menor, Sakamoto).

Conf. Com. Rep. No. 27-04 (H.B. No. 1259, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Whalen and carried, Conf. Com. Rep. No. 27-04 was adopted and H.B. No. 1259, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Menor, Sakamoto).

Conf. Com. Rep. No. 28-04 (H.B. No. 2020, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 28-04 was adopted and H.B. No. 2020, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROSTITUTION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Menor, Sakamoto).

Conf. Com. Rep. No. 29-04 (H.B. No. 2013, S.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Hooser and carried, Conf. Com. Rep. No. 29-04 was adopted and H.B. No. 2013, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Menor, Sakamoto).

Conf. Com. Rep. No. 30-04 (S.B. No. 2748, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 30-04 was adopted and S.B. No. 2748, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Menor, Sakamoto).

Conf. Com. Rep. No. 31-04 (S.B. No. 2840, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 31-04 was adopted and S.B. No. 2840, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TOBACCO,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Slom, Trimble, Whalen). Excused, 2 (Menor, Sakamoto).

Conf. Com. Rep. No. 32-04 (S.B. No. 2861, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 32-04 was adopted and S.B. No. 2861, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 33-04 (S.B. No. 3113, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator English and carried, Conf. Com. Rep. No. 33-04 was adopted and S.B. No. 3113, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VOTING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 34-04 (H.B. No. 1765, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 34-04 was adopted and H.B. No. 1765, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT BOARDS, COMMISSIONS, AND AGENCIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 35-04 (H.B. No. 2254, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 35-04 was adopted and H.B. No. 2254, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 707, HAWAII REVISED STATUTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 36-04 (H.B. No. 2683, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 36-04 was adopted and H.B. No. 2683, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 37-04 (S.B. No. 3025, H.D. 1, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 37-04 be adopted and S.B. No. 3025, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

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

"Mr. President, it seems to me that if you look at the functions of the office of what used to be called the Office of State Planning, now called the Office of Planning, that the Governor made the right decision last year when she noted that many of the functions of the Office of Planning was for closely related to that of the Department of Land and Natural Resources. I think we would be taking a step backward if we went and directed that they report to the director of DBEDT.

"For that reason, I oppose this measure. Thank you."

Senator Kokubun rose to support the measure and said:

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

"Mr. President, this is an important piece of legislation for us because, if you all recall, last Session the Governor introduced a bill that attempted to do exactly what was proposed in terms of moving the Office of Planning to DLNR and including the Land Use Commission, as a matter of fact. This Body, as well as the House, felt at that time that it was inappropriate and that we would not consider reorganization for political purposes.

"During the off session the Governor made the move administratively to enact what she could not attain legislatively. So I think what this bill does is really just specifically state that any type of move in this manner to negate legislative attempt must be done through a change in statute as opposed to administrative prerogative. So that is the purpose of this.

"I ask all my colleagues to support this measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 37-04 was adopted and S.B. No. 3025, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," 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 (Sakamoto).

Conf. Com. Rep. No. 38-04 (H.B. No. 1770, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 38-04 was adopted and H.B. No. 1770, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 39-04 (H.B. No. 2023, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 39-04 was adopted and H.B. No. 2023, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE APPEALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 40-04 (H.B. No. 2674, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Menor and carried, Conf. Com. Rep. No. 40-04 was adopted and H.B. No. 2674, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 41-04 (H.B. No. 2739, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ige, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 41-04 was adopted and H.B. No. 2739, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Sakamoto).

Conf. Com. Rep. No. 42-04 (S.B. No. 2908, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Conf. Com. Rep. No. 42-04 was adopted and S.B. No. 2908, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 43-04 (S.B. No. 2377, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 43-04 was adopted and S.B. No. 2377, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 44-04 (S.B. No. 2380, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 44-04 was adopted and S.B. No. 2380, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 45-04 (S.B. No. 3156, S.D. 1, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 45-04 be adopted and S.B. No. 3156, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Baker rose in support of the measure and stated:

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

"Mr. President, I'd like to thank you personally as well as members of the Conference Committee for enabling us to depart from normal procedure, waiving Rule 1(a), and consider language that would ensure that the Governor releases the funds for the helicopter air ambulance for the County of Maui.

"With your assistance, those of the Conference Committee Chairs, as well as our House Conferees, we've come up with language that restates that the State of Hawaii is not liable should the state or the Department of Health fail to establish these services, or in the event that the state would not be able to continue these services. It met the attorney general's objections. It's met the Governor's objections and she assured us that these funds would be released.

"So on behalf of my constituents, the constituents of the Senator from Central Maui as well as the Senator from East Maui, Kahoolawe, Molokai, and Lanai, thank you very much. I urge all my colleagues to vote in favor of this measure.

"Thank you."

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

"Mr. President, I rise to speak in favor of S.B. No. 3156.

"Mr. President, this is a good example of what good Legislators working with the executive branch can do when we cooperate with each other. As you know, this bill was problematic last year and the subject of long arguments and controversy. This year we seem to be doing what is prudent and correct and this will allow the good people of Maui to get the air ambulance service they need and yet protect the State of Hawaii from needless lawsuits.

"So it's a win for everybody and it shows that when we do work with the executive branch of government, good things can happen.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 45-04 was adopted and S.B. No. 3156, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 46-04 (S.B. No. 3085, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Menor and carried, Conf. Com. Rep. No. 46-04 was adopted and S.B. No. 3085, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 47-04 (S.B. No. 2782, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator English and carried, Conf. Com. Rep. No. 47-04 was adopted and S.B. No. 2782, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUNDING OF A HABITAT CONSERVATION PLAN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 48-04 (H.B. No. 2814, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 48-04 was adopted and H.B. No. 2814, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 49-04 (H.B. No. 2472, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 49-04 was adopted and H.B.

No. 2472, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Slom, Trimble, Whalen). Excused, 1 (Sakamoto).

Conf. Com. Rep. No. 50-04 (H.B. No. 1980, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 50-04 was adopted and H.B. No. 1980, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 469, H.D. 1:

Senator Kanno moved that S.B. No. 469, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Slom rose in opposition to the measure and said:

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

"This is a bad bill. It's a bad bill because it affects the rights of businesses large and small but particularly small. And what it does is create an unlawful and discriminatory practice for an employer that wants to manage its own sick leave policies. It gives additional rights to employees that do not exist right now and also causes of action. It will be an extremely costly measure. And I predict that if the bill is enacted into law what it will do is result in less businesses providing sick leave, which is not a mandatory benefit to employees.

"So it's a bad bill all around – employers lose and employees would lose as well. Thank you."

Senators Tsutsui, Baker, Kim, English, Fukunaga and Hooser 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. 469, and S.B. No. 469, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Aduja, Chun Oakland, Hemmings, Hogue, Ige, Ihara, Sakamoto, Slom, Trimble, Whalen).

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

On motion by Senator Kawamoto, seconded by Senator Espero 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Inouye, seconded by Senator Espero 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Inouye, seconded by Senator Fukunaga 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Menor, seconded by Senator Baker 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Taniguchi, seconded by Senator Kokubun 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3044, H.D. 1:

On motion by Senator Inouye, seconded by Senator Kawamoto 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Menor, seconded by Senator Baker 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 7:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:08 o'clock p.m.

FINAL ADOPTION

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

On motion by Senator Baker, seconded by Senator Chun Oakland 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 Finally Adopted on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Fukunaga, seconded by Senator Kawamoto 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 Finally Adopted on the following showing of Ayes and Noes:

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

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

On motion by Senator English, seconded by Senator Baker 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 Finally Adopted on the following showing of Ayes and Noes:

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

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, APRIL 29, 2004

Stand. Com. Rep. No. 3516 (H.C.R. No. 60):

Senator Kawamoto moved that Stand. Com. Rep. No. 3516 and H.C.R. No. 60 be adopted, seconded by Senator Hogue.

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

"Mr. President, I rise in opposition to Stand. Com. Rep. No. 3516, H.C.R. No. 60.

"This resolution states that we encourage the congressional delegation to support the development, relief, and education for alien minors under what is called the dream act. Well, it may be a dream for some people but it would be a nightmare for others. Because what we're talking about are undocumented

illegal – specifically illegal – immigrants and aliens who would be given preference and would be given subsidies to attend higher education.

"We were debating all this Session about how to take care of our own people, about how to take care of Native Hawaiians and what we seem to do is we continue to bend over backwards for illegal undocumented aliens. And I want to stress that because no one, I think, has a problem with legal resident aliens, but we are talking about illegal.

"So I'm going to vote 'no' and I urge my colleagues to vote 'no.' Thank you."

The motion was put by the Chair and carried, the joint report of the Committees was adopted 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 adopted with Senator Slom voting "No."

Stand. Com. Rep. No. 3517 (H.C.R. No. 117):

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

Stand. Com. Rep. No. 3518 (H.C.R. No. 161):

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

Stand. Com. Rep. No. 3519 (H.C.R. No. 199):

Senator Kawamoto moved that Stand. Com. Rep. No. 3519 and H.C.R. No. 199 be adopted, seconded by Senator Hogue.

Senator Hogue rose to speak against the measure and said:

"Mr. President, I rise to speak against H.C.R. No. 199.

"Colleagues, I hope you'll listen to the title of this resolution – requesting the Department of Hawaii Home Lands, the Department of Transportation, 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 the Haiku Stairs.

"Colleagues, this area used to be in my district. It is now just on the other side of the boundary lines of my district and I've been asked by so many people that are avid outdoors people and hikers who want to get to the Haiku Stairs. They love Haiku Stairs. They want to get up there.

"The city has been working feverishly to try to open up Haiku Stairs. They've been working with the Department of Hawaiian Home Lands. They've been working with DLNR. They've been working with the Office of Hawaiian Affairs. They've been working with the Department of Transportation to make this happen. I know that I had one meeting right here at the Capitol in which I brought all the sides together to try to work out the problems.

"This particular resolution is being pushed forward for the proponents of the people who really want to close Haiku Stairs and they want to close the access. It doesn't say that in the resolution, but that is what is behind it. There are a number of residents who live right on the edge of the territory and they don't want their property trampled on, and I understand that. So the City and County of Honolulu has worked very hard by putting up security guards to protect those people, but they've been very vocal. So they got a Representative over on the other side in the House to advance this particular resolution.

"Now, your Senator from this area now, who represents this area now, offered up a very evenhanded, fair-minded resolution, but the Representative on the other side didn't want to hear it because it conflicted with his resolution. So this one advanced, and what it is saying is to stop everything when all these departments right now are currently working with the City and County of Honolulu so that they can open up Haiku Stairs.

"Haiku Stairs belongs to all of us. We should work together to open it up because it's a beautiful, beautiful area. This is an access issue and this resolution works against open access. That's what it does. It's an agenda for just a very, very few people.

"So I'm asking you to please vote it down. Thank you."

Senator Hemmings rose in opposition to the measure and stated:

"Mr. President, I rise to speak against Stand. Com. Rep. No. 3519, H.C.R. No. 199.

