

JOURNAL
of the
SENATE OF THE
TWENTY - SECOND LEGISLATURE
of the
STATE OF HAWAII

Regular Session of 2004

Convened Wednesday, January 21, 2004
Adjourned Thursday, May 6, 2004

OFFICERS OF THE SENATE

President

HONORABLE ROBERT BUNDA Honolulu, Hawaii

Vice President

HONORABLE DONNA MERCADO KIM Honolulu, Hawaii

Clerk

PAUL T. KAWAGUCHI Honolulu, Hawaii

Assistant Clerk

CAROL T. TANIGUCHI Honolulu, Hawaii

Sergeant at Arms

BIENVENIDO C. VILLAFLOR Honolulu, Hawaii

Assistant Sergeant at Arms

GREGG SHIMAO Honolulu, Hawaii

LIST OF MEMBERS
of the
SENATE OF THE TWENTY-SECOND LEGISLATURE
of the
STATE OF HAWAII

DISTRICT	NAME	ADDRESS
First	INOUYE, LORRAINE R. (D)	The Senate State Capitol Honolulu, Hawaii 96813
Second	KOKUBUN, RUSSELL S. (D)	The Senate State Capitol Honolulu, Hawaii 96813
Third	WHALEN, PAUL (R)	The Senate State Capitol Honolulu, Hawaii 96813
Fourth	TSUTSUI, SHAN S. (D)	The Senate State Capitol Honolulu, Hawaii 96813
Fifth	BAKER, ROSALYN H. (D)	The Senate State Capitol Honolulu, Hawaii 96813
Sixth	ENGLISH, J. KALANI (D)	The Senate State Capitol Honolulu, Hawaii 96813
Seventh	HOOSER, GARY L. (D)	The Senate State Capitol Honolulu, Hawaii 96813
Eighth	SLOM, SAM (R)	The Senate State Capitol Honolulu, Hawaii 96813
Ninth	IHARA, JR., LES (D)	The Senate State Capitol Honolulu, Hawaii 96813
Tenth	TANIGUCHI, BRIAN T. (D)	The Senate State Capitol Honolulu, Hawaii 96813
Eleventh	FUKUNAGA, CAROL (D)	The Senate State Capitol Honolulu, Hawaii 96813

DISTRICT	NAME	ADDRESS
Twelfth	TRIMBLE, GORDON (R)	The Senate State Capitol Honolulu, Hawaii 96813
Thirteenth	CHUN OAKLAND, SUZANNE (D)	The Senate State Capitol Honolulu, Hawaii 96813
Fourteenth	KIM, DONNA MERCADO (D)	The Senate State Capitol Honolulu, Hawaii 96813
Fifteenth	SAKAMOTO, NORMAN (D)	The Senate State Capitol Honolulu, Hawaii 96813
Sixteenth	IGE, DAVID Y. (D)	The Senate State Capitol Honolulu, Hawaii 96813
Seventeenth	MENOR, RON (D)	The Senate State Capitol Honolulu, Hawaii 96813
Eighteenth	KAWAMOTO, CAL (D)	The Senate State Capitol Honolulu, Hawaii 96813
Nineteenth	KANNO, BRIAN (D)	The Senate State Capitol Honolulu, Hawaii 96813
Twentieth	ESPERO, WILLIE C. (D)	The Senate State Capitol Honolulu, Hawaii 96813
Twenty-First	HANABUSA, COLLEEN (D)	The Senate State Capitol Honolulu, Hawaii 96813
Twenty-Second	BUNDA, ROBERT (D)	The Senate State Capitol Honolulu, Hawaii 96813
Twenty-Third	ADUJA, MELODIE WILLIAMS (D)	The Senate State Capitol Honolulu, Hawaii 96813
Twenty-Fourth	HOGUE, BOB (R)	The Senate State Capitol Honolulu, Hawaii 96813
Twenty-Fifth	HEMMINGS, FRED (R)	The Senate State Capitol Honolulu, Hawaii 96813

STANDING COMMITTEES

COMMERCE, CONSUMER PROTECTION AND HOUSING

Senator Ron Menor, Chair

Senator Rosalyn H. Baker, Vice Chair

Senator Willie C. Espero
Senator David Y. Ige
Senator Donna Mercado Kim

Senator Norman Sakamoto
Senator Paul Whalen

ECONOMIC DEVELOPMENT

Senator Carol Fukunaga, Chair

Senator Melodie Williams Aduja, Vice Chair

Senator David Y. Ige
Senator Les Ihara, Jr.
Senator Brian Kanno

Senator Cal Kawamoto
Senator Gordon Trimble

EDUCATION

Senator Norman Sakamoto, Chair

Senator Gary L. Hooser, Vice Chair

Senator Suzanne Chun Oakland
Senator Cal Kawamoto
Senator Ron Menor

Senator Shan S. Tsutsui
Senator Bob Hogue

ENERGY AND ENVIRONMENT

Senator J. Kalani English, Chair

Senator Russell S. Kokubun, Vice Chair

Senator Rosalyn H. Baker
Senator Gary L. Hooser

Senator Brian Kanno
Senator Fred Hemmings

HEALTH

Senator Rosalyn H. Baker, Chair

Senator Suzanne Chun Oakland, Vice Chair

Senator Russell S. Kokubun
Senator Lorraine R. Inouye

Senator Shan S. Tsutsui
Senator Bob Hogue

HUMAN SERVICES

Senator Suzanne Chun Oakland, Chair

Senator Lorraine R. Inouye, Vice Chair

Senator Carol Fukunaga
Senator Gary L. Hooser
Senator David Y. Ige

Senator Shan S. Tsutsui
Senator Gordon Trimble

JUDICIARY AND HAWAIIAN AFFAIRS

Senator Colleen Hanabusa, Chair

Senator Suzanne Chun Oakland, Vice Chair

Senator J. Kalani English
Senator Carol Fukunaga
Senator Les Ihara, Jr.

Senator Cal Kawamoto
Senator Bob Hogue

LABOR

Senator Brian Kanno, Chair
Senator Les Ihara, Jr., Vice Chair

Senator Cal Kawamoto
Senator Norman Sakamoto

Senator Brian T. Taniguchi
Senator Sam Slom

SCIENCE, ARTS, AND TECHNOLOGY

Senator David Y. Ige, Chair
Senator Melodie Williams Aduja, Vice Chair

Senator J. Kalani English
Senator Carol Fukunaga

Senator Fred Hemmings

TOURISM

Senator Donna Mercado Kim, Chair
Senator Shan S. Tsutsui, Vice Chair

Senator Willie C. Espero
Senator Norman Sakamoto

Senator Brian T. Taniguchi
Senator Sam Slom

TRANSPORTATION, MILITARY AFFAIRS, AND GOVERNMENT OPERATIONS

Senator Cal Kawamoto, Chair
Senator Willie C. Espero, Vice Chair

Senator Melodie Williams Aduja
Senator Rosalyn H. Baker
Senator Brian Kanno

Senator Ron Menor
Senator Paul Whalen

WATER, LAND, AND AGRICULTURE

Senator Lorraine R. Inouye, Chair
Senator Willie C. Espero, Vice Chair

Senator Melodie Williams Aduja
Senator J. Kalani English

Senator Paul Whalen

WAYS AND MEANS

Senator Brian T. Taniguchi, Chair
Senator Russell S. Kokubun, Vice Chair

Senator Melodie Williams Aduja
Senator J. Kalani English
Senator Willie C. Espero
Senator Gary L. Hooser
Senator Lorraine R. Inouye
Senator Brian Kanno
Senator Cal Kawamoto

Senator Donna Mercado Kim
Senator Norman Sakamoto
Senator Shan S. Tsutsui
Senator Fred Hemmings
Senator Sam Slom
Senator Gordon Trimble

**MEMBERS OF THE SENATE
TWENTY - SECOND LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2004**



ROBERT BUNDA
22nd Senatorial District
President



DONNA MERCADO KIM
14th Senatorial District
Vice President
Chair: Tourism



COLLEEN HANABUSA
21st Senatorial District
Majority Leader
Chair: Judiciary
and Hawaiian Affairs



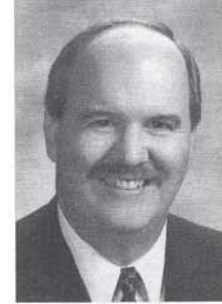
CAL KAWAMOTO
18th Senatorial District
Majority Floor Leader
Chair: Transportation,
Military Affairs,
and Government Operations



SHAN S. TSUTSUI
4th Senatorial District
Majority Caucus Leader



FRED HEMMINGS
25th Senatorial District
Minority Leader



BOB HOGUE
24th Senatorial District
Minority Floor Leader



PAUL WHALEN
3rd Senatorial District
Minority Policy Leader



RON MENOR
17th Senatorial District
Chair: Commerce, Consumer
Protection and Housing