"Mr. President and colleagues, I think it's very important to also follow up on the good Senator from Kaneohe's comments by letting him know that this resolution even affected the state's position on access to Haiku Stairs by having a tremendous adverse affect on the very people that it claimed that this was going to protect. Because the problem right now is that people don't have access to the Haiku Stairs so they're parking in the neighborhood and sneaking in through these people's yards.

"There is a plan underway. The good Senator from Kahaluu is participating, helping the Kaneohe neighborhood board implement it to have the state make access through Windward Community College, which would be proven beneficial and maybe even economically beneficial to Windward Community College, and it will allow people of Hawaii to enjoy this beautiful valley and the absolute splendor of those stairs.

"So in a curious way, passing this resolution is almost ironically going to eventually hurt the very people that claim it's going to help. It just doesn't make sense and I urge the Senate to vote this resolution down and support your colleague from the Windward side who has a more reasonable solution to this problem.

"Thank you, Mr. President."

Senators Ihara requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair.

The Chair then announced:

"The Chair could not distinguish between the 'ayes' and 'noes.'"

Senator Hogue rose and said:

"Roll Call vote."

The President stated:

"A Roll Call vote? We'll have a show of hands."

Senator Hemmings rose and said:

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

"I'd like to plead with the President of the Senate to acquiesce the Roll Call request of H.C.R. No. 199. It seems apparent that in this short discussion that we've had in an open and honest manner, there are a number of Senators who see the wisdom in not passing this resolution. By having a Roll Call vote, it will give us all an opportunity to ruminate on it further in making the appropriate decision and go on record. That would be the prudent thing to do and I ask you to allow it to happen."

At 7:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:21 o'clock p.m.

The President then announced:

"Members, Stand. Com. Rep. Nos. 3516 to 3518 have been adopted and we will be taking a Roll Call vote on 3519."

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

The motion was put by the Chair and, Roll Call vote having been requested, the joint report of the majority of the Committees was adopted 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 adopted on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hemmings, Hogue, Hooser, Slom, Trimble, Whalen).

RECONSIDERATION OF ACTION TAKEN

S.B. No. 2990 (H.D. 1):

Senator Taniguchi 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. 2990, seconded by Senator Kokubun and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 2990, seconded by Senator Kokubun.

Senator Taniguchi noted:

"Mr. President, there is only a very minor difference in the spelling of one of the words, so we will go with the House version."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No.

2990, and S.B. No. 2990, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," was placed on the calendar for Final Reading on Monday, May 3, 2004.

MOTION TO OVERRIDE VETO

H.B. No. 1797:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Baker moved that the Senate override the veto of H.B. No. 1797, as contained in Gov. Msg. No. 496, seconded by Senator Menor.

Senator Baker rose in support of the veto override and said:

"Mr. President, I rise in support of a veto override of the Governor's veto of H.B. No. 1797.

"Mr. President, I believe that H.B. No. 1797 will raise the level of optometric care being delivered by Hawaii optometrists to the standards endorsed in the vast majority of other states. After careful review, I believe that there will be substantiation of the fact that modern optometrists have the appropriate education to safely prescribe their own medications for use in the diagnosis, management and treatment of the eye and diseases including glaucoma. In my opinion, this measure will actually improve the quality of and enhance the access to appropriate healthcare delivery for all of our citizens, and that has been the goal of your Health Committee this year.

"In reviewing the testimony and looking at the facts that were presented before us, I came across the testimony of Dr. Marvin Baum who had done quite a bit of extensive research noting that Hawaii is one of only three states where optometrists are not allowed to treat glaucoma. In addition, there are only nine states where optometrists cannot use oral medications to treat eye disease. This means that optometrists in our state practice with some of the most limited prescriptive authority in the nation. In fact, Hawaii is tied with two other states for next to last.

"Our proposal in H.B. No. 1797 is not new. It's not groundbreaking. Many of these states have had optometrists treating glaucoma and using oral medications to treat eye disease for a long, long time. Some of them as early as 1976.

"When this bill becomes law, it will take optometry in Hawaii from being tied to next to last to putting optometrist's practice in the middle of the pack. We're not going to be cutting edge at all. I would like to have inserted into the Journal for future reference all of the charts and statistics that show exactly where Hawaii ranks, what states have been doing this for many, many years, and really providing all of the background so that future persons who read the Journal can see the basis for which our decision was made.

"I'd like to also add that from some of the other testimony, we had testimony from a Dr. Les Walls, president of Southern California College of Optometry. Dr. Walls holds degrees in optometry as well as medicine having practiced as a family practice medical doctor for many years, serving as an instructor in family practice at a residency program before returning to becoming an optometric educator. He pointed out that medical school traditionally prepares the student in general medical and surgical background for postgraduate training programs. Detailed anatomy and physiology of organs such as the eye is not emphasized during medical school. In addition, during surgical rotation in medical school, it is uncommon to be

exposed to ocular surgery. Because heart disease, cancer and stroke are the biggest killers in the U.S. population, medical school training is heavily devoted to general internal medicine, general surgery, obstetrics/gynecology, and pediatrics. There are usually fourth year electives in four to twelve week blocks where a student may increase his or her exposure to such specialty medicine in surgical areas such as ophthalmology; ear, nose, and throat; neurology; pulmonary medicine; cardiology and the like.

"It's Dr. Walls' experience that a small minority of students choose ophthalmology as a clinical rotation. On the other hand, optometry school is mostly devoted to ocular training. The prerequisites for optometry school meet or exceed the requirements for medical school admission, and the optometry admission test parallels that of medical college admission tests. With all the prerequisites and the primary care doctoral program in optometry school, the graduate optometrist is trained to make professional judgements and is quick to consult with other healthcare providers when a patient requires needed services outside their scope of practice.

"He further notes that optometrists now routinely work with medical specialists and sub-specialists in the interest of highest quality patient care. Like many of our doctors who work in primary care, that is the focus of the optometrist profession. They focus on primary eye care. This includes diagnosis, treatment, and management of refractive disorders and diseases to the eye as well as the vision system. Ophthalmology by comparison is a specialty that is surgery oriented and frequently deals with the diagnosis, management, and treatment of complex medical conditions, the kinds of things that the optometrists are not asking to do.

"An optometrist's education typically includes over 100 hours of instruction in general and ocular pharmacology, over 500 of didactic classroom instruction, and includes the effects of diagnosis and treatment of eye disease, but also the effects of systemic conditions on the eye. This is followed by over 1,000 hours in the clinic performing hands-on patient care. Before any doctor of optometry can prescribe therapeutic medications, he or she must also pass a national examination administered by the NBEO called treatment and management of ocular disease. This test assures the state board of examiners make certain certified optometrists possess a high level of competency in this area. The safe use of these therapeutic medications is well established.

"I would also note that our optometrists already have to pass all of the content as well as practical considerations that their peers in other states that have these pharmacological and prescribing protocols have right now. They're already being trained, but because our laws are so restrictive, they're not able to practice in the areas that they're trained to practice in.

"I know that there is controversy over this particular provision and that's why the Governor vetoed it. But I think if you look at the preponderance of the evidence and not be swayed by one particular profession or another, you will come to the same conclusion that the Health Committee and the Consumer Protection and Housing Committee did that optometrists have the advanced area of expertise to provide vital care for the eye. They have adequate education and training. They have the continuing education, training and credentialing that will enable them to use this prescription authority in a manner that is going to be safe, it will help patients, and it will extend the reach of those needing important eye care.

"For these reasons and others, I urge my colleagues to vote up on this measure."

The Chair having so ordered, Senator Baker's statistical charts are identified as ATTACHMENT "A" to the Journal of this Day.

Senator Hemmings rose in opposition and said:

"Mr. President, I rise to speak against the motion to override the veto of H.B. No. 1797, thus in favor of sustaining the Governor's veto.

"Mr. President and colleagues, no doubt the optometrists have particular expertise in dealing with a very (excuse the play on words) focused area of medicine concerning eye and eye disorders, most especially problems addressing focus, diseases related to glaucoma. And if this bill was as focused as their ability, it would make a lot of sense and I think you'd see tremendous support, including support from the ophthalmologists of Hawaii, the doctors.

"The good Senator from Maui outlines very salient points and some of them speak well as to why opticians should have prescription rights. But other things uttered need to be illuminated. It should be, first and foremost, said that there was mention that the optometrists get 100 hours of training in some particular area. Well, I can tell you that doctors get 100 hours of training in just one week of internship, which they do for three to five years. They get trained in the broad array of medical practices because they're dealing with the entire body, not just the eyes. This bill is wide open on the drugs that can be prescribed by optometrists whose training is very focused.

"According to the Hawaii Ophthalmologist Society regarding the number of states that allow optometrists to prescribe, there are 33 states that do not allow optometrists to prescribe oral steroids, 31 states that prohibit optometrists from prescribing oral anti-fungal medication, 18 states that prohibit optometrists from prescribing oral antibiotics, 21 states that prohibit optometrists from prescribing oral anti-virals, and 22 states that prohibit optometrists from prescribing non-steroidal anti-inflammatory medications. The point is – yes, 47 states do allow optometrists to prescribe, but it's very, very limited and it's very limited to their area of expertise. This bill is not.

"The prudent thing to do is to do what other states have done, and that is to have very, very focused prescriptive rights for qualified optometrists. They are capable people that can do a job, and I think this bill in fact reaches way beyond their means and their capabilities as far as prescribing a broad array of drugs.

"I would like to say that this bill may be similar to the air ambulance bill. We'll be back next year to fix the mistake. But why do that? Why not recommit this bill, go back to Conference on it, focus it, work with the ophthalmologists and see if we can't come up with a bill that is going to address the needs of the optometrists without putting the general public at risk for poorly prescribed medicines that the optometrists really should not be dealing with.

"Thank you, Mr. President."

Senator Kim rose in favor of the override and said:

"Mr. President, I rise to speak in favor of the veto override of H.B. No. 1797.

"Mr. President, according to the Governor's veto message, this bill is objectionable because it relapses the current restriction of optometrists and raises health and safety concerns. She maintains that the training that optometrists receive is less

than the instruction physicians are required to receive in order to gain the authority to prescribe medication in the State of Hawaii. Quite the contrary though, Mr. President, this bill is an endorsement of the thorough education and training of contemporary optometrists. The amplification of the scope of practice reflects this training and is evidenced as we have heard by 47 other states in which similar legislation has proven to be in the best interest of the public.

"The education and training in general for optometrists and ocular pharmacology is no less rigorous than that of medical doctors and parallel dentistry almost exactly. At the end of four years, Mr. President, the general dentists are also able to prescribe independently.

"Mr. President, the Governor also states that this bill removes the restrictions on how optometrists use medications for the treatment of eye disease. The removal of restrictions has occurred in states in most recent years, and significantly in those states in which restrictions have been lifted, there has been no subsequent repeal action due to inappropriate treatment or mismanagement on the part of optometrists. Optometrists are held to the same standard of care as primary care physicians. Optometrists will continue to liberally seek consultation and refer complicated ocular infections, prolonged eye inflammations, and surgical cases to ophthalmologists.

"The Governor goes on to say, Mr. President, that time is of the essence in treating eye infections, and if treated inappropriately or belatedly, the results could be severe. And I agree. Because, Mr. President, time is of the essence in treating eye disease. Therefore, this bill allows the well-educated, trained optometrists who are widely distributed to save precious time through the early diagnosis of prescribing appropriate treatment.

"This bill is in the best interest of the people of Hawaii. It is in line with the standard of care of the majority of states that has been time-tested and safely utilized for nearly 30 years. In some states, namely in New Mexico and North Carolina, malpractice insurance rates have not significantly increased in states with similar laws. As stipulated in the bill, only those medications indicated for use in treating ocular conditions will be allowed.

"Mr. President, I urge all of my colleagues to vote 'aye' on the bill. Thank you."

Senator Hogue rose in opposition and said:

"Mr. President, I urge all of my colleagues to vote 'no' on this particular motion.

"Colleagues, optometrists are very . . ."

The President interjected:

"For what purpose do you rise?"

Senator Hogue replied:

"I rise in opposition.

I want to say that optometrists are very, very good people and very, very professional. Ophthalmologists are very professional people and very, very good people. But these are the people that should be deciding this particular issue. I know that they've been fighting like crazy on it for many, many years. Maybe by us recommitting it, it will send a very strong message, especially to the ophthalmologic community to finally

see the light and come up with a bill that protects everyone. That's really the prudent thing to do.

"If you've taken a look at the measures across the states, you can see that there are many, many different ideas about prescriptive authority, some have given expansive authority, others have given very restrictive authority. But this should be worked out between members of this particular community – the optometrists and the ophthalmologists. Let's send them a strong message that they need to get together and work it out amongst themselves and let's not override the veto.

"Thank you very much, Mr. President."

Senator Trimble rose in opposition as follows:

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

"When this bill came before us I voted for it because I do favor prescriptive authority. But that is not really what we are deciding on today. What we're deciding on today is complete prescriptive authority. We have people over here that say that the other states are limited. We have people that say if you approve it, Hawaii will not be at the forefront . . . confusing information from seemingly intelligent people who read the same information. If we can't agree on terms of what the other states have done then maybe we haven't spent enough time trying to understand the information. Maybe it is appropriate that the Legislative Reference Bureau do a review for us in terms of what the other states do, and it would be prudent that they do it before we override the Governor's veto.

"So let's do the sensible thing – let's take another look at it. Let's give optometrists prescriptive authority but let's do it within reason.

"Thank you."

Senator Sakamoto rose in support of the motion and said:

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

"Just a brief remark. I believe professionals are professionals. I believe we should license or certify people based on their professionalism, their ability to be responsible. Because a doctor is a doctor, it doesn't mean he does every single procedure and uses every single medicine under God's blue sky on this green earth.

"I think there are professionals that sell pharmaceutical products. They would be very concerned if their products were misused. There are study groups that work with what makes sense to which community. They self police each other because no profession would want their colleagues abusing their profession. I believe in professionalism and let's move ahead and support professionals."

Senator Slom rose in opposition and stated:

"Mr. President, I rise in opposition to the override of the Governor's veto.

"I come from a family where I grew up with an optometrist. I'm very familiar with the arguments which I've heard for 40 years. I know that in fact there are differences between and among states and, in addition, powers that we have.

"We've had a very good discussion, I think, this evening but this is not about optometrists and ophthalmologists. This is about overriding the Governor's veto. In the eight years that I've been here we discussed this or a similar bill each year and

there was no consensus. I don't think that there was any new information that was added this year. What was added was that we have a different Governor and it became more of a political issue.

"Let me say that we just passed a bill about 45 minutes ago that gave more prescriptive powers to nurses. The psychiatrists and the psychologists continue to argue and to deliberate with us. The MDs and the chiropractors continue to disagree. We have these discussions year after year. As the good Senator from downtown Waikiki said, basically we have contradictory information. And all of a sudden it seems that this year there was more of an idea to rush to judgement in terms of this particular bill.

"I've got friends today who are optometrists. I've got friends that are ophthalmologists. I use the professional services of optometrists and ophthalmologists. I'm not worried about the abilities and the education of optometrists. I don't believe in scare tactics for any group. But I do believe that when we're looking at information and we just throw out figures that x-number of states do this and do that, if we're not truly careful in our research and we assume and we want others to assume that all of those states have the same kinds of powers and allow that, then we're not doing our job.

"The good Senator from Moanalua was talking about licensing, but of course we're not talking about licensing here. If I had my druthers, the libertarian view would be that the Legislature has no business whatsoever in any of these discussions. And if that were the case, I think we'd all be better off – let the professions settle it. But unfortunately, the Legislature is embroiled in this and almost every other aspect of every business and individual's life. And so therefore we're called upon to take a position and take a stand. And my position at this time based on this information and the, as I said, contradictory information is that there were other ways that we could do this and other ways that we could ensure if in fact the public safety is what is of concern, that we do a deliberate process.

"The good Senator from Kaneohe mentioned that there should be dialogue between the ophthalmologists and the optometrists. Well, there has not been, and one of the concerns from the optometrists has been that the ophthalmologists seemed renescent to have this discussion. We have the power to legislate it to make sure that in fact that happens. We have the power to have accountability and to narrow and define all of the terms so that we in fact all have an understanding what kind of treatment, what kind of medicines, what kind of procedures we're involved with. We have not done that and therefore tonight I'm forced to stand in opposition to the override.

"Thank you."

Senator Baker rose in rebuttal and said:

"Mr. President, I rise in support of the override in a brief rebuttal.

"The Chair of Commerce, Consumer Protection and Housing gave a charge to optometrists before he was willing to move the bill out. He said, 'You must prove to me with the objective evidence that in fact what you're saying is correct – that it is 47 other states that have the privileges that you're asking for.' And they came back with table after table showing state after state beginning in 1976 where these authorities and prescriptive powers had been granted. The one that stands at the bottom of the list, along with two others, is the State of Hawaii.

“There is not ambiguity about whether these states have provided their optometrists with this authority. It’s quite clear. There’s table after table that indicate the states that allow their optometrists to use medications to treat allergies, medications to treat infections, medications to treat glaucoma, medications to treat inflammation, oral medications to treat pain.

“The optometrists are trained. It’s not the old-school optometrists and I think that’s what some of our older ophthalmologists are counting on. The training for optometrists has been upgraded; it’s been expanded; they have additional hours of pharmacology; they can actually treat on the same basis, under this legislation, as what dentists do now. The oral surgeons haven’t been screaming about the dentists and their practice.

“I think, unfortunately, it is a fear of part of some of the ophthalmologists that perhaps they are going to lose market share. I don’t think that ought to be our concern. Our concern needs to be are we going to give people access to appropriate healthcare. Are we going to allow our doctors in this State, the doctors of optometry, they’re not opticians, the doctors of optometry to use the skills and the training that they are given.

“I think, Mr. President, after a thorough review of all of the testimony, all the information received, it was clear to us that indeed we should make use of the training, the talent, the education, and the dedication that optometrists in our state have and we should override the Governor’s veto. I request a Roll Call vote.”

Senator Aduja rose in support with reservations and said:

“Mr. President, I rise in support with strong reservations.

“Mr. President, I agree that optometrists are skilled practitioners and that they play a vital role in our healthcare delivery room. I do believe that their scope of practice should be expanded, as it has in many other states. However, in this case, this bill appears to be overly broad as it provides the optometrists with the authority to prescribe pharmaceutical agents without restrictions which is far beyond that which is allowed in our sister states.

“I have reviewed the written testimonies and e-mail correspondence of doctors, educators, ophthalmologists, optometrists, and members of the Hawaii Medical Association and the dean of the John A. Burns School of Medicine, Edwin Cadman.

“Mr. President and colleagues, please note the vital differences between the education, supervision, and formal training of a medical doctor and ophthalmologist as compared to the education and training of an optometrist. An optometrist is not a doctor of medicine. To practice optometry, one must earn a doctor of optometry, called an OD degree, by completing a four-year educational program in an accredited school of optometry. After completing this four-year degree and passing written and clinical examinations, an optometrist can obtain a license to practice. On the other hand, a medical doctor must complete four years of education of which includes two years of pharmacology training and study. In addition to this extensive educational requirement, a medical doctor is further required to complete a residency internship for another year under the direct supervision and responsibility of an experienced physician. During this residency internship, medical doctors are not authorized to write prescriptions independently. They remain supervised throughout their residency. Any prescriptions that they do write must be co-signed by an experienced physician. Under this extensive medical training program, a medical doctor will not write

prescriptions for the treatment of glaucoma until his or her sixth year following undergraduate school.

“On a practical level, however, the general practitioner more likely than not will refer the patient to an ophthalmologist. Why would doctors of medicine refer a patient to an ophthalmologist when clearly they are capable to write a prescription to treat glaucoma on their own? An ophthalmologist is a medical doctor with four years of medical school, a year of supervised residency, and is required to complete an additional three years of education specializing in the study of the eyes. This additional three years of study is conducted in a clinical setting. Thus the ophthalmologist is in the hospital seeing patients from the first day of his or her training obtaining hands-on experience in diagnosis and treatment of eye disorders and diseases under the supervision of a senior ophthalmologist. An optometrist, on the other hand, does not have this type of hands-on clinical training.

“Mr. President, under these circumstances, I believe that it may be in the best interest of the state that prescriptions for the treatment of glaucoma for an infant or a five or ten year old child should be by an ophthalmologist with nine years of specialized training.

“H.B. No. 1797 permits optometrists to prescribe oral medications for all disorders of the visual system, the eye and the eyelids. Many serious disorders that do not arise in the eyes, such as diabetes, hypertension, lupus erythematosus, rheumatoid arthritis, an inflammatory disease, may cause disorders of the eye visual system. Therefore, optometrists would be able to prescribe virtually any type of medication or disorders that may also affect the heart, kidney, central nervous system, joints and many other internal organs.

“Here are two very serious examples of the inherent risk involved in H.B. No. 1797. Shortly after the Legislature removed the mandatory referral to ophthalmologists for treating infants two years and younger, a Hawaii optometrist had misdiagnosed a serious eye condition in a Hawaii infant. The optometrist informed the parents that the infant’s crossed eyes were not a serious condition and would correct itself over time. Six months later, without signs of purported improvement, the infant was seen by an ophthalmologist and was diagnosed with life-threatening tumors in both eyes. The Hawaii ophthalmologist referred the infant to a hospital in California for treatment. The end result, however, was devastating. Both eyes and tumors had to be removed. Had medical attention been further delayed, the tumors would have taken the infant’s life.

“To illustrate the difficulty in proper diagnosis and treatment of glaucoma, let me describe a recent case where a Hawaii ophthalmologist treated three patients for glaucoma by prescribing a sulfo derivative drug called neptazane. A rare condition called Stevens Johnson Syndrome resulted in each case. The result was death for one of the patients and permanent blindness in both eyes for the other two patients. Therefore, even highly skilled ophthalmologists can err in the treatment of glaucoma. These types of reactions to certain drug treatments for glaucoma are not found in textbooks but are generally learned through clinical training.