CAROL FUKUNAGA
11th Senatorial District
Chair: Economic Development



NORMAN SAKAMOTO
15th Senatorial District
Chair: Education



J. KALANI ENGLISH
6th Senatorial District
Chair: Energy and
Environment



ROSALYN H. BAKER
5th Senatorial District
Chair: Health



SUZANNE CHUN OAKLAND
13th Senatorial District
Chair: Human Services



BRIAN KANNO
19th Senatorial District
Chair: Labor



DAVID Y. IGE
16th Senatorial District
Chair: Science, Arts,
and Technology



LORRAINE R. INOUE
1st Senatorial District
Chair: Water, Land,
and Agriculture



BRIAN T. TANIGUCHI
10th Senatorial District
Chair: Ways and Means



MELODIE WILLIAMS ADUJA
23rd Senatorial District



WILLIE C. ESPERO
20th Senatorial District



GARY L. HOOSER
7th Senatorial District



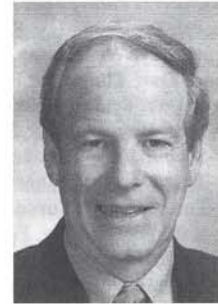
LES IHARA, JR.
9th Senatorial District



RUSSELL S. KOKUBUN
2nd Senatorial District



SAM SLOM
8th Senatorial District



GORDON TRIMBLE
12th Senatorial District



PAUL T. KAWAGUCHI
Clerk



CAROL T. TANIGUCHI
Assistant Clerk



BIENVENIDO C. VILLAFLOR
Sergeant at Arms



GREGG SHIMAO
Assistant Sergeant at Arms

TABLE OF CONTENTS

	PAGE
First Day, Wednesday, January 21, 2004	1
Second Day, Thursday, January 22, 2004	9
Third Day, Friday, January 23, 2004	16
Fourth Day, Monday, January 26, 2004	42
Fifth Day, Wednesday, January 28, 2004	88
Sixth Day, Friday, January 30, 2004	117
Seventh Day, Monday, February 2, 2004	127
Eighth Day, Tuesday, February 3, 2004	142
Ninth Day, Wednesday, February 4, 2004	143
Tenth Day, Thursday, February 5, 2004	144
Eleventh Day, Friday, February 6, 2004	147
Twelfth Day, Monday, February 9, 2004	154
Thirteenth Day, Tuesday, February 10, 2004	156
Fourteenth Day, Wednesday, February 11, 2004	159
Fifteenth Day, Thursday, February 12, 2004	161
Sixteenth Day, Friday, February 13, 2004	163
Seventeenth Day, Tuesday, February 17, 2004	169
Eighteenth Day, Wednesday, February 18, 2004	173
Nineteenth Day, Thursday, February 19, 2004	179
Twentieth Day, Friday, February 20, 2004	195
Twenty-First Day, Monday, February 23, 2004	228
Twenty-Second Day, Tuesday, February 24, 2004	233
Twenty-Third Day, Wednesday, February 25, 2004	235
Twenty-Fourth Day, Thursday, February 26, 2004	236
Twenty-Fifth Day, Friday, February 27, 2004	238
Twenty-Sixth Day, Monday, March 1, 2004	242
Twenty-Seventh Day, Tuesday, March 2, 2004	253
Twenty-Eighth Day, Wednesday, March 3, 2004	259
Twenty-Ninth Day, Thursday, March 4, 2004	262
Thirtieth Day, Friday, March 5, 2004	274
Thirty-First Day, Tuesday, March 9, 2004	303
Thirty-Second Day, Thursday, March 11, 2004	383
Thirty-Third Day, Friday, March 12, 2004	397
Thirty-Fourth Day, Monday, March 15, 2004	420
Thirty-Fifth Day, Tuesday, March 23, 2004	423
Thirty-Sixth Day, Wednesday, March 24, 2004	438
Thirty-Seventh Day, Thursday, March 25, 2004	461
Thirty-Eighth Day, Monday, March 29, 2004	475
Thirty-Ninth Day, Tuesday, March 30, 2004	483
Fortieth Day, Wednesday, March 31, 2004	491
Forty-First Day, Thursday, April 1, 2004	494
Forty-Second Day, Friday, April 2, 2004	497
Forty-Third Day, Monday, April 5, 2004	508
Forty-Fourth Day, Tuesday, April 6, 2004	513
Forty-Fifth Day, Wednesday, April 7, 2004	518
Forty-Sixth Day, Thursday, April 8, 2004	530
Forty-Seventh Day, Tuesday, April 13, 2004	547
Forty-Eighth Day, Thursday, April 15, 2004	587
Forty-Ninth Day, Friday, April 16, 2004	633
Fiftieth Day, Monday, April 19, 2004	666
Fifty-First Day, Wednesday, April 21, 2004	681
Fifty-Second Day, Thursday, April 22, 2004	697
Fifty-Third Day, Friday, April 23, 2004	702
Fifty-Fourth Day, Monday, April 26, 2004	707
Fifty-Fifth Day, Tuesday, April 27, 2004	714
Fifty-Sixth Day, Wednesday, April 28, 2004	719
Fifty-Seventh Day, Thursday, April 29, 2004	727
Fifty-Eighth Day, Friday, April 30, 2004	740
Fifty-Ninth Day, Monday, May 3, 2004	775
Sixtieth Day, Thursday, May 6, 2004	831

Note: . In accordance with Article III, Section 10, of the Constitution of the State of Hawaii, the mandatory (five days) recess was held on March 16, 17, 18, 19 and 22, 2004; other recesses were held on January 27, 29, March 8, 10, April 12, 14, 20, May 4 and 5, 2004.

	PAGE
Communications received after adjournment:	
Governor’s Messages	921
House communications	957
 Appendix:	
Rules of the Senate	958
Special Committee Report	981
Conference Committee Reports	989
Standing Committee Reports	1088
 History:	
Senate Bills	1736
Senate Concurrent Resolutions	1890
Senate Resolutions	1923
House Bills	1943
House Concurrent Resolutions	1979

THE
 TWENTY-SECOND LEGISLATURE
 STATE OF HAWAII
 REGULAR SESSION OF 2004
 JOURNAL OF THE SENATE

FIRST DAY

Wednesday, January 21, 2004

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, was called to order at 10:02 o'clock a.m., by the Honorable Robert Bunda, President of the Senate.

The members of the Senate and guests rose to sing the National Anthem, led by Ms. Keahi Conjugacion, and "Hawaii Pono'i," led by the Kamehameha Concert Glee Club under the direction of Tim Ho, Choral Director.

At this time, the Kamehameha Concert Glee Club performed two songs for the members of the Senate and their guests.

The Divine Blessing was then invoked by the Reverend Dan McAleer, Mililani Missionary Church.

The President then directed the Senate Clerk to call the Roll. The Clerk called the Roll showing all Senators present with the exception of Senator Whalen who was excused.

The President then addressed the members of the Senate and guests as follows:

"Governor Lingle, Lt. Governor and Mrs. Aiona, Congressman Abercrombie, Mayor Arakawa, Mayor Baptiste, former Governor and Mrs. Ariyoshi, former Governor and Mrs. Cayetano, Lt. General Dierker, Lt. General Renuart, Rear Admiral Godlewski, Colonel Champoux, Colonel Anderson, esteemed colleagues, honored guests, ladies and gentlemen – Aloha and welcome to the 2004 Session of the Hawaii State Legislature.

"I would like to again acknowledge the members of the armed forces who have joined us this morning. Many men and women under their commands have been deployed to Iraq and elsewhere to defend our Nation. We wish these brave citizens Godspeed and a safe return home. Please convey our sentiments to them and relay our gratitude for their courage and sacrifices. To the Generals and the Commanders, please convey our message to them.

"On a more personal note, I want to express my appreciation to the military for their efforts, again. When the community of Wahiawa was threatened by an invasive aquatic weed that had the potential to destroy Lake Wilson, the military – as they have so often done before – came to our aid as neighbors and as allies. *Salvinia molesta* – or the green monster, as it was called – was an extreme example of how a small problem can become a major one when allowed to grow out of control. In an extraordinary display of cooperation among state, county and federal agencies, the *Salvinia* was extracted from the lake – one truckload at a time – and what was once thought a hopeless situation by some mainland experts, became a model of what could be achieved by cooperation and collaboration.

"I would like to acknowledge the efforts of Major General Rick Olsen and members of the military, our Congressional delegation, Mayor Jeremy Harris and Governor Linda Lingle – all of whom elevated the crisis to a top priority. The open water now reflects the importance of working together in harmony, and the benefits of making the search for a solution our total focus.

"I would like to suggest that we can – and should – apply the same formula to some of the other problems facing our State today. Foremost among them is Hawaii's ice epidemic. Our crystal meth problem has dominated the headlines and the public's attention for many months. Every violent crime today seems to be linked in one way or another to ice addiction. The Legislature took decisive action in forming a bipartisan taskforce to examine the scope of the epidemic and to recommend solutions. After months of gathering direct community input, the taskforce came up with a comprehensive legislative package. In the days ahead, let's focus on these solutions which include substance abuse treatment for adults, early intervention and treatment for juveniles, expanded prevention beginning at the middle school level, support for an expanded Drug Court, and more effective coordination of law enforcement.

"Such a comprehensive effort is not without its cost. But the combination of stronger law enforcement and active community involvement will provide the tools to stop the spread of this deadly disease. Ice has invaded our communities and must be stopped or it will strangle our hopes for safe and secure neighborhoods and continue to cause death and destruction. We simply cannot afford not to fight back with whatever it takes to bring the problem of drug addiction under control.