“Further, with regard to malpractice and malpractice insurance, the average cost for malpractice insurance for an optometrist is \$225 per year. Whereas the average cost for coverage for an ophthalmologist runs from \$6,000 to \$8,000 per year, which would cover \$1 million to \$3 million dollars of malpractice insurance benefits.

"The majority of states limit that which optometrists can prescribe. The majority of states have instituted safeguards and referral requirements into their statutes that govern optometrists. Thirteen states require non-optometrists to treat glaucoma. I believe the rest of the statistics have already been disclosed to this Body.

"Mr. President, the medical community here in Hawaii is more than willing to assist and establish proper and safe guidelines for practicing optometrists. If given the opportunity, we'd work collaboratively with local optometrists to provide treatment guidance and support. Without the proper safeguards and restrictions in place, devastating results may occur such as those that I have described earlier.

"I thank you, Mr. President, for allowing me to place my reservations on this motion. Thank you."

Senator Hemmings rose to respond as follows:

"Mr. President, I rise in response.

"Mr. President, though the previous well crafted, well researched, most articulate speech was with reservations, I think it probably was the most compelling argument against overriding the veto. And I hope that my colleagues listened intently to it.

"What it did that I failed to do was it personalized it. It showed specifically how well-meaning optometrists with good training, who do not have the training of ophthalmologists, can make mistakes that can be absolutely devastating to individuals – a child who is permanently blind.

"It also points out some of the economics that reflect what really happens in the marketplace of medicine. There's a good reason why optometry malpractice insurance costs so little. It's because their scope of practice, especially administering medication, is very limited. Ophthalmologists, on the other hand, have medical malpractice insurance costs 30, 40, 50 times more expensive than the optometrists.

"What we are doing today is allowing optometrists to rise to the level of ophthalmologists in prescriptive rights, while in doing so, as the previous speaker so well articulated, we're ultimately putting at risk the very people we say we're trying to help.

"In closing, Mr. President, colleagues, I'd like to have the previous remarks added to the Journal as my own in speaking against this shortsighted legislation.

"Thank you, Mr. President."

The Chair so ordered.

At 8:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:02 o'clock p.m.

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

The motion was put by the Chair and, Roll Call vote having been requested, the veto of H.B. No. 1797, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

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

H.B. No. 2003, H.D. 1, S.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hanabusa moved that the Senate override the veto of H.B. No. 2003, H.D. 1, S.D. 1, as contained in Gov. Msg. No. 520, seconded by Senator Aduja.

Senator Hanabusa rose in support of the override and said:

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

"Mr. President, this is the bill that is the result of the work of the Joint House/Senate Task Force on Ice and Drug Abatement. Mr. President, I've had the honor, under your administration, to serve on two very successful joint task forces – the Felix Investigative Committee, as well as this one.

"This Joint Task Force work and the resulting bills is a result of over 80 hours of collecting information and listening to over 400 people. There was about four feet of documents that have been reviewed in the process. Not only that, Mr. President, members not only of the Task Force but members of this Body spent many hours in meetings with community organizations, sign waving, everything because it expressed one thing – the fact that the people of this state wanted something to be done about ice.

"Mr. President, as you recall, when we started to first discuss this Task Force the idea was how should we approach it. And what was very loud and clear was that ice was on the foremost priority list of everyone, and that is why this Task Force concentrated on ice. It is the result of the cry from the members of our community that this Legislature chose to act this year, and the result, of course, was H.B. No. 2003 and 2004. Luckily, H.B. No. 2004 was not necessarily vetoed. It wasn't signed, but it is law.

"It is a great disappointment for me to learn that H.B. No. 2003 was vetoed. But Mr. President, it's even a greater disappointment to learn as to the reasons why it was vetoed. I understand that it was actually not the Governor who delivered the rationale for the veto message to the press, but in fact the Lt. Governor. Mr. President, the Lt. Governor has come to testify before our Committee, and his basic objection to the bill was that he was not named the drug coordinator. That was what he came time and time again to ask – is that we would reconsider and make him the drug coordinator.

"I believe that the Lt. Governor himself realized that this was a critical issue, so critical that he, after his summit, decided he needed to study it another year. We, of course, disagree. We felt that the people have waited long enough and it was time for us to act. Mr. President, ice is a very bad drug.

"You know, this bill was not vetoed for all of its contents, Mr. President. In fact, the governor's message says that there are favorable provisions which include (1) the increase in the prison sentence for those who manufacture drugs in the presence of a child; (2) the drug paraphernalia law that would make it easier for law enforcement officers to prosecute these cases; (3) it provided the Hawaii Paroling Authority with the discretion in determining whether parole should be revoked for violations involving illegal drugs. In addition, they said it restores sentencing judges the discretion to impose a jail sentence with regard to certain drug convictions. Mr. President, this was the judiciary's concern about Act 161 where their proposal was that we not necessarily repeal it but what we do is

we restore discretion so we can stop with the representation that 161 is a 'get out of jail free' card.

"This bill also addressed the need for substance abuse treatment by mandating parity and health insurance. Mr. President, you may recall that when this whole issue started, there was some hesitancy on the part of the administration as to whether drug parity would be supported like it was supported in mental health. Obviously, the merits of this position has been made known and the administration now finds that that is a good position.

"Mr. President, let's now look at why it was vetoed, and it is unfortunate because I believe that someone may not have quite looked carefully enough at this 71-page bill. The first reason given for the veto is that this bill would actually reduce the penalty for manufacturing ice and make the penalty for manufacturing small quantities of ice less than the penalties for manufacturing small quantities of other drugs, and it goes on to say it reduces mandatory sentences. Mr. President, there is a difference. First, let's understand what drove this bill – it is the fact that the Legislature, in enacting it, made a clear statement that we are committed to treatment. And this is because of the fundamental belief in people – that people can change, that some people, especially those who are first-time offenders, can be given the right environment, and as a result of that, we can rehabilitate and we can stop this cycle. That's the first thing.

"The second thing is we are committed to a penal system that differentiates as to the heinous nature of the crime. And what that means, Mr. President, is that when we look at it, we believe that there is a difference between someone who may be caught in possession of a small quantity and someone who is a repeat offender. The existing statute, which is HRS Section 712-1241 makes a broad statement. It just says if there's a class A felony, well let's look at what it is. It's an indeterminate 20 years with a mandatory of one to ten years. That's what is says.

"What the new bill says is that it is a class A felony if you are caught manufacturing an eighth of an ounce or more. Mr. President, an eighth of an ounce is three packets of splenda or equal or whatever. That's all that that is. And what brings the penalty with that? It's an indeterminate 20 years; a mandatory of five years. If there is a death or serious bodily injury, a mandatory jail term of 10 years. If you are a repeat offender, Mr. President, we've heard a lot about this concept of three strikes. A repeat offender under this bill is anyone who's been convicted once – one other time – and then you'll have life – life, Mr. President, not 20 years, life – with a mandatory minimum prison term of 15 years, 15 years, a mandatory, something that we have not ever instituted in this Body, something like a mandatory of 15 years. One strike and you're out under this new bill. And if there is any effort or any attempt to basically distribute to a minor, a minor, Mr. President, then it is a class A felony.

"We have defined, like the portion of the bill that the Governor likes, we have defined that in fact minors are who we are here to protect.

"Mr. President, yes we do have a difference if there's a manufacturer of less than an eighth of an ounce, which is, as I've said, three packets. And in that sense we give an indeterminate of 10 years, a mandatory minimum of three. If serious injury occurs as a result of this, five years. And any repeat offender in that category gets a mandatory of eight years.

"Now, let's understand this in context of the federal system that we always compare our laws to. If you have simple possession, under the federal system it's a misdemeanor, a misdemeanor, Mr. President, and you will spend no more than a

year in prison. Under our system, it's actually a class B felony. Compare that to what we have here, a class B felony with a mandatory of three years. This shows, actually, the strong penal nature of this bill, and it did not come easily, Mr. President, because people did not want to have that type of a penal system within crystal meth, because you have heard the debates that we've had. We've all heard about treatment. We have been criticized in the papers, Mr. President, by those who advocated Act 161 because we no longer make it mandatory that anyone who is charged for the first time or is convicted for the first time goes into treatment, because we have left that discretion to the courts and they have said that as a result of that, we have gone back on treatment.

"Mr. President, what we have done is actually strike a balance – strike a balance with the treatment, with the communities that we have heard from want, and also, to protect the community in the issues of those who continue to offend or those who do trafficking, which is the new category which is manufacturing of this drug. We are making a distinction because we believe in the fact that people can change and that there is a difference between someone who manufactures, someone who preys on kids, and someone who may simply be a user, and that's the distinction because we believe in people and that is fundamental in this bill.

"The second thing that the Governor said that they are objecting to is the fact that we are undermining *Hawaii v Smith*. Mr. President, it is because of *Hawaii v Smith* that we looked at 161, and it is because of that law that we, in essence, gave the discretion. Let's not be misled by what the Supreme Court said in *Hawaii v Smith*. It said the court should have discretion. The judiciary came forward and said this is basically the only thing we're asking you to do – give us the discretion so we can say you can go to drug court or you can go to treatment or whichever one that we feel. And we said yes, that's what we'll do. So after that provision went into the law, the judiciary basically had no further complaints on this bill.

"Then, Mr. President, the Governor goes on to talk about counties' home rule, and she's talking about the provision in the bill where we refer to the right to have rehabilitation houses and the fact that the Department of Health will license them, and the fact that the counties shall not prohibit that. And it's like, somehow by doing that, we in the Legislature have done something unique or overridden, and the poor communities are going to suffer from that.

"Mr. President, the people who came to testify were not so much upset with our situation. They're upset with the fact that the counties permit people of five unrelated individuals to live together. That's what they're upset about. This particular bill requires the Department of Health to license it. Yes, we have up to ten people – up to ten people – but Mr. President, that's nothing new.

"In HRS 46-4, we have the provision there that says, 'neither this section nor any other law, county ordinance, or rule shall prohibit group living in facilities with eight or fewer residents and which are licensed by the state and an intermediate care facility basically to address those with mental health problems. We've done that. We've done it in HRS Section 46-15.35 for family childcare homes. Section 46-15.36 for hospice homes. We've done this because we made a policy statement as to what is important and how we are going to address this major problem.

"We have a problem and it's an ice problem. It's an ice epidemic. We cannot turn our backs to the fact that they need a structured environment. That's what works – a structured environment. And that's why the Department of Health is in

the process of promulgating their rules and to address this need. That is what this county home rule issue is. It's something that we have done . . . we have done when we see the need, and it is my opinion that your Committee and the Legislature, when they voted for this bill, adopted that philosophical view of what is necessary.

"Then the last item, in terms of the veto message, is that we have done away with zero tolerance in public schools. Mr. President, again, this is a belief and whether people, by getting treatment, can change. This begins on page 48 and goes to page 51 of this bill. And let me tell you what we decided as to the schools. But before I go there, Mr. President, let us all remember that if there was any success story in the testimony we received, it's with the kids and the fact that they are the only group where education worked. And that is why in H.B. No. 2004 it is so funded, because it works. They understand that ice is a bad drug. They've reduced their consumption of it. So we know that there's hope there and that is the hope. That's the only way we're going to break this trend.