"For critics who claim spending money on prevention is a waste of time, I say this – when it comes to the safety of our children, our families, and our entire island community, we must devote adequate resources to the war on drugs or we will continue to lose ground. We must not let the issue turn into a public relations battle that has little to do with real solutions. Even the most ardent supporters of incarceration will admit that stricter punishment alone will not solve the drug crisis . . . the real solution is education.

"The education of our children is crucial to the well-being of our society. President John F. Kennedy once stated 'A child mis-educated is a child lost.' The failure to properly educate our kids will mean more families will suffer, not only due to drugs and other criminal activity, but to low-paying jobs, substandard housing and insufficient medical care. Those fortunate enough to experience success will be forced to subsidize the cost of caring for those who fail. Simply put, we cannot afford not to prepare our children for life in the 21st century. We, as a community, need to come together on the subject of reform.

“Every state seems to be struggling with President Bush’s No Child Left Behind law, the federal mandate that sets strict standards for academic performance, measured primarily by test scores. School districts across the country are desperately seeking ways to raise student performance to avoid federal sanctions. Consultants are having a field day advising school districts on how best to achieve reform and student success. Some school districts have become virtual guinea pigs for untested and unsubstantiated ‘reforms’ that have yet to prove their worth.

“Here at home, our own system is under constant attack as being ineffective. A call for a complete overhaul of the system is being touted as the only way to achieve true reform. Principals and teachers are being taunted for not caring more about their students than their own job security and faulted for not being willing to take risks. To them I say, hold on and do not lose your enthusiasm for your profession. You are appreciated . . . you are needed . . . you are the ultimate solution to the crisis in our schools.

“If there is any issue that deserves our complete and total focus, it is the subject of educational reform. We are talking about our most precious resource, our children. How much are we willing to risk when their future success is on the line? Are we willing to take a chance with an experimental approach to educational governance before we are convinced it will work? To let political agendas dictate our decision-making would be dishonest. Our decisions today will impact our schools well into the future – decisions that could mean setbacks instead of success for our students. With so much at stake, how can we afford not to take the time to investigate any idea thoroughly before we make a decision. We need to look at all the evidence, and we will.

“Colleagues, all proposals for reform will soon be on the table. As you listen to testimony from students, parents, teachers and administrators, from business groups, and others, I ask that you keep an open mind and be receptive to all ideas and opinions. It has been said that in a democracy, the public has a right to know not only what the government decides, but why and by what process. Ours is an inclusive process and no one is ever deliberately left out of the discussion. I warn you to be careful of evidence that appears to have been orchestrated more to support one particular point of view than to achieve true reform.

“For those who argue that our schools are broken, I say our schools are working but need our support – not our scorn. To those who attempt to control and micromanage educational governance, I say we would be better served by stepping back and letting educators do their jobs. We need to trust the dedication of our teachers – and support the authority of our superintendent.

“Two years ago, I stood before you on Opening Day and commended the initiatives taken by our new DOE superintendent, Pat Hamamoto. She had quickly addressed the challenges of her position and had instituted a series of reforms that decentralized authority and encouraged decision making at the complex level. I believe she is moving in the right direction at the proper pace and, given the appropriate support, will continue to implement reforms that will yield reliable results.

“Some initiatives that we have seen elsewhere and which should be given our full consideration include: a move towards smaller classes and smaller schools, raising the entry age for kindergarten and establishing universal preschool, increasing salaries and offering rewards for outstanding teachers and principals, providing full funding for charter schools, and boosting campus security and school safety. A number of these

ideas have already been firmly established in our local schools and we must continue to encourage those kinds of innovations.

“On this occasion last year, I expressed my frustration over our mounting traffic problems. I doubt if there is a commuter from the population centers of Central or Leeward Oahu who doesn’t squander two hours or more a day in our snail-like traffic. With the number of registered vehicles on Oahu reportedly reaching one for just about every man, woman, and child, I am restating my support for a light-rail, mass-transit system linking our major urban centers. Granted, there are many differences to be resolved and funding sources need to be identified, but we cannot afford to cut off discussions on this issue so critical to our future quality of life. We must find a way to keep this idea alive so our children will not suffer from our shortsightedness and failure to act.

“And what relief can we offer motorists in the meantime? Again, we need to work together on all levels of government to focus on solutions. Contraflow lanes and modifications to existing roadways look promising. Let’s rethink the traditional workday for state and city employees to reduce congestion during peak hours. Decentralizing government services out to Kapolei, Waikale or Mililani would mean fewer cars on the road. Discussions should resume in earnest on the future of a West Oahu campus which would take one of every four university students out of the commute from rural Oahu to Manoa. Employers, both private and public, could explore the mutual benefits of personnel doing business from their homes. Where there’s a will, we can find a way.

“Two nagging consumer issues will be under consideration this Session. The first is an amendment to our gasoline cap legislation to peg prices to a nationwide survey of prices for all grades of gasoline and diesel. Prices of fuel remain abnormally high for motorists, and in the absence of any other meaningful attempts to stimulate competition or get satisfaction from oil companies, we will continue to work in this regard.

“The second is our effort to address the high cost of prescription drugs. State and other jurisdictions across the nation are offering many proposals to help their residents cope with drug costs, ranging from buying directly from Canadian pharmaceutical companies to using the buying power of state government to extract steep discounts from manufacturers and distributors. The Legislature will continue to refine our program, renamed Hawaii RX Plus, so it can serve as many of our people as possible.

“In conclusion, let me say this: When all is said and done, our duty – our responsibility as elected officials – is to devise the best solutions possible to the concerns facing the people we serve. Like the victory on Lake Wilson, we arrive at those solutions by overcoming obstacles to working together and integrating our resources at the local, state and federal levels. We have shown that we can work together to solve a crisis, let’s build upon that foundation of cooperation and teamwork. This approach is EFFECTIVE; this approach is EFFICIENT; and this approach is GOOD GOVERNMENT.

“Aloha and mahalo.”

Senator Hemmings, Minority Leader of the Senate, then responded as follows:

“Thank you, Mr. President. I’ve been accused of being an excessively loquacious Portuguese boy, but I have to tell you that I had a loss for words this morning. It seems that Senator Slom gave my speech at Roll Call. (Laughter.)

“Governor Lingle, Lt. Governor Aiona, Senate President Bunda, Chief Justice Moon, distinguished guests, colleagues and, most importantly, the people of Hawaii who put your hopes and aspirations and your hard-earned dollars into what we’re doing here today: I’d like to begin by introducing two very special citizens of Hawaii. I’d like to ask Specialist Yokoi and First Sergeant Gollero to please rise. Ladies and gentlemen, Specialist Yokoi is bound for Iraq. His wife is going to Afghanistan. Sergeant Gollero is going to Iraq, leaving behind a wife, children and grandchildren. Our brave sons and daughters are fighting a war declared on us.

“I would like to ask the Admirals and Generals here today to take a message back to the men and women in uniform. Tell them we support them. Tell them we support their cause. And tell them THANK YOU.

“Mr. President, I can close my eyes and look back 20 years across the aisle at one legislator – Senator Bunda – who was then in the House of Representatives. As I look around the room, I see some familiar faces when we served in the House together. While some things have changed, curiously, some have things have remained the same. I have to admit, you and I look a little older. Our hair is gray. I’m probably losing more hair than you are. But I look across the aisle and I see the face of the good Senator from Moanalua and she hasn’t changed much at all.

“Other things have not changed much at all. It seems we’re STILL debating education, the economy, and the high cost of living and doing business in Hawaii. Mr. President, making some critical changes in how the state conducts business must be done NOW. Now is NOT the time for more studies, task forces or commissions. We need leadership and we need decisions.

“The people of Hawaii cannot wait another 20 years for essential improvements in education, the economy and government services, and I have to add, I don’t have much hair left to lose. We, the Republican Minority, wish to again extend to you the hand of cooperation. It is my sincere hope that our efforts to resolve some of the long-standing issues will not be met with partisanship and blind, oh so blind allegiance to the status quo of the past. Let us move forward together with strength and confidence for a better Hawaii for all our citizens.

“I stand before you today as the voice of our citizens who are overtaxed. I stand before you today as the voice of our businesses that are over-regulated. I stand before you today as the voice of our residents who are dismayed at the poor performing schools. I stand before you today as the voice of those voters who courageously enough voted for change in 2002. Their time has come.

“Mr. President, let us not squander our time this year. It’s so valuable. In the past, the public has seen us spend an entire legislative session bickering over gambling, a whole year preoccupied by ‘same sex marriage,’ a protracted debate over van cams. Let us not engage in foolish resolutions to send ‘aloha’ to Saddam Hussein, but rather, let us support the men and women in uniform who every day risk their lives to defend the very idea of freedom. It is time in this Senate to finally pass legislation that is meaningful and will improve the lives of all residents. I call upon my colleagues to do something different. Give the Republican caucus bills a fair hearing and a fair chance. The public expects you to do no less.