"What this bill says is yes it gives the students the opportunity to be assessed and to be determined if they do need treatment. Mr. President, I'm proud about the fact that this bill will emphasize treatment, especially treatment of the young. But it does go on to say that if the assessment is made that the individual does not need treatment for substance abuse or any kind of dependency, disciplinary action can take place immediately like it would under any other situation. That's due process that we afford anyone in the schools system because, Mr. President, they are still our future. Yes, some of them may have problems, but this is not the time to turn our backs on them by simply saying we should have total zero tolerance – zero tolerance for what purpose?

"We have to rehabilitate them. We have to give them the opportunity for treatment. If we don't do that, what are we saying about the future? What are we saying about the people? We're basically saying, 'hey, you deviate from this once, then you have no future.' That is not what this Legislature is saying.

"The bottom line, Mr. President, is philosophical . . . philosophical in the sense of what do you believe the people of this state deserve. We do have a very strong, strong sanction provision – the criminal provisions that have been amended – a criminal provision that doesn't say one shoe fits all, a criminal provision that differentiates and says you do this offense one other time and you will have the strongest mandatory prison term that we've ever instituted. We are saying that. But before we get to that point, Mr. President, we are saying we believe in the ability of people to change and that they need and they should be afforded that opportunity. And I believe the administration believes that too or they would have vetoed H.B. No. 2004, because H.B. No. 2004 clearly sets forth the major policy statement of our commitment to treatment.

"Mr. President, when we enacted these bills, we decided that the people of this state did not want to wait another year. They did not want to have this studied another year. What they wanted was for us to take action. And that is what we have done. I think one of the strongest policy statements that this Body has made is H.B. No. 2003 and its companion bill, H.B. No. 2004.

"I would like to say, for those who voted for H.B. No. 2003 the last go around, the bill hasn't changed. It's still the same bill. It has the same provisions. And, like I said, even in the Governor's veto message, they do not take offense with every single portion of it. Somehow, we cannot simply say . . . we should not say that because the majority of this Legislature believes in treatment, believes in the fact that Act 161 should

remain with the right of the judiciary to determine how a person should be sentenced, that that somehow makes this a less strong bill. It is not that at all, Mr. President.

"For that reason, I ask that all of my colleagues join me in overriding the Governor's veto of H.B. No. 2003. Thank you."

Senator Hogue rose in opposition to the motion and said:

"Mr. President, I rise in opposition.

"Mr. President, I appreciate many of the comments from the learned Judiciary Chair. First of all, the administration does believe in treatment. In fact they have appropriated millions of dollars towards treatment through the Department of Health, the Department of Public Safety, Department of the Attorney General, Department of Human Services in this urgent current budget year. So they believe in treatment.

"The reason for this veto is balance. This particular bill is slanted more towards treatment than towards law enforcement. People wanted something to be done. People in our communities wanted something to be done. Unfortunately, this bill is balanced only in one direction. There's no walk and talk provision. There's no walk and knock provision. There's no wiretapping legislation that's in agreement with federal guidelines. It fails to allow an assessment of criminals after they've been brought in, so we are told that they are back on the streets the next day. These are all areas that could have helped law enforcement that are not in this particular bill. These are reservations that many of us have brought out on this Floor in previous discussions.

"There are also five other reasons to veto this bill:

1. It may reduce the number of convictions for class A drug trafficking felonies by requiring law enforcement to prove that those caught with large amounts of drugs have the intent to distribute. That's in section three.
2. Also in section three, it makes it more favorable to manufacturers of ice over other drugs as the penalties for doing so are less than those for the manufacturing of other illegal substances that I think the Judiciary Chair commented on.
3. It fails to clarify that Act 161 is not for repeat offenders.
4. It provides unequal treatment of students under DOE's zero tolerance policy – and it should be a zero tolerance policy.
5. It does not recognize county homerule by allowing clean and sober residential relocation homes to be exempt from county ordinances.

"I want to speak to a couple of these. One, the penalty for ice manufacturer being lower than the penalty for manufacturing other drugs – this is in section three, which will make it a class B felony instead of a class A felony. One judge, I am told, said about this particular bill, 'hey, if you're going to commit a crime now, just make sure you have some ice in your pocket.' Well, that's a very, very bad message to send to anyone on the streets. We cannot have any ice. We should have zero tolerance for ice. We should help our law enforcement communities.

"Finally, I've had so many calls from neighborhood board member who are just appalled at section 22, which takes away homerule. They want the permitting process to be gone through so they can look whether or not these clean and sober houses are appropriate for their neighborhoods. I fought against this particular provision in Committee. I continue to fight against this provision in this current bill.

"Finally, this bill in its present form actually makes it harder to fight the terrible problem of ice. In testimony, the city and county prosecutor agreed with that. The attorney general agreed with that. And for different reasons, even the public defender agreed with that. More importantly, communities are asking to get ice dealers and distributors off the streets. I'm not sure that this particular bill does that. We want safe streets. Unfortunately, with provisions of this particular bill, they may be out there even quicker if they refuse treatment.

"As the good Judiciary Chair has said, on behalf of the people, the people out there that we want to make safe, the people who aren't doing ice, the people who want to make certain that law enforcement has the tools that are necessary, I urge you to support the Governor's veto of H.B. No. 2003 and vote 'no' against this motion to override.

"Thank you very much, Mr. President."

Senator Aduja rose in support of the motion as follows:

"Mr. President, I rise in support of the motion to override the Governor's veto.

"Mr. President, we are on the eve of a new era in Hawaii. Tonight we have the choice to take bold new steps in arresting and perhaps reversing the disease of methamphetamine and drug use that has infiltrated the lives and livelihoods of the people of our state, or we can sit back, as we have year after year, and allow this disease to continue its frightening growth. We are, unfortunately, not in an early phase of development in the expansion of this social disease. We have let decades go by and it has spread widely and deeply into our society and into our lives.

"I'm proud of the people of my district and those throughout the state who have taken a bold and powerful step against ice and drug use in our communities. Many of them have risked their personal safety and have expended many hours of sweat and tears to take this courageous stand. We, as a Legislative Body, must rise to the occasion and take our stand as well.

"Since we announced our attention as a Legislative Body to comprehensively address ice and drugs the people of Hawaii have worked with us for the last year to prescribe treatment for the malaise of our state in the form of H.B. Nos. 2003 and 2004. Simply stated, Mr. President, we must override the Governor's veto of H.B. No. 2003.

"Mr. President, as I have mentioned in previous Floor speeches on H.B. Nos. 2003 and 2004, ice does not discriminate. It preys on every sector of our society. Its reach and its impact on our society is beyond words, and I believe we understand profoundly, each of us sitting here tonight, that it is our legal and moral responsibility as elected officials of our communities to put words into action, to stop the spread of illegal drugs and to offer new opportunities to the victims of substance abuse to rebuild their families and their lives.

"Regarding H.B. No. 2003, the Governor raises the concern of lowering penal sentences with the provision of treatment. Under this provision, we built an incentive for users to break the cycle of addiction. We need to ask ourselves which method works more effectively to improve society – hard and long prison time or treatment in combination with prison time for ice and drug users. Do we want to offer offenders the opportunity to free themselves of ice addiction or not? This is the philosophical difference between the Legislature and the Governor. It is not, Mr. President, a weakness of this bill.

"The Governor also raises concerns regarding the ability to set up drug rehabilitation programs in our communities. I believe that her use of the term drug rehabilitation in regard to this program is incorrect. Usually before the offender moves into a group home they have already gone through a drug rehabilitation program or programs elsewhere, oftentimes under a doctor's care. What we're talking about here in this bill is the next step, which is to live in a home with the support and guidance of other recovering individuals. Most people living in these programs are recovering addicts and have already gone through drug rehabilitation, thus it would be discriminatory to deny them the opportunity to live in any community, single-family residence or not.

"Regarding H.B. No. 2004, the Governor raises concern that there are inadequate parts to enact this bill. My question in response to this concern is how much more money will it cost the state in terms of vandalism, murder and the taxpayer's dollars to prosecute and incarcerate the offenders of likes instead of spending the money now to control it?

"I urge all of my colleagues to override the Governor's veto and to allow us to begin taking the necessary steps that our state desperately needs to curb ice and drug use and its horrible impact on our collective well being of the state.

"Thank you."

Senator Slom rose in opposition to the motion and said:

"Mr. President, I rise in opposition to overturning the Governor's veto.

"Well, there were many interesting things again on this bill that have been said this evening and over the last couple of weeks and months, but let's just review a couple of the things that were said.

"First of all, the good Senator Chair of Judiciary who we all admire and respect oftentimes has a siren song and sometimes it's very comfortable just to lay back and listen to that song, be relaxed, and be comforted. But then every once in a while you have to go – 'Oh wait, what did she really say? What's happening here?' – and talk about some additional facts. And so let's do that.

"First of all, the statement that was made and echoed by a number of speakers was that the people wanted something to be done. We all agree on that. What we disagree on is what the people wanted to be done. And those of us that have gone to drug summits, have gone to meetings, have gone to neighborhood boards, have gone to special community functions where this was a major issue, we heard overwhelmingly that what the people wanted done was to get tough with these folks who are doing drugs. And so as the good Senator from Kaneohe said, we were looking for a balance because getting tough did not mean that you would not use treatment or rehabilitation in those cases where it was both warranted and where there was an opportunity for success. Because the statistics that I think we can all agree on are that the rate of recidivism for drug users is extremely high. They use it over and over and over again usually escalating the use and the harm that they do.

"So, yes, the people wanted something done, but they wanted something done right. I don't believe that those people, including people in my community, that held signs to deal with the drug problem and the people that the good Senator from Kahaluu said were courageous and bold thought that the end all and be all was to put these people in treatment, some of whom have been in treatment many, many times before. They want

them off the streets. They want them dealt with satisfactorily, and the truth of the matter is this bill does not do that. And it's not because I say so. It's because the prosecuting attorney says so, the attorney general says so, the head of public safety says so, and even the public defender for different reasons as was brought up. But there was no unanimity among law enforcement officials. And what they didn't say was that those specific proposals that they had advocated early on in the process were in fact not seriously considered and not adopted either in this measure or in any other supplemental measure. And I think that's really an important point.

"If we compare Hawaii with other states, we find that other states have drug problems too. Some may be ice based, some may be other drugs. We've noticed in Hawaii, and we've reported on this over the last 10 years, the drug of choice has changed and probably will change again in the next five years. So our attack should not be solely on ice. It should be on drug use and its impact on other people.

"But if we compare Hawaii with other states, we find that we have gone overboard already in terms of treatment and giving second chances, third chances, fourth chances, fifth chances, and that's what it's all about.

"Some of the speakers would have you believe that a poor innocent person with just three little bags equal to sugar or a sugar substitute is getting harsh treatment. Well first of all, let's take a look at those three little bags. One of those little bags with this drug, which has been talked about as such a crisis and scourge, one little bag can do a tremendous amount of damage. And we've seen it happen, individuals using these drugs, but still, still we bend over backwards in the single area of treatment. And in some cases, we call the users and abusers of these drugs the victims. We mix them up with the very people that have been holding the signs in our community, the people that have had to deal with drug houses for years in their neighborhood. We call these people victims. They are not! They are perpetrators! And they should be held accountable and responsible for their choices but we don't do that in Hawaii. We make victims of them and continue to talk about treatment, after treatment, after treatment, after treatment.

"We have seen that certain programs like weed and seed in the drug courts have had success and the Governor has supported and encouraged and enhanced those programs. One of the statements I liked best by the Judiciary Chair was, quote, 'we believe in people,' unquote, meaning that they can get rehabilitated, they can get clean, they can go through treatment programs and all that. Oh, wait a minute . . . we believe in drug users but we don't believe in taxpaying citizens to have the right to vote for decentralization or local school boards for schools. We don't trust the people to do that. Drug users we do.

"So we have created a very special class of people in this state – the drug users. And you know what? They know it. They want this bill to be completed. They want the Governor to have her veto overridden because then the people will go back and you folks that support this will say we've done what you want. And you know what? After the abuses continue and the problems go on unabated, they'll look around and say what happened? What happened?

"The Majority Party, the sponsors of this legislation, said they solved our problem, just like we solved our problem with education and healthcare and other issues. We have not solved the problem because we've not addressed the problem. We are looking at symptoms and we are looking very selectively at symptoms that we want to address because they're easy. It's easy to give more treatment. It's easy to spend another \$14.5

million. What's difficult is to hold people accountable for their actions and demand that we get them off the streets first and then if they want to undergo treatment and we have certain statements that we require and certain objectives that we want, that's fine. Let's do that. But we put the cart before the horse here.

"The other thing is I hope I misunderstood – I hope I misunderstood – when the wonderful Judiciary Chair said that she thought that the reason that the Lt. Governor, after the Governor announced the veto, after the Lt. Governor spoke was because somehow he was upset that he didn't get an appointed position or he didn't get the recognition from the Majority Party. I hope I heard that wrong, because that has no place in this debate and could be further from the truth, just as this issue should not be a partisan issue. But it is a philosophical issue. Do you come down harder on the area of treatment or on punishment? On incentives or on protecting the public first and foremost? And that is our legislative responsibility – to protect the public. This is not protecting the public!

"The good Senator from Waianae also mentioned as a clarion call to those of you that voted for this bill before, remember this is the same bill. We made no changes in it whatsoever. And it's absolutely true. We had debate in Committee. We had debate on this Senate Floor. There were all kinds of suggestions made so that we could all work together and make it a better bill. But none – none – of those suggestions were adopted. The idea was we took this bill as it was, we're presenting it to you now the way it was, and we're saying let's override the Governor's veto, pass the bill and pacify the people as if – as if – they are going to be protected or that we've really done something about it.

"One final comment, and that has to do with the area of homerule and with these rehabilitation drug houses. To mix in the concerns or even the fears or the objections about the idea of five people living in a house, in a drug house, just doesn't compute. We recall two years ago under a previous administration that youthful sex offender facilities were forced into communities who had no choice as to what to do. And those communities were guaranteed by the state administration, by the Governor, by the health director, 'Oh, don't worry about these youthful sex offenders. They only sexually offend people in their family.' And they were guaranteed that nothing would happen. They couldn't escape. They would be taken care of and all that. And they put them within shouting distance of elementary schools. And the public objected but they couldn't do anything about it. Oh, and guess what, in case you forgot, there were escapes from these youthful sex offenders.

"Now this is what we're doing now. We're telling communities, we're telling neighborhood boards we don't care what you think. We don't care about you. If we want to put a drug rehabilitation house in your neighborhood with the traffic, with the noise, with the potential danger, we're going to do it and you don't have anything to say about it because there won't be any public hearings. There won't be any zoning. There won't be any permits. And that is the truth and that is why the Mayor of the City and County of Honolulu also asked the Governor to veto this measure, something he has not done for any other measure.

"So there are these concerns. These are legitimate issues aside from the philosophical context. And this Body has not dealt with them and refuses to do so. So yes, you have the votes to override the Governor's veto, but I hope you don't because you'll be overriding common sense.

"Thank you."

Senator Baker rose in support of the motion and said:

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

“Mr. President, we’re treated to lots and lots of rhetoric on this Floor and sometimes some of our colleagues get wound up. We were certainly treated to some of that tonight. But there were so many inaccuracies and misstatements in what was said and I know that the good Senator from Waianae doesn’t need my poor attempts at oratory to restate some of the arguments that she made, but I feel that I want to add my voice to that because I could not just sit by and let some of these things pass.

“I’d like to just quote with regard to the philosophy or the basic approach that the Senate and the House took in this conference draft. Let me just point out the position of the Department of Health. It says, ‘the Department of Health supports the intent of this measure. We appreciate the Legislature in its comprehensive approach towards addressing Hawaii’s crystal methamphetamine problem.’ We took a balanced approach. We took an approach that balanced the needs of law enforcement and the Judiciary in terms of dealing with people who manufacture, who push, who try to distribute and want to entice others to drugs. We tried to create that balance that separates how we dealt with those individuals and how we would deal with someone who is using and wants to get off or maybe has a one-time flirtation with a very addictive drug.

“It’s interesting to note when I was listening to the previous speaker talk about how treatment doesn’t work and all of these things are not going to be helpful, well one of the things that the Department of Health has said over and over and over again is there has not been enough treatment. That’s what the hours and hours of testimony in every community across the state testified to – that there are not enough treatment programs or there haven’t been enough prevention programs or haven’t been enough programs in the community that they know work in order to reach the number of people that could be served by a treatment and rehab program.

“We have a wonderful drug court program in this state. But it took this Legislature to expand it sufficiently so that it can reach out and be effective to others who want to avail themselves of that program. It took this Legislature to find the dollars to put treatment efforts in our schools, in our communities, and to make those programs available to the people that want the help. It took this Legislature to enact a piece of legislation that insures that if you have health insurance, that you’re going to be able to access that health insurance to treat your drug dependence in the same way as if you have a physical illness. It took this Legislature to step up to the plate to find out what was working and effective in the community and say we’re going to put our resources where our mouth is and make sure that these resources are available in our community.

“And one final note with regard to the issue of are we stepping over homerule. When I listened to the testimony in that hearing that day when we were considering additional amendments to this bill, the kind of programs that I heard people be concerned about weren’t really programs at all. And they’ve gone through the hearings and they got the permits and they got the application. And the thing that they were most concerned about was that there was no structure. There was nobody accountable. So what this bill does is to say to the Department of Health if you’re going to have drug rehab facilities, you’ve got to license them. There’s got to be some oversight. There’s got to be some program. There’s got to be a way to help insure that there’s something productive happening

there and it’s not just the lack of program but nuisance that has been created in the community.

“So I actually think, Mr. President, that we’ve done a good job of trying to make sure that there is some accountability for these kinds of activities. By and large, every person who worked in the treatment area said that you have to have a whole range of services. You have to have the very intensive. You have to have clean and sober houses. You have to have transitional houses. You have to have employment and skills training. You’re talking about breaking a cycle perhaps in families of many generations of using and abusing. And if we don’t provide these full range of options – treatment, rehab, prevention – available, we’re never going to break that cycle.

“I think we’ve made an important first step with this measure and H.B. No. 2004 and I certainly encourage all of my colleagues to vote in favor of this measure.”

Senator Hemmings rose against the motion and said:

“Mr. President, I rise to speak against the veto override.

“It’s been a good debate. We certainly heard both sides of the argument. I have a veto message here. It doesn’t have one mean spirited word about anybody in it. It doesn’t have any personal accusations. In fact, it actually has the recognition by the Governor that there are many favorable provisions in this document.

“Unlike the good Senator from Hawaii Kai, I did hear what the Judiciary Chairman said about the Lt. Governor. I’m only rising for one purpose – that those petty remarks be rebutted. To say the Lt. Governor opposed S.B. No. 2003 because he was not appointed some sort of coordinator is indeed below the dignity of the person who uttered those remarks.

“I’m standing to defend a good man whose heart is in the right place. I want to set the record straight about this man. This ice epidemic is not a new phenomenon. It’s been around for many years. And it’s funny that the Majority Party only convened the task force and addressed this issue after years of seeing it escalate to an epidemic proportion after the Lt. Governor picked up the gauntlet on behalf of the people suffering from this disease, hence the people suffering from the perpetrators of crime and violence and death by people who cannot and will not be rehabilitated.

“It’s important to reflect, because money has been mentioned, that somehow this Legislature is so bold and brave and innovative that they’ve appropriated money. Well, under the Lt. Governor’s leadership, the current budget has \$23.9 million of federal and state money to address this issue, so the claim that somehow the Majority Party’s initiative put money in this program is just simply not true. The Lt. Governor is respected enough to be appointed to the US Substance Abuse and Mental Health Services Administration Advisory Council. He’s already brought 3.5 million new dollars to the State of Hawaii through the US Substance Abuse and Mental Health Services Administration for those who are diagnosed with dual problems, mental and drug abuse.

“This Lt. Governor is a good man. It’s really unfortunate that his integrity had to be impugned personally. I heard it. There was no misunderstanding. And it’s really sad that this argument has to get down to personal attacks.

“This Lt. Governor was a judge in drug court. This Lt. Governor knows that rehabilitation works when you have an adequate incentive for the person that is suffering from drug abuse to be rehabilitated. That’s why drug court works. This

Lt. Governor is a good man and his efforts are to be lauded not berated by this Legislature.

“Thank you, Mr. President.”

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

“Mr. President, I stand in support of this veto override.

“I just want to thank the Legislature and the community, the executive branch and the judiciary. I think this is a long overdue effort and I know that over the years, over a decade, we’ve tried very quietly with not much publicity to build the base of resources for treatment and for prevention. I’m glad that there is a much broader understanding of the problem. I’m very happy that we have a majority in the Legislature and with the other two branches of government, along with the community, that has made this a priority.

“I wish that the words of the Judiciary Chair be entered as my own in that she has very eloquently articulated the points of the bill before us. I believe this bill was a product of many people coming forward and making very helpful suggestions to amend the bill. There have been changes, quite a bit of changes.

“I did want to share with our colleague from Hawaii Kai that in the bill we do require a public hearing to be conducted by the Department of Health whenever there is consideration of a rehabilitation facility. That was very important to many of us because we know that when there is facilities in our community that are helping people, oftentimes there are concerns that the neighbors have. With licensing and with requiring the Department of Health to hold public hearings, I believe that was very important in addressing some of the communities’ concerns.

“Again, Mr. President, I’m very proud of this product. I thank everyone that has placed or put so much effort into this. Again, it has not been just this year or last year. I think over the years we have built a very strong foundation that we can all be proud of.

“Thank you very much.”

Senator Trimble rose in opposition and said:

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

“If I may summarize the remarks of my colleagues, it is about balance. It is not new. It is not targeted. The only thing it is expensive.