“We all seem to agree that education is our state taxpayers’ biggest investment. And it should be! Mr. President, the truth is not scorned. I respectfully submit to you that spending more money on an education system that is not working, simply has

not and will not work. Over the past 30 years, the residents of Hawaii have been very generous in spending, but they’ve witnessed the crumbling of their schools and the deterioration of student achievement while spending on education has increased to over \$1.9 billion. Using the Department of Education’s own budget figures, the DOE is spending almost \$9,500 per student, per year. Regrettably, test scores do show that we’re ranked near the bottom next to states like Mississippi and Louisiana. Make no mistake about it, Mr. President, we support teachers; we support principals; we support the students and their parents, and that’s why we must change the system. It’s not working. Our Caucus will wholeheartedly support the implementation of the CARE (Citizens Achieve Reform in Education) recommendations to have local school boards, and to put resources, money and accountability back into schools with the principals, the teachers and the students.

“What a difference a year makes! As we open the second session of the 22nd Legislature, Hawaii’s economy is on the mend, visitors are returning to our shores, and residents feel the hope and opportunity created by the first year of leadership of a Republican Governor. Hawaii is destined to change, and change for the better.

“Senate Republicans will support a state budget that does not grow faster than the economy or our citizen’s ability to pay for it. Governor Lingle has submitted a budget with modest growth. She has, as she pledged, reduced the state’s workforce without layoffs. We must continue to set realistic priorities for government spending. We say no more raiding special funds and juggling of the books to balance the budget because of excess spending.

“Let’s live within our means . . . Let us stand united and pledge now – ‘No New Taxes!’

“So much more needs to be done – and done now. Hawaii’s working families remain amongst the highest taxed in the United States. That is why the Republican Caucus will once again introduce legislation to eliminate the tax on food and medicine. We should not have to pay the government to feed our families and care for our sick.

“Regulations are an insidious form of taxation – they increase the cost of everything we buy in Hawaii. That is why the Republican Caucus will again introduce a resolution to have Congress amend the Jones Act. The Jones Act is antiquated in many ways and stifles competition. Allowing more shipping companies to compete to bring goods into our State will help reduce the cost of everything from breakfast cereal to automobiles.

“The repeal of the gas cap is essential. Price fixing didn’t work in the ’70s, and it’s not going to work now. Let’s repeal bad law. The Senate Republicans wish to eliminate the PUC from statewide regulation of ground transportation and inter-island cargo transportation. Our immediate goal is to attract more cargo carrying businesses and maybe even a large inter-island ferry company to set up business in Hawaii because Hawaii is a good place to do business.

“We advocate phasing out the ethanol tax credit and replacing it with one to encourage the development of hydrogen fuel technology. There will be a day when hydrogen fuel cells will propel our cars and energize our homes. Geothermal wells during off-peak hours can use excess electricity to produce hydrogen. ‘Clean renewable energy’ has to be more than just a slogan for Hawaii.

“‘Home Rule’ is not just a slogan for us also. The Senate Republicans will continue to support eliminating the State Land

and Water Use Commissions. The overlapping jurisdiction and politics of those commissions certainly conflict with the counties' ability to steward their own resources. We will support the counties' legislation to share in the revenue generated by traffic fines. This is fair and long overdue.

"In the aftermath of the terrible carnage on the road to Makaha with the tragic deaths of three young people, we are introducing legislation that will make chronic speeding and reckless driving a crime that will result in the revocation of the offender's driver license. We know tough DUI laws work for drunk drivers. Let's make tough laws for racers and habitual speeders.

"Lt. Governor Aiona and a joint Senate-House Committee recently concluded extensive hearings on the ice epidemic. We all recognize the seriousness of the epidemic. There seem to be two themes, Mr. President, and you touched on both of them. There are those who say substance abuse is a sickness that requires rehabilitation not incarceration. Others say if you do the crime, you do the time. Our hope is to balance those polarized positions. If a crime is committed, the perpetrators must be held accountable. We must protect law-abiding citizens from criminals. It's not complicated. We will support the law enforcement coalition's legislation to implement 'walk n talk.' Hawaii's wiretap laws should conform to federal standards in order to aid law enforcement. It's real important for those who show a willingness to rehabilitate, we must have programs to break the chain of substance abuse. Mr. President, we support you in those efforts. Every treatment model shows that there must be consequences to wrongs committed by substance abuse. Rehabilitation and law enforcement must work together, not against each other. I know we can produce laws and programs that are going to protect the public from drug-induced crime and rehabilitate those who demonstrate a willingness and a commitment to overcome their illness.

"We, the Legislators elected to do the people's business, have the means to make long-overdue reforms a reality in Hawaii. Do we have the will? The Senate Minority believes in the working people of Hawaii. We believe in the future. We want consumers to be the chief regulators and beneficiaries of a healthy economy. We want parents, teachers and principals to be at the helm of public education. We want the burden of crime to be placed on the criminals.

"Mr. President, in many ways, Hawaii is like a fallow field, ready for enlightened leaders to plant the seeds for a better tomorrow. I'd like to paraphrase a Greek proverb in closing – A society grows great when old men plant trees whose shade they may never enjoy.

"Mr. President, let's plant those seeds. Let's plant the seeds of education reform, of economic opportunity. Let's plant the seeds of social responsibility and justice. Let's nurture the growth of a new Hawaii. I know, Mr. President, that together we can do it. Imua and aloha."

At 10:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair. At this time, the members of the Senate and their guests were entertained by Ms. Keahi Conjugacion and Mr. Darrell Labrado.

The Senate reconvened at 11:30 o'clock a.m.

INTRODUCTION OF SENATE BILLS

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2001 "A BILL FOR AN ACT RELATING TO THE COUNTIES."

Introduced by: Senators Kokubun, English, Espero, Kim, Hooser, Tsutsui.

No. 2002 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Kokubun, Taniguchi, Hanabusa, Espero, Tsutsui.

No. 2003 "A BILL FOR AN ACT RELATING TO PASSENGER RESTRAINT DEVICES."

Introduced by: Senator Baker, by request.

No. 2004 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VETERANS CEMETERIES."

Introduced by: Senators Baker, English, Tsutsui, Kawamoto.

No. 2005 "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS."

Introduced by: Senators Baker, Chun Oakland.

No. 2006 "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD INVESTIGATION."

Introduced by: Senator Menor, by request.

No. 2007 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENTS."

Introduced by: Senator Menor, by request.

No. 2008 "A BILL FOR AN ACT RELATING TO ASSIGNED CLAIMS."

Introduced by: Senator Menor, by request.

No. 2009 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES."

Introduced by: Senator Menor, by request.

No. 2010 "A BILL FOR AN ACT RELATING TO INSURANCE LICENSEES."

Introduced by: Senator Menor, by request.

No. 2011 "A BILL FOR AN ACT RELATING TO SECURITIES."

Introduced by: Senator Menor, by request.

No. 2012 "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED PRACTICE OF LAW."

Introduced by: Senator Menor, by request.

No. 2013 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DRUG TREATMENT, COUNSELING, AND INTERVENTION SERVICES AT MILILANI MIDDLE SCHOOL."

Introduced by: Senators Menor, Bunda.

No. 2014 "A BILL FOR AN ACT RELATING TO UNADJUDICATED TRAFFIC FINES."

Introduced by: Senators Kawamoto, Espero, Kanno, Baker.

No. 2015 "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES."

Introduced by: Senators Kawamoto, Kanno, Menor, Baker, Espero, Aduja.

No. 2016 "A BILL FOR AN ACT RELATING TO LICENSE RENEWAL."

Introduced by: Senators Kawamoto, Kanno, Baker, Espero, Aduja.

No. 2017 "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS."

Introduced by: Senators Kawamoto, Kanno, Baker, Chun Oakland, Espero, Aduja.

No. 2018 "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY."

Introduced by: Senators Kawamoto, Espero, Kanno, Aduja, Baker.

No. 2019 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING."

Introduced by: Senators Kawamoto, Kanno, Baker, Espero.

No. 2020 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Senators Kawamoto, Menor, Aduja, Kanno.

No. 2021 "A BILL FOR AN ACT RELATING TO STREET ROD VEHICLES."

Introduced by: Senators Kawamoto, by request, Espero, Aduja.

No. 2022 "A BILL FOR AN ACT RELATING TO DUNE BUGGIES."

Introduced by: Senators Kawamoto, Espero, Baker.

No. 2023 "A BILL FOR AN ACT RELATING TO DRIVER LICENSING."

Introduced by: Senators Kawamoto, Espero, Kanno, Aduja, Baker.

No. 2024 "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE."

Introduced by: Senators Kawamoto, Espero, Kanno, Baker, Kim, Chun Oakland, Aduja.

No. 2025 "A BILL FOR AN ACT RELATING TO PHOTO TRAFFIC ENFORCEMENT."

Introduced by: Senators Kawamoto, Kanno, Espero, Aduja.

No. 2026 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senators Kawamoto, Espero, Kanno, Baker, Kim, Chun Oakland, Aduja.

No. 2027 "A BILL FOR AN ACT RELATING TO HIGHWAYS."

Introduced by: Senators Kawamoto, Espero, Kanno.

No. 2028 "A BILL FOR AN ACT RELATING TO THE SEARCH AND SEIZURE OF ILLICIT DRUGS."

Introduced by: Senators Kawamoto, Espero, Aduja, Sakamoto, Chun Oakland, Inouye.

No. 2029 "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA."