“Thank you.”

At 8:56 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:00 o’clock p.m.

Senator Hogue rose and said:

“Roll Call.”

The Chair so ordered.

Senator Aduja rose and said:

“Same request, Mr. President.”

The motion was put by the Chair and, Roll Call vote having been requested, the veto of H.B. No. 2003, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 2 (Menor, Whalen).

APPOINTMENT OF CONFEREES

S.B. No. 2404, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2404, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Kawamoto, Kim, co-chairs; Whalen as managers on the part of the Senate at such conference.

The President then made the following announcement:

“The Chair will grant a waiver of the notice requirement for the deadline to conclude the negotiations pursuant to the 2004 Committees on Conference Procedures for S.B. No. 2404, S.D. 2, H.D. 1.”

CONFERENCE COMMITTEE REPORTS

On motion by Senator Kawamoto, seconded by Senator Hogue and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading and on concurrent resolutions for Final Adoption. In consequence thereof, and subsequent to its recessing at 9:03 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. 2995, S.D. 2, presented a report (Conf. Com. Rep. No. 95-04) recommending that S.B. No. 2995, 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. 95-04 and S.B. No. 2995, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING,” was deferred for a period of 48 hours.

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. 3080, S.D. 2, presented a report (Conf. Com. Rep. No. 96-04) recommending that S.B. No. 3080, 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. 96-04 and S.B. No. 3080, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2281, S.D. 1, presented a report (Conf. Com. Rep. No. 97-04) recommending that S.B. No. 2281, 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. 97-04

and S.B. No. 2281, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," 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. 2690, S.D. 2, presented a report (Conf. Com. Rep. No. 98-04) recommending that S.B. No. 2690, 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. 98-04 and S.B. No. 2690, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," 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. 2134, presented a report (Conf. Com. Rep. No. 99-04) recommending that S.B. No. 2134, 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. 99-04 and S.B. No. 2134, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," 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. 2440, S.D. 1, presented a report (Conf. Com. Rep. No. 100-04) recommending that S.B. No. 2440, 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. 100-04 and S.B. No. 2440, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," 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. 3049, S.D. 2, presented a report (Conf. Com. Rep. No. 101-04) recommending that S.B. No. 3049, 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. 101-04 and S.B. No. 3049, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE ANNUITIES," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2396, S.D. 1, presented a report (Conf. Com. Rep. No. 102-04) recommending that S.B. No. 2396, 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. 102-04 and S.B. No. 2396, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2529, presented a report (Conf. Com. Rep. No. 103-04) recommending that S.B. No. 2529, 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. 103-04 and S.B. No. 2529, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES FOR THE PROTECTION OF PUBLIC FUNDS," was deferred for a period of 48 hours.

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. 2045, S.D. 2, presented a report (Conf. Com. Rep. No. 104-04) recommending that S.B. No. 2045, 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. 104-04 and S.B. No. 2045, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2165, S.D. 1, presented a report (Conf. Com. Rep. No. 105-04) recommending that S.B. No. 2165, 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. 105-04 and S.B. No. 2165, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND PROTECTION," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2936, S.D. 2, presented a report (Conf. Com. Rep. No. 106-04) recommending that S.B. No. 2936, 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. 106-04 and S.B. No. 2936, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 779, S.D. 2, presented a report (Conf. Com. Rep. No. 107-04) recommending that S.B. No. 779, 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. 107-04 and S.B. No. 779, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2930, S.D. 2, presented a report (Conf. Com. Rep. No. 108-04) recommending that S.B. No. 2930, 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. 108-04 and S.B. No. 2930, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed

by the House to S.B. No. 3230, S.D. 2, presented a report (Conf. Com. Rep. No. 109-04) recommending that S.B. No. 3230, 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. 109-04 and S.B. No. 3230, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD CARE," 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. 1239, S.D. 1, presented a report (Conf. Com. Rep. No. 110-04) recommending that S.B. No. 1239, 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. 110-04 and S.B. No. 1239, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," 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. 3162, S.D. 1, presented a report (Conf. Com. Rep. No. 111-04) recommending that S.B. No. 3162, 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. 111-04 and S.B. No. 3162, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT," 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. 3153, S.D. 2, presented a report (Conf. Com. Rep. No. 112-04) recommending that S.B. No. 3153, 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. 112-04 and S.B. No. 3153, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH," 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. 3148, S.D. 2, presented a report (Conf. Com. Rep. No. 113-04) recommending that S.B. No. 3148, S.D. 2, 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. 113-04 and S.B. No. 3148, S.D. 2, H.D. 3, 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. 3020, presented a report (Conf. Com. Rep. No. 114-04) recommending that S.B. No. 3020, 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. 114-04 and S.B. No. 3020, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2424, S.D. 2, presented a report (Conf. Com. Rep. No. 115-04) recommending that S.B. No. 2424, 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. 115-04 and S.B. No. 2424, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 420, S.D. 1, presented a report (Conf. Com. Rep. No. 116-04) recommending that S.B. No. 420, 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. 116-04 and S.B. No. 420, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 214, S.D. 3, presented a report (Conf. Com. Rep. No. 117-04) recommending that S.B. No. 214, S.D. 3, 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. 117-04 and S.B. No. 214, S.D. 3, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2073, S.D. 2, presented a report (Conf. Com. Rep. No. 118-04) recommending that S.B. No. 2073, 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. 118-04 and S.B. No. 2073, S.D. 2, H.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 Senate to the amendments proposed by the House to S.B. No. 2355, S.D. 2, presented a report (Conf. Com. Rep. No. 119-04) recommending that S.B. No. 2355, 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. 119-04 and S.B. No. 2355, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2873, S.D. 1, presented a report (Conf. Com. Rep. No. 120-04) recommending that S.B. No. 2873, 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. 120-04 and S.B. No. 2873, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2878, S.D. 2, presented a report (Conf. Com. Rep. No. 121-04) recommending that S.B. No. 2878, 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. 121-04 and S.B. No. 2878, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2879, S.D. 2, presented a report (Conf. Com. Rep. No. 122-04) recommending that S.B. No. 2879, 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. 122-04 and S.B. No. 2879, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3106, S.D. 1, presented a report (Conf. Com. Rep. No. 123-04) recommending that S.B. No. 3106, 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. 123-04 and S.B. No. 3106, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3018, S.D. 2, presented a report (Conf. Com. Rep. No. 124-04) recommending that S.B. No. 3018, 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. 124-04 and S.B. No. 3018, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3175, S.D. 2, presented a report (Conf. Com. Rep. No. 125-04) recommending that S.B. No. 3175, 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. 125-04 and S.B. No. 3175, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES," 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. 1318, S.D. 1, presented a report (Conf. Com. Rep. No. 126-04) recommending that S.B. No. 1318, 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. 126-04 and S.B. No. 1318, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," 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. 2667, H.D. 2, presented a report (Conf. Com. Rep. No. 127-04) recommending that H.B. No. 2667, 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. 127-04 and H.B. No. 2667, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE MEDIUM EDUCATION," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2703, H.D. 1, presented a report (Conf. Com. Rep. No. 128-04) recommending that H.B. No. 2703, 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. 128-04 and H.B. No. 2703, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," 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. 2005, H.D. 1, presented a report (Conf. Com. Rep. No. 129-04) recommending that H.B. No. 2005, 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. 129-04 and H.B. No. 2005, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," 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. 2547, H.D. 2, presented a report (Conf. Com. Rep. No. 130-04) recommending that H.B. No. 2547, 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. 130-04 and H.B. No. 2547, 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 Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 851, H.D. 1, presented a report (Conf. Com. Rep. No. 131-04) recommending that H.B. No. 851, 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. 131-04 and H.B. No. 851, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION APPEALS," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2840, H.D. 1, presented a report (Conf. Com. Rep. No. 132-04) recommending that H.B. No. 2840, H.D. 1, S.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. 132-04 and H.B. No. 2840, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1848, H.D. 1, presented a report (Conf. Com. Rep. No. 133-04) recommending that H.B. No. 1848, 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. 133-04 and H.B. No. 1848, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2136, H.D. 1, presented a report (Conf. Com. Rep. No. 134-04) recommending that H.B. No. 2136, 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. 134-04 and H.B. No. 2136, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1908, H.D. 2, presented a report (Conf. Com. Rep. No. 135-04) recommending that H.B. No. 1908, 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. 135-04 and H.B. No. 1908, H.D. 2, S.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 House to the amendments proposed by the Senate to H.B. No. 2002, H.D. 2, presented a report (Conf. Com. Rep. No. 136-04) recommending that H.B. No. 2002, 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. 136-04 and H.B. No. 2002, H.D. 2, S.D. 1, 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 House to the amendments proposed by the Senate to H.B. No. 2411, H.D. 1, presented a report (Conf. Com. Rep. No. 137-04) recommending that H.B. No. 2411, 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. 137-04 and H.B. No. 2411, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2523, H.D. 1, presented a report (Conf. Com. Rep. No. 138-04) recommending that H.B. No. 2523, 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. 138-04 and H.B. No. 2523, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," was deferred for a period of 48 hours.

Senator Kokubun, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2009, H.D. 1, presented a report (Conf. Com. Rep. No. 139-04) recommending that H.B. No. 2009, 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. 139-04 and H.B. No. 2009, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2883, H.D. 2, presented a report (Conf. Com. Rep. No. 140-04) recommending that H.B. No. 2883, 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. 140-04 and H.B. No. 2883, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," 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. 2137, H.D. 1, presented a report (Conf. Com. Rep. No. 141-04) recommending that H.B. No. 2137, 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. 141-04 and H.B. No. 2137, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER," 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. 1374, H.D. 2, presented a report (Conf. Com. Rep. No. 142-04) recommending that H.B. No. 1374, 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. 142-04 and H.B. No. 1374, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2511, presented a report (Conf. Com. Rep. No. 143-04) recommending that H.B. No. 2511, 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. 143-04 and H.B. No. 2511, S.D. 1, C.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO INCOME TAX WITHHOLDING," 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. 2396, H.D. 2, presented a report (Conf. Com. Rep. No. 144-04) recommending that H.B. No. 2396, 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. 144-04 and H.B. No. 2396, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2549, S.D. 1, presented a report (Conf. Com. Rep. No. 145-04) recommending that S.B. No. 2549, 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. 145-04 and S.B. No. 2549, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2550, presented a report (Conf. Com. Rep. No. 146-04) recommending that S.B. No. 2550, 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. 146-04 and S.B. No. 2550, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2551, presented a report (Conf. Com. Rep. No. 147-04) recommending that S.B. No. 2551, 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. 147-04 and S.B. No. 2551, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2556, presented a report (Conf. Com. Rep. No. 148-04) recommending that S.B. No. 2556, 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. 148-04 and S.B. No. 2556, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," 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. 2528, S.D. 1, presented a report (Conf.