Introduced by: Senator Kawamoto.

No. 2030 "A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP RESEARCH."

Introduced by: Senator Kawamoto.

No. 2031 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 7 OF THE HAWAII STATE CONSTITUTION, TO ALLOW CERTAIN TYPES OF SEARCHES AND SEIZURES INVOLVING ILLICIT DRUGS, WITHOUT A WARRANT AS PROVIDED BY LAW."

Introduced by: Senators Kawamoto, Espero, Aduja, Sakamoto, Chun Oakland, Inouye.

No. 2032 "A BILL FOR AN ACT RELATING TO PREVAILING WAGES."

Introduced by: Senators Kawamoto, Aduja, Kanno, Espero.

No. 2033 "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY."

Introduced by: Senators Kawamoto, Espero, Kanno, Aduja.

No. 2034 "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC PROCUREMENT CODE."

Introduced by: Senators Kawamoto, Espero, Aduja.

No. 2035 "A BILL FOR AN ACT RELATING TO PILOTAGE WATERS."

Introduced by: Senators Kawamoto, Aduja, Espero, Chun Oakland.

No. 2036 "A BILL FOR AN ACT RELATING TO PILOTAGE."

Introduced by: Senators Kawamoto, Aduja, Espero.

No. 2037 "A BILL FOR AN ACT RELATING TO STATE TRANSPORTATION POLICE."

Introduced by: Senators Kawamoto, Aduja, Baker, Espero.

No. 2038 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senators Kawamoto, Baker, Espero.

No. 2039 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Senators Kawamoto, Aduja, Baker, Espero.

No. 2040 "A BILL FOR AN ACT RELATING TO THE AUDITOR."

Introduced by: Senators Kawamoto, Aduja, Baker, Kanno.

No. 2041 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Kawamoto.

No. 2042 "A BILL FOR AN ACT RELATING TO STATE FINANCES."

Introduced by: Senators Kawamoto, Kanno, Chun Oakland.

No. 2043 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE AVIATION MUSEUM OF THE PACIFIC."

Introduced by: Senators Kawamoto, Aduja, Espero, Kanno.

No. 2044 "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS."

Introduced by: Senators Kawamoto, Espero, Kanno, Aduja.

No. 2045 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL."

Introduced by: Senators Kawamoto, Espero, Kanno, Aduja.

No. 2046 "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE."

Introduced by: Senators Kawamoto, Aduja, Espero.

No. 2047 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE REPAIR AND MAINTENANCE OF STATE EDUCATIONAL FACILITIES."

Introduced by: Senators Kawamoto, Espero, Chun Oakland, Kanno, Sakamoto, Aduja, Baker, Taniguchi.

No. 2048 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senator Kawamoto.

No. 2049 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Kawamoto, Espero, Aduja.

No. 2050 "A BILL FOR AN ACT RELATING TO COUNTY TAXES."

Introduced by: Senator Kawamoto.

No. 2051 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF THE UNIVERSITY OF HAWAII-WEST OAHU CAMPUS FACILITIES."

Introduced by: Senators Kawamoto, Espero, Chun Oakland, Sakamoto, Hooser, Kanno, Aduja.

No. 2052 "A BILL FOR AN ACT RELATING TO MASS TRANSIT FUNDING."

Introduced by: Senators Kawamoto, Espero, Kanno.

No. 2053 "A BILL FOR AN ACT RELATING TO IMPACT FEES."

Introduced by: Senators Kawamoto, Espero, Aduja, Kanno.

No. 2054 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Kokubun, Kawamoto.

No. 2055 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Kanno, Chun Oakland, Kawamoto, Kokubun, Ihara, Aduja, English.

No. 2056 "A BILL FOR AN ACT RELATING TO THE AUDITOR."

Introduced by: Senators Sakamoto, Chun Oakland, Kokubun, Kanno, Aduja, Kawamoto, English.

No. 2057 "A BILL FOR AN ACT RELATING TO TEACHER EDUCATION."

Introduced by: Senators Sakamoto, Kanno, Chun Oakland, Kawamoto, Kokubun, Ihara, Aduja, English.

No. 2058 "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE."

Introduced by: Senators Sakamoto, Aduja, Kanno, Chun Oakland, Kokubun, Ihara, Kawamoto, English.

No. 2059 "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY."

Introduced by: Senators Sakamoto, Kanno, Kawamoto, Chun Oakland, Kokubun, Ihara, Aduja, English.

No. 2060 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senators Sakamoto, Kanno, Chun Oakland, Kawamoto, Kokubun, Ihara, Aduja, English.

No. 2061 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Chun Oakland, Kanno, Aduja, Kawamoto, English, Trimble, Ihara.

No. 2062 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Kanno, Chun Oakland, Kokubun, Ihara, Aduja, Kawamoto, English.

No. 2063 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Kanno, Chun Oakland, Kawamoto, Aduja.

No. 2064 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE BENEFITS."

Introduced by: Senators Sakamoto, Chun Oakland, Kawamoto.

No. 2065 "A BILL FOR AN ACT RELATING TO TEACHERS."

Introduced by: Senators Sakamoto, Chun Oakland, Kawamoto.

No. 2066 "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL EDUCATION SPECIAL FUND."

Introduced by: Senators Sakamoto, Aduja, Menor, Kanno, Chun Oakland.

No. 2067 "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION."

Introduced by: Senators Sakamoto, Aduja, Hooser, Menor, Chun Oakland, English, Kanno.

No. 2068 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senators Sakamoto, Aduja, Hooser, Kanno, English, Menor, Chun Oakland.

No. 2069 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TEACHER STANDARDS BOARD."

Introduced by: Senators Sakamoto, Aduja, Hooser, English, Kanno, Taniguchi, Menor, Chun Oakland.

No. 2070 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TEACHER STANDARDS BOARD."

Introduced by: Senators Sakamoto, Aduja, Hooser, English, Kanno, Taniguchi, Menor, Chun Oakland.

No. 2071 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Aduja, Hooser, English, Kanno, Taniguchi, Menor, Chun Oakland.

No. 2072 "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING."

Introduced by: Senators Sakamoto, Aduja, Kanno, Taniguchi, Menor, Chun Oakland, English.

No. 2073 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senators Sakamoto, Aduja.

No. 2074 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."

Introduced by: Senators Trimble, Kokubun, Fukunaga, Espero, Baker, Ihara, Hemmings, Slom, Menor.

No. 2075 "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES."

Introduced by: Senators Baker, Chun Oakland, Taniguchi, Ihara, Fukunaga, Kokubun, English, Tsutsui, Ige, Hooser.

No. 2076 "A BILL FOR AN ACT RELATING TO INSURERS."

Introduced by: Senator Menor, by request.

No. 2077 "A BILL FOR AN ACT RELATING TO PLANNING."

Introduced by: Senators Kokubun, Kawamoto, Tsutsui, Hooser, English, Taniguchi.

No. 2078 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Hemmings, Hogue, Slom.

No. 2079 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senators Hemmings, English, Hogue, Kawamoto, Trimble, Aduja, Slom, Kim.

No. 2080 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Hemmings, English, Hogue, Aduja, Chun Oakland, Tsutsui, Kim, Menor.

No. 2081 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Hemmings, Slom.

No. 2082 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Senators Hemmings, Chun Oakland, Aduja.

No. 2083 "A BILL FOR AN ACT RELATING TO CREDIT CARD FRAUD."

Introduced by: Senators Kim, Espero, Aduja, Kanno, English, Kawamoto, Tsutsui, Sakamoto, Hemmings, Trimble, Slom, Taniguchi, Kokubun.

No. 2084 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE INSURANCE."

Introduced by: Senator Menor, by request.

No. 2085 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH INSURANCE."

Introduced by: Senator Menor, by request.

No. 2086 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."

Introduced by: Senator Menor, by request.

No. 2087 "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS."

Introduced by: Senator Kawamoto.

No. 2088 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

Introduced by: Senators Baker, Fukunaga, Chun Oakland, Tsutsui, Ihara.

No. 2089 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR MAALAEA HARBOR IMPROVEMENTS."

Introduced by: Senators Baker, English, Tsutsui, Taniguchi, Kokubun, Kawamoto, Hooser.

No. 2090 "A BILL FOR AN ACT RELATING TO A PRESCRIPTION DRUG REPOSITORY PROGRAM."

Introduced by: Senators Baker, Chun Oakland, Fukunaga, Menor, Ige, Kokubun, Hooser, Ihara.

No. 2091 "A BILL FOR AN ACT RELATING TO INVOLUNTARY PSYCHIATRIC TREATMENT."

Introduced by: Senators Baker, Chun Oakland, Fukunaga, Tsutsui, Kokubun, Ihara.

No. 2092 "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY."

Introduced by: Senators Baker, Tsutsui, Chun Oakland, Menor, Kokubun.

No. 2093 "A BILL FOR AN ACT RELATING TO THE MOTOR CARRIER ACT."

Introduced by: Senators Slom, Hemmings, Trimble, Kim, Sakamoto, Aduja.

No. 2094 "A BILL FOR AN ACT RELATING TO THE IDENTIFICATION OF CARRIERS."

Introduced by: Senators Slom, Hemmings, Trimble, Sakamoto, Aduja, Kim, Ihara.