Com. Rep. No. 149-04) recommending that S.B. No. 2528, 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. 149-04 and S.B. No. 2528, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," 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. 2595, S.D. 2, presented a report (Conf. Com. Rep. No. 150-04) recommending that S.B. No. 2595, 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. 150-04 and S.B. No. 2595, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," 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. 2906, S.D. 1, presented a report (Conf. Com. Rep. No. 151-04) recommending that S.B. No. 2906, 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. 151-04 and S.B. No. 2906, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF GOOD STANDING," 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. 459, S.D. 1, presented a report (Conf. Com. Rep. No. 152-04) recommending that S.B. No. 459, S.D. 1, H.D. 1, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 152-04 and S.B. No. 459, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2404, S.D. 2, presented a report (Conf. Com. Rep. No. 153-04) recommending that S.B. No. 2404, 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. 153-04 and S.B. No. 2404, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU," 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. 2210, S.D. 2, presented a report (Conf. Com. Rep. No. 154-04) recommending that S.B. No. 2210, 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. 154-04 and S.B. No. 2210, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1904, H.D. 1, presented a report (Conf. Com. Rep. No. 155-04) recommending that H.B. No. 1904, 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. 155-04 and H.B. No. 1904, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2662, H.D. 1, presented a report (Conf. Com. Rep. No. 156-04) recommending that H.B. No. 2662, 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. 156-04 and H.B. No. 2662, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1491, S.D. 1, presented a report (Conf. Com. Rep. No. 157-04) recommending that S.B. No. 1491, 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. 157-04 and S.B. No. 1491, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," 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. 3193, S.D. 2, presented a report (Conf. Com. Rep. No. 158-04) recommending that S.B. No. 3193, 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. 158-04 and S.B. No. 3193, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMERS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.C.R. No. 127, S.D. 1, presented a report (Conf. Com. Rep. No. 159-04) recommending that S.C.R. No. 127, S.D. 1, H.D. 1, as amended in C.D. 1, be Finally Adopted.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 159-04 and S.C.R. No. 127, S.D. 1, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO DELAY THE IMPLEMENTATION OF THE ELIMINATION OF THE SOCIAL WORKER SERIES," was deferred for a period of 48 hours.

ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 10:00 o'clock a.m., Monday, May 3, 2004.

ATTACHMENT "A"

◆ ◆ ◆ SUBJECTIVE RANKING ◆ ◆ ◆ SUBJECTIVE RANKING ◆ ◆ ◆

SUMMARY – LEGEND DRUG PRESCRIPTIVE AUTHORITY FOR OPTOMETRISTS					
STATE	Medications Used To Treat ALLERGIES	Medications Used To Treat INFECTIONS	Medications Used To Treat GLAUCOMA	Medications Used To Treat INFLAMMATION	Medications Used To Treat PAIN (oral)
Alabama	T, O	T, O	T, O	T, O	O
Arkansas	T, O	T, O	T, O	T, O	O
Idaho	T, O	T, O	T, O	T, O	O
Iowa	T, O	T, O	T, O	T, O	O
Kentucky	T, O	T, O	T, O	T, O	O
Missouri	T, O	T, O	T, O	T, O	O
Montana	T, O	T, O	T, O	T, O	O
North Carolina	T, O	T, O	T, O	T, O	O
Oklahoma	T, O	T, O	T, O	T, O	O
Oregon	T, O	T, O	T, O	T, O	O
Tennessee	T, O	T, O	T, O	T, O	O
Wisconsin	T, O	T, O	T, O	T, O	O
Colorado	T, O	T, O	T, O	T, O ¹	O
Connecticut	T, O	T, O	T, O	T, O	O
Kansas	T, O	T, O	T, O	T, O	O
Michigan	T, O	T, O	T, O	T, O ¹	O
North Dakota	T, O	T, O	T, O	T, O	O
South Dakota	T, O	T, O	T, O	T, O	O
Utah	T, O	T, O	T, O	T, O	O
West Virginia	T, O	T, O	T, O	T, O	O
District of Columbia	T, O	T, O	T, O	T, O ¹	O
Minnesota	T, O	T, O	T, O	T, O ¹	O
Nebraska	T, O	T, O	T	T, O ¹	O
Nevada	T, O	T, O	T, O	T	O
New Mexico	T, O	T, O	T, O	T, O ¹	O
South Carolina	T, O	T, O	T, O	T	O
Wyoming	T, O	T, O	T, O	T, O ¹	O
Arizona	T, O	T, O	T	T, O ¹	O
California	T, O	T, O	T	T, O ¹	O
Delaware	T, O	T, O	T, O	T	O ²
Indiana	T, O	T, O	T, O	T, O ¹	O ²
Maine	T, O	T, O	T	T, O ¹	O
New Hampshire	T, O	T, O	T, O	T, O ¹	O
Texas	T, O	T, O	T, O	T, O ¹	O
Washington	T, O	T, O	T, O	T, O ¹	O
Georgia	T	T	T	T	O
Illinois	T	T	T	T	O ²
Louisiana	T, O	T, O	T	T	
Ohio	T, O	T, O	T, O	T	
Pennsylvania	T	T, O	T	T, O	O
Virginia	T	T	T, O	T	O
Alaska	T	T	T	T	
Mississippi	T	T	T	T	
New Jersey	T	T	T	T	
Florida	T	T	T	T	
New York	T	T	T	T	
Rhode Island	T	T	T	T	
Hawaii	T	T		T	
Massachusetts	T	T		T	
Vermont	T	T		T	
Maryland	T	T, O	T	T ³	

- KEY:** T Topical Legend Drugs
 O Oral Legend Drugs
¹ No Oral Steroids
² No Controlled Narcotic Substances
³ No Topical Steroids



The information contained in this chart represents a summary, as of May 19, 2003, of the state optometry statutes/board regulations. In some states situations for legend drug prescriptive authority may vary. The key "T" or "O" in many instances represents every topical and/or oral legend drug available under a specific heading. For more complete information, please contact Sheny L. Cooper, Manager of the American Optometric Association's State Government Relations Center at 314-991-4100/800-365-2219 Ext. 266 or SLCooper@AOA.org.

GLAUCOMA PHARMACEUTICAL LEGISLATION BY DATE OF ENACTMENT

1.	WEST VIRGINIA	March 4, 1976
2.	NORTH CAROLINA	June 3, 1977
3.	INDIANA	*
4.	OKLAHOMA	March 22, 1984
5.	NEW MEXICO	April 5, 1985
6.	KENTUCKY	February 7, 1986
7.	FLORIDA	July 10, 1986
8.	WYOMING	March 2, 1987
9.	ARKANSAS	March 3, 1987
10.	IOWA	May 7, 1987
11.	WASHINGTON	April 18, 1989
12.	WISCONSIN	August 3, 1989
13.	UTAH	March 20, 1991
14.	OREGON	August 9, 1991
15.	NEW JERSEY	January 16, 1992
16.	OHIO	February 15, 1992
17.	ALASKA	June 11, 1992
18.	IDAHO	March 22, 1993
19.	ARIZONA	April 6, 1993
20.	MINNESOTA	May 11, 1993
21.	SOUTH CAROLINA	May 14, 1993
22.	LOUISIANA	June 1, 1993
23.	TENNESSEE	September 22, 1993
24.	SOUTH DAKOTA	February 22, 1994
25.	MISSISSIPPI	April 7, 1994
26.	GEORGIA	April 8, 1994
27.	DELAWARE	June 30, 1994
	GUAM	April 22, 1995
28.	MARYLAND	May 25, 1995
29.	MISSOURI	May 31, 1995
30.	ALABAMA	June 20, 1995
31.	ILLINOIS	July 14, 1995
32.	NEW YORK	August 2, 1995
33.	VIRGINIA	March 8, 1996
34.	KANSAS	April 1, 1996
35.	MAINE	April 2, 1996
36.	CONNECTICUT	May 8, 1996
37.	COLORADO	June 8, 1996
38.	RHODE ISLAND	March 20, 1997
39.	NORTH DAKOTA	March 23, 1997
40.	MICHIGAN	December 1, 1997
41.	NEBRASKA	March 3, 1998
	D.C.	April 22, 1998
42.	MONTANA	February 24, 1999
43.	NEVADA	May 29, 1999
44.	TEXAS	June 19, 1999
45.	CALIFORNIA	September 24, 2000
46.	NEW HAMPSHIRE	May 18, 2002
47.	PENNSYLVANIA	December 16, 2002

FOOTNOTE KEY:

* General legislation, favorable attorney general opinion. Legislation which would have prohibited pharmaceutical utilization defeated. Appeal from dismissal of litigation which would have prohibited pharmaceutical utilization denied by state supreme court, February 27, 1986. Clarification legislation adopted May 13, 1991.

ORALS¹ PHARMACEUTICAL LEGISLATION BY DATE OF ENACTMENT

1.	NORTH CAROLINA	June 3, 1977
2.	IOWA	May 31, 1985
3.	INDIANA	²
4.	MISSOURI	June 24, 1986
5.	NORTH DAKOTA	April 10, 1987
6.	MONTANA	April 23, 1987
7.	COLORADO	April 20, 1988
8.	WISCONSIN	August 3, 1989
9.	SOUTH DAKOTA	February 26, 1991
10.	UTAH	March 3, 1991
11.	OHIO	February 15, 1992
12.	CONNECTICUT	May 27, 1992
13.	IDAHO	March 22, 1993
14.	TENNESSEE	May 5, 1993
15.	SOUTH CAROLINA	May 14, 1993
16.	LOUISIANA	June 1, 1993
17.	NEBRASKA	June 10, 1993
18.	NEW HAMPSHIRE	June 29, 1993
19.	GEORGIA	April 8, 1994
20.	OKLAHOMA	April 13, 1994
21.	DELAWARE	June 30, 1994
22.	WYOMING	February 16, 1995
23.	NEW MEXICO	March 17, 1995
	GUAM	April 22, 1995
24.	MARYLAND	May 25, 1995
25.	ALABAMA	June 20, 1995
26.	NEVADA	June 29, 1995
27.	ILLINOIS	July 14, 1995
28.	CALIFORNIA	February 20, 1996
29.	VIRGINIA	March 8, 1996
30.	KENTUCKY	March 25, 1996
31.	MAINE	April 2, 1996
32.	PENNSYLVANIA	October 30, 1996
33.	ARKANSAS	February 17, 1997
34.	WEST VIRGINIA	April 18, 1997
	DISTRICT OF COLUMBIA	April 22, 1998
35.	KANSAS	March 23, 1999
36.	ARIZONA	May 18, 1999
37.	TEXAS	June 19, 1999
38.	OREGON	June 27, 2001
39.	MICHIGAN	December 13, 2002
40.	WASHINGTON	May 7, 2003

FOOTNOTE KEY:

- ¹ The dates listed in this chronology represent the first time ANY oral agent(s) prescriptive authority was enacted. In some states additional oral agent prescriptive authority has been gained through amplification legislation at a later date. Please note that in some states oral prescriptive authority may be limited.
- ² General legislation, favorable attorney general opinion. Legislation which would have prohibited pharmaceutical utilization defeated. Appeal from dismissal of litigation which would have prohibited pharmaceutical utilization denied by state supreme court, February 27, 1986. Clarification legislation adopted May 13, 1991.