No. 2095 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE."

Introduced by: Senators Espero, Aduja, Sakamoto, Bunda.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 1 to 4) were read by the Clerk and were deferred:

Senate Resolution

No. 1 "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE OF THE TWENTY-SECOND LEGISLATURE."

Offered by: Senators Hemmings, Kim.

No. 2 "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE TO REQUIRE REFERRAL OF BILLS BASED ON THE JURISDICTION OF COMMITTEES AS DESCRIBED IN THE RULES."

Offered by: Senators Ihara, Trimble, Fukunaga.

No. 3 "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE RELATING TO COMMITTEE PROCEDURES ON DEFERRING CONSIDERATION ON A BILL."

Offered by: Senators Ihara, Trimble, Fukunaga.

No. 4 "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE TO AUTHORIZE THE PRESIDENT TO ADOPT CONFERENCE COMMITTEE PROCEDURES."

Offered by: Senators Ihara, Trimble, Fukunaga.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 1) was read by the Clerk and was adopted:

S.C.R. No. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was offered by Senators Sakamoto and Hooser.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 1 was adopted.

At this time, the President directed the Senate Clerk to return to the respective committees all 2003 bills that were returned to the Clerk's desk after the Regular Session of 2003.

ADJOURNMENT

At 11:32 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, January 22, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

SECOND DAY

Thursday, January 22, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mrs. Pat Fujikawa, Moanalua Gardens Missionary Church, after which the Roll was called showing all Senators present with the exception of Senator Whalen who was excused.

The President announced that he had read and approved the Journal of the First Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1 to 40) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 1, submitting for consideration and consent, the nomination of PATRICK W. BORDER to the office of Judge, 16th Division, Circuit Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 2, submitting for consideration and consent, the nomination of CRAIG H. NAKAMURA to the office of Associate Judge, Intermediate Court of Appeals, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 3, dated April 2, 2003, transmitting the Detailed Expenditure and Status Report prepared by the Department of Public Safety, Correctional Industries Division, pursuant to Act 170, SLH 1995, was placed on file.

Gov. Msg. No. 4, dated April 29, 2003, transmitting the Housing and Community Development Corporation of Hawaii's Funds Report for Fiscal Year Ending June 30, 2001, was placed on file.

Gov. Msg. No. 5, dated June 6, 2003, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of February, 2003, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001, was placed on file.

Gov. Msg. No. 6, dated June 6, 2003, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of March, 2003, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001, was placed on file.

Gov. Msg. No. 7, dated July 16, 2003, transmitting the 2002 Annual Report on Special Purpose Revenue Bond Financing of Electric and Gas Utility Capital Improvement Programs, prepared by the Public Utilities Commission pursuant to Act 262, SLH 1998 and Act 57, SLH 1999, was placed on file.

Gov. Msg. No. 8, letter dated July 9, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Defense in the amount of \$21,397,500, was placed on file.

Gov. Msg. No. 9, letter dated July 9, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Defense in the amount of \$2,387,500, was placed on file.

Gov. Msg. No. 10, letter dated July 29, 2003, pursuant to Act 200, Section 11, SLH 2003, sending notification that she has approved the transfer of \$49,000 from design to plans for Item E-4, Hawaii Health Systems Foundation, Hawaii, was placed on file.

Gov. Msg. No. 11, dated July 30, 2003, transmitting a Report on the Mental Health Services from the Child and Adolescent Mental Health Division for the Quarter Ending June 2003, prepared by the Department of Health pursuant to Act 259, Section 33, SLH 2001, was placed on file.

Gov. Msg. No. 12, dated July 30, 2003, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of April, 2003, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001, was placed on file.

Gov. Msg. No. 13, dated July 30, 2003, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of May, 2003, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001, was placed on file.

Gov. Msg. No. 14, dated July 30, 2003, transmitting a Detailed Quarterly Report on Projected and Actual Expenditures from the Behavioral Health Administration for the Quarter ending March 31, 2003, prepared by the Department of Health pursuant to Act 259, Section 36, SLH 2001, was placed on file.

Gov. Msg. No. 15, letter dated August 1, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Agriculture in the amount of \$29,739, was placed on file.

Gov. Msg. No. 16, letter dated August 6, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Business, Economic Development and Tourism, in the amount of \$437,066, was placed on file.

Gov. Msg. No. 17, letter dated August 6, 2003, pursuant to Act 200, Section 111, SLH 2003, sending notification that she has approved the transfer of \$10,000 from construction to design for health and safety requirements statewide, Act 177, Item K-17, SLH 2002, was placed on file.

Gov. Msg. No. 18, letter dated August 8, 2003, pursuant to Act 200, Sections 133 and 134, SLH 2003, sending notification that she has approved the following transfers for the Department of Business, Economic Development and Tourism: transfer of operating funds in the amount of \$70,000 from BED 144 Statewide Planning and Coordination to BED 142 General Support for Economic Development and \$57,720 from BED 102 Business Services to BED 142 General Support for Economic Development; and the transfer of one permanent position count from BED 144 to BED 142 and one temporary position count from BED 102 to BED 142, was placed on file.

Gov. Msg. No. 19, letter dated August 26, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Health in the amount of \$200,000 for the Traumatic Brain Injury Implementation Grant, was placed on file.

Gov. Msg. No. 20, letter dated August 26, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Health in the amount of \$99,694 for the Early Childhood Comprehensive Systems Grant, was placed on file.

Gov. Msg. No. 21, letter dated August 29, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Land and Natural Resources in the amount of \$50,000, was placed on file.

Gov. Msg. No. 22, dated September 1, 2003, transmitting the Annual Reports for the Housing and Community Development Corporation of Hawaii for Fiscal Years 2001 and 2002, pursuant to Chapter 201G, HRS, was placed on file.

Gov. Msg. No. 23, dated September 8, 2003, transmitting the 2002 Annual Report on the Juvenile Justice State Advisory Council prepared by the Office of Youth Services, pursuant to Section 223 of the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended, was placed on file.

Gov. Msg. No. 24, letter dated October 31, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Health, in the amount of \$2,137,365 for the Bioterrorism Hospital Preparedness Program, was placed on file.

Gov. Msg. No. 25, letter dated September 8, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Health, in the amount of \$725,000 to implement the Hawaii Systems Change for Community Living, Community Personal Assistance Services and Supports, was placed on file.

Gov. Msg. No. 26, letter dated September 10, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Transportation, in the amount of \$3,000,000, was placed on file.

Gov. Msg. No. 27, letter dated September 12, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Agriculture, in the amount of \$10,000, was placed on file.

Gov. Msg. No. 28, dated September 12, 2003, transmitting the Strategic Plan for the State Foundation on Culture and the Arts for Fiscal Year 2003-2008, was placed on file.

Gov. Msg. No. 29, letter dated September 12, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Human Services, in the amount of \$226,348, was placed on file.

Gov. Msg. No. 30, dated September 12, 2003, transmitting the 2002 Annual Report prepared by Department of Hawaiian

Home Lands pursuant to Section 222 of the Hawaiian Homes Commission Act, 1920, as amended, was placed on file.

Gov. Msg. No. 31, dated September 16, 2003, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of June, 2003, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001, was placed on file.

Gov. Msg. No. 32, dated September 16, 2003, transmitting the Detailed Quarterly Report on Projected and Actual Expenditures from the Behavioral Health Administration for the quarter ending June 30, 2003, prepared by the Department of Health pursuant to Act 259, Section 36, SLH 2001, was placed on file.

Gov. Msg. No. 33, letter dated September 22, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Human Services, in the amount of \$268,245 for FY 03 Economic Development Initiative, Special Projects Grant, was placed on file.

Gov. Msg. No. 34, letter dated September 26, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Public Safety, in the amount of \$72,609, was placed on file.

Gov. Msg. No. 35, dated September 26, 2003, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of July, 2003, prepared by the Department of Health pursuant to Act 259, Section 30 (sic), SLH 2001, was placed on file.

Gov. Msg. No. 36, dated October 17, 2003, transmitting the Enterprise Zones Partnership Annual Report 2002-2003, prepared by the Department of Business, Economic Development and Tourism, was placed on file.

Gov. Msg. No. 37, letter dated October 23, 2003, pursuant to Act 200, Section 129, SLH 2003, sending notification that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Transportation, in the amount of \$419,892, was placed on file.

Gov. Msg. No. 38, dated December 1, 2003, transmitting the Annual Report on the North Shore Paukauila Streambank Erosion and Riparian Area Community Project, prepared by the Department of Land and Natural Resources pursuant to S.C.R. No. 223 (1995), was placed on file.

Gov. Msg. No. 39, dated December 1, 2003, transmitting the Annual Report on Geothermal Royalties, prepared by the Department of Land and Natural Resources pursuant to Section 182-18, HRS, was placed on file.

Gov. Msg. No. 40, dated December 1, 2003, transmitting the Report on Operations of the Filing Office for Financing Statements Under the Uniform Commercial Code, Secured Transactions (Revised Article 9), prepared by the Department of Land and Natural Resources pursuant to Section 490:9-527, HRS, was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 1 and 2) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 1, transmitting H.C.R. No. 1, which was adopted by the House of Representatives on January 21, 2004, was placed on file.

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

The Senate reconvened at 11:48 o'clock a.m.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2004," was adopted.

Hse. Com. No. 2, transmitting H.C.R. No. 2, which was adopted by the House of Representatives on January 21, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was adopted.

SPECIAL COMMITTEE REPORT

Senator Hanabusa, for the Special Committee to conduct an interim study on Senate Rules, presented a report (Spec. Com. Rep. No. 1) of the conclusions and recommendations of the Committee.

The President then ordered the Clerk to file Spec. Com. Rep. No. 1.

INTRODUCTION OF SENATE BILLS

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2096 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE FILIPINO COMMUNITY CENTER."

Introduced by: Senators Kawamoto, Espero, Aduja, Baker.

No. 2097 "A BILL FOR AN ACT RELATING TO BOATING."

Introduced by: Senator Kawamoto.

No. 2098 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE KULAMALU LONG-TERM CARE FACILITY IN KULA, MAUI."

Introduced by: Senators English, Baker, Tsutsui, Bunda.

No. 2099 "A BILL FOR AN ACT RELATING TO LIVE EXOTIC ANIMAL TRAVELING EXHIBITS."

Introduced by: Senator Ihara, by request.

No. 2100 "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS."

Introduced by: Senator Ihara, by request.

No. 2101 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLES II, III, AND XVII OF THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR INITIATIVE."

Introduced by: Senator Ihara, by request.

No. 2102 "A BILL FOR AN ACT RELATING TO TAXATION OF MARIJUANA."

Introduced by: Senator Ihara, by request.

No. 2103 "A BILL FOR AN ACT RELATING TO STATE HOLIDAYS."

Introduced by: Senator Ihara, by request.

No. 2104 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senators Espero, Kanno, Aduja, Hooser, Baker.

No. 2105 "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT DISPUTE RESOLUTION."

Introduced by: Senators Espero, Aduja, Sakamoto, Kawamoto, Kim, Baker, Menor.

No. 2106 "A BILL FOR AN ACT RELATED TO INTEGRATED SOLID WASTE MANAGEMENT."

Introduced by: Senators Espero, Aduja.

No. 2107 "A BILL FOR AN ACT RELATING TO HIGHWAYS."

Introduced by: Senators Espero, Aduja, Kanno.

No. 2108 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Aduja, Chun Oakland, Baker, Hemmings.

No. 2109 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII STATE CONSTITUTION TO EXPAND THE BOARD OF EDUCATION TO SEVENTEEN MEMBERS."

Introduced by: Senators Sakamoto, Chun Oakland, Baker, Kim, Tsutsui, Aduja.

No. 2110 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING."

Introduced by: Senators Sakamoto, Chun Oakland, Baker, Kim, Tsutsui, Aduja.

No. 2111 "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTERS."

Introduced by: Senators Sakamoto, Chun Oakland, Baker, Aduja.

No. 2112 "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL TEACHER TAX CREDIT."

- Introduced by: Senators Sakamoto, Baker, Tsutsui, Aduja.
- No. 2113 "A BILL FOR AN ACT RELATING TO EDUCATIONAL PROGRAMS."
- Introduced by: Senators Sakamoto, Aduja, Baker, Kim, Tsutsui.
- No. 2114 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SAFETY AND SECURITY IMPROVEMENTS FOR UNIVERSITY OF HAWAII CAMPUSES."
- Introduced by: Senators Sakamoto, Aduja, Chun Oakland, Baker, Kim.
- No. 2115 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Sakamoto, Chun Oakland, Baker, Hemmings, Aduja.
- No. 2116 "A BILL FOR AN ACT RELATING TO CONSTRUCTION."
- Introduced by: Senator Sakamoto.
- No. 2117 "A BILL FOR AN ACT RELATING TO CONSTRUCTION."
- Introduced by: Senator Sakamoto.
- No. 2118 "A BILL FOR AN ACT RELATING TO CONSTRUCTION."
- Introduced by: Senator Sakamoto.
- No. 2119 "A BILL FOR AN ACT RELATING TO DESIGN PROFESSIONAL CONCILIATION PANEL."
- Introduced by: Senator Sakamoto.
- No. 2120 "A BILL FOR AN ACT RELATING TO THE DESIGN PROFESSIONAL CONCILIATION PANEL."
- Introduced by: Senator Sakamoto.
- No. 2121 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
- Introduced by: Senator Sakamoto.
- No. 2122 "A BILL FOR AN ACT RELATING TO REGULATION OF FARM PRODUCE."
- Introduced by: Senator Hooser.
- No. 2123 "A BILL FOR AN ACT RELATING TO IMPOSITION OF A SURCHARGE ON TRAFFIC FINES TO BE PAID TO THE COUNTIES."
- Introduced by: Senators Hooser, Chun Oakland, Sakamoto, Tsutsui, English, Menor, Kawamoto, Hemmings.
- No. 2124 "A BILL FOR AN ACT RELATING TO PROPERTY LEFT IN A DANGEROUS CONDITION."
- Introduced by: Senators Hooser, Sakamoto, Tsutsui, English, Espero, Menor, Kawamoto, Ihara, Ige, Slom.
- No. 2125 "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX."
- Introduced by: Senator Hooser.
- No. 2126 "A BILL FOR AN ACT RELATING TO INTEREST AND USURY."
- Introduced by: Senators Hooser, Chun Oakland, Ige, Sakamoto, English, Menor, Espero, Hemmings, Kawamoto, Ihara.
- No. 2127 "A BILL FOR AN ACT RELATING TO HERBICIDE USE."
- Introduced by: Senators Hooser, Espero, Menor, Chun Oakland, Ige, Slom, Ihara.
- No. 2128 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES."
- Introduced by: Senators Hooser, English, Espero, Menor, Hemmings, Chun Oakland, Ihara, Ige, Slom.
- No. 2129 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."
- Introduced by: Senators Hooser, Chun Oakland, Espero, Menor, Ihara, Ige, Slom, Hemmings.
- No. 2130 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM."
- Introduced by: Senators Hooser, Espero, English, Menor, Chun Oakland, Ihara, Ige, Slom, Hemmings.
- No. 2131 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF DEFENSE."
- Introduced by: Senators Hooser, Espero, Menor, Kawamoto, Chun Oakland, Ihara, Ige, Slom, Hemmings.
- No. 2132 "A BILL FOR AN ACT RELATING TO GENETICALLY ENGINEERED CROPS."
- Introduced by: Senators Hooser, Espero, Menor.
- No. 2133 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
- Introduced by: Senators Hooser, Chun Oakland, Espero, Menor, Kawamoto, Hemmings, Ige, Slom, Ihara.
- At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.
- The Senate reconvened at 12:43 o'clock p.m.
- Senator Hogue rose on a point of personal privilege as follows:
- "Mr. President, I want to rise on a point of personal privilege at this time.
- "Mr. President, on behalf of myself and my colleagues, I just want to point out that I really do object to the use of the Majority Party constantly going behind closed doors in these

recesses during the Session. I don't really believe that the public is being served. It is incongruous, in my mind, that we are public servants doing the public's bidding, supposedly in an open forum, and yet work continuously is decided behind closed doors.

"People talk to me all the time about coming up here and sitting in the Chamber and they wait for the debate, and the debate doesn't happen. Instead, the debate goes on behind closed doors. Ironically, in a little bit, we are going to be debating open government. So, it seems that what happened today behind closed doors is that you were debating open government behind closed doors. How ironic is that?"

The President interjected:

"Senator Hogue, you will have your time. Your time will be debated and you will stand up and you will voice your opinion at that juncture. So, Senator Hogue . . ."

Senator Hogue continued:

"I totally understand that and I'm not here to debate that. I'm here to debate the overuse of going behind closed doors during Session. Can we cut that out a little bit?"

The President stated:

"Senator Hogue, I will call you out of order."

Senator Hogue rose and said:

"Thank you."

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, JANUARY 21, 2004

S.R. No. 1:

By unanimous consent, action on S.R. No. 1, entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE OF THE TWENTY-SECOND LEGISLATURE," was deferred until Friday, January 23, 2004.

S.R. No. 2:

Senator Ihara moved that S.R. No. 2 be adopted, seconded by Senator Chun Oakland.

Senator Ihara rose in support of the measure as follows:

"Mr. President, I rise in support of S.R. No. 2.

"The purpose of this resolution is to implement one of the, quote, 'alternatives' offered in Special Committee Report No. 1, submitted to the Senate in December. It actually was on today's Order of the Day. This proposal in S.R. No. 2 is listed on page 13. It is not a recommendation of the Committee. It is one of the alternatives.

"This resolution proposes to provide in the Rules an appropriate basis for referring bills to committee. The basis proposed in this resolution is the basis of committee jurisdictions as described in Senate Rule 17.

"The Senate Rules today, do not provide any basis or criteria to guide Leadership in deciding bill referrals. This resolution

would provide a criteria. This criteria, as I mentioned, is already-agreed-upon jurisdictions of the committees.

"The concept in this resolution is very simple, one that most people and Senators, including myself, thought was already in the Rules. And for the most part, I believe past practice has been that referrals were based on the proper purview of the committees.

"If that's the case, then you might ask, why is this resolution needed? I want to read what leaders of several citizen groups have said in their testimony submitted and attached to Special Senate Committee Report No. 1:

The League of Women Voters said: 'Any person or group that has a bill introduced in the Legislature has the right to expect that its bill is accorded the proper respect, beginning with a referral to the committee that has jurisdiction over that particular subject matter.'

Interfaith Alliance of Hawaii said: 'We firmly believe that referral of bills to standing committees must be based upon the jurisdiction currently described in Senate Rules. To do otherwise raises public suspicion and further disengages a portion of the populace.'

The Hawaii Green Party said: 'Interpretations of committee responsibilities should not be "gamed" (I'm not quite clear what they mean about the word gamed, but) should not be "gamed" to allow a Chair to capture control over any bill he or she wants to hear, regardless of the normal purview of that committee.'

A citizen leader said: 'I have in the past been aware of times when bills have been assigned to committees that do not have jurisdiction over the subject matter. This has not only made me distrustful of the good intentions of the Senate, but it has caused many voters to withdraw from the process in distrust and disgust.'

Christian Unity and Interreligious Concerns said in their testimony: 'Change the Senate's arbitrary any-committee-referral rule with assignment of bills to committees of relevant subject matter. The current rule is subject to blatant manipulation.'

I'm not sure I agree with all of these statements, but the perception, Mr. President, is there.

"These citizens clearly want bills referred to committees based on their proper jurisdictions.

"But their statements are mild compared to a newspaper editorial. Last year there was controversy over a bill to ban fluoridation in our drinking water, and it appeared obvious, at least from the public's point of view, that the Senate Health Committee should have been part of that referral, but it wasn't.

"The March 2, 2003, Honolulu Star Bulletin editorial said, and it is, I'll warn you, a little bit harsh: 'Instead of confronting another debate about fluoridating water in Hawaii, legislative leaders have decided to stifle the Democratic process through manipulating the rules that govern how bills are heard. The end-run around their own canons provides another example of how elected officials who are supposedly representing voters' interests break the public trust through sneaky maneuvers on camouflaged measures.' I told you that was harsh.

"My point in reading these public statements, Mr. President, is that I believe the Senate should strive to base its bill referrals

on the committee jurisdictions already listed in our Rules. I believe this resolution will help us move in that direction.

"I will be voting in support of this resolution, and I request a Roll Call vote or a similar method, as long as the votes of the Senators are noted. Thank you, Mr. President."

Senator Hanabusa rose in opposition to the measure as follows:

"Mr. President, first, I'd like to take this opportunity to thank the members of the Judiciary and Hawaiian Affairs Committee, along with two members of Leadership, Vice President Kim and Senate Majority Caucus Leader Tsutsui, for serving on S.R. No. 147.

"I rise to speak in opposition to this Senate resolution and would like to set forth the reasons why so that members of the public who participated in the process, as well as my colleagues, can understand what transpired.

"First of all, Mr. President, it was the first time any house of this Legislature actually put forth its Rules. This particular issue was really not part of the resolution before the public. Something that we did as the Committee was to hear what the people were raising as their concerns. So we really kind of deviated from the resolution of this body. But the public, for the first time, they felt empowered in the participation process and that's why they brought up everything about our process that they were concerned about.

"The referral issue came up, and the referral issue was one that was misunderstood, because what people thought was that somehow these bills went to all of these committees and there was no rhyme or reason for it. So we explained to them, and it's part of the report, as to how the referral process is done.

"Mr. President, the sentiments of the people were really not so much about the referral process itself, or the fact that we have an appeal process to yourself, Mr. President, but it was because they did not like Senate Rule 17 in terms of the jurisdiction. They did not like when certain Committee Chairpersons received a particular bill. But that's not the referral process.

"The reason why, Mr. President and colleagues, that I cannot support this amendment is that it's amending our Rule to say, 'based upon the jurisdiction of the committees as described in Senate Rule 17.' Mr. President, as part of your Leadership that does the referral after SMA does the initial pass, I can't concur with this. Because what this then does is it makes it possible for a bill to be killed because, arguably, every Committee Chair, I'm sure, could find some way to say that this bill should be theirs. So at the very minimum – the very minimum, Mr. President – at least three Committee Chairs can do it. I can rattle off one Committee Chair who, based on his jurisdiction, can say every bill comes to him, and it isn't the good Senator from Manoa on Ways and Means. But that's because that is how our Senate Rule reads.

"Senate Rule 17 is not the issue here, Mr. President. It is the referral process, and I believe that the way the language reads now and, in addition to that, the way that we have done it in terms of our custom and practice, once the public understood – and we were remiss in not making it clear to the public as to how we do our referrals – that that was the problem. To put this in and then we'll then, I believe, put out our custom and practice and say not only would we have to refer based upon the jurisdiction of the committees, which is the language here, it would also say any appeal process would also be bound by this.

"Based upon that, Mr. President, I cannot support S.R. No. 2 and would like to say that I heard the public loud and clear who came forward to our committee meeting. I heard their concerns and I honestly believe that it is not the referral base to all committees that they believe that every committee who has jurisdiction should have the right for that. I believe they did not like the way we adopted our Rules and where certain bills went to certain committees.

"Mr. President, I will be voting against S.R. No. 2 and ask that my colleagues do the same. Thank you."

Senator Slom rose in support of the measure and said:

"Mr. President, I rise in support of S.R. No. 2.

"The real issue here is not the referral process and not jurisdiction. Again, it is part of the openness in government. And while it was laudable that the committee heard from the public and included the public, that's what we're supposed to do. We tell the public we want their input. We tell the public we want them to participate, and the fact that they don't ask a specific question is because they don't really understand what we do. And particularly, as my colleague, the Minority Floor Leader said, so much of it, too much of it is behind closed doors, even though we're supposed to be meeting in open session.

"What this resolution simply does is to say that there's nothing wrong with custom and practice, but that you really can't separate referral from jurisdiction because Rule 17 is a fact. And if we're going to give credence to all of the Rules equally and treat them equally, then the whole reason for jurisdiction is to make sure that the referral process is related to it. And if there is a problem or if there's a situation where it might become unwieldy because there would be too many committees involved, and that is a possibility, then that is something that properly should be debated in public before this entire body and before the public.

"So as the maker of this resolution said, it is just a simple matter but it's an important matter. And we should also ask ourselves, by passing this resolution, do we add to the openness and the discussion of government or do we detract from it? I've heard no response that really says that this is going to cause us problems. I do hear, however, that it may cause some discomfort to those individuals within this body that like this system that allows them to deviate from Rule 17 and from usual and customary practice. Therefore, I urge my colleagues to support very strongly this and the other resolutions which will strengthen and open the entire process of this Legislature.

"Thank you, Mr. President."

The motion was put by the Chair and, Roll Call vote having been requested, S.R. No. 2, entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE TO REQUIRE REFERRAL OF BILLS BASED ON THE JURISDICTION OF COMMITTEES AS DESCRIBED IN THE RULES," failed to be adopted on the following showing of Ayes and Noes:

Ayes, 8. Noes, 16 (Aduja, Baker, Bunda, English, Espero, Hanabusa, Hooser, Inouye, Kanno, Kawamoto, Kim, Kokubun, Menor, Sakamoto, Taniguchi, Tsutsui). Excused, 1 (Whalen).

S.R. No. 3:

By unanimous consent, action on S.R. No. 3, entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE RELATING TO COMMITTEE

PROCEDURES ON DEFERRING CONSIDERATION ON A BILL,” was deferred until Friday, January 23, 2004.

S.R. No. 4:

By unanimous consent, action on S.R. No. 4, entitled: “SENATE RESOLUTION AMENDING THE RULES OF THE SENATE TO AUTHORIZE THE PRESIDENT TO ADOPT CONFERENCE COMMITTEE PROCEDURES,” was deferred until Friday, January 23, 2004.

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

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

“I take great pride in the openness of the Senate in the announcement section of our procedures because we let things come to the Floor to be discussed in an open and honest manner in front of the people of Hawaii.

“Yesterday, Mr. President, we voted on a resolution to bring the superintendent from the Department of Education to this Legislature to address us. We had very strong feelings about that issue, Mr. President, and I think you heard some nay votes from your Senate Minority. But out of respect for the day and for the proceedings, we did not want to make an issue of it. But I think in the interest of fairness, in the interest of openness in government, in the interest of having a fair, level playing field in debating this very important issue of public education, something should be said.

“First, there’s not a precedence to bring a head of a department to this Legislature to plead a particular side of an issue. That is done in committee hearings. We had a very fine briefing from Pat Hamamoto, the Board of Education and the Department of Education in our Joint Senate Ways and Means and House Finance Committee hearings on the budget. If we did this, why don’t we bring Director Koller and Fukino to discuss health and their issues and their agenda?

“The other issue is justification. We are seeking the truth on matters of this nature and if there’s justification to bring one particular point of view, then in the interest of fairness, there should certainly be an opportunity to bring the other point of view. The question is, are we going to invite Laura Thielen or Bill Ouchi or some of the people who have worked so hard trying to offer an alternative to the status quo an opportunity to address this Legislature? I think not.

“Procedurally, this is uncalled for, and unfortunately, we did not get a chance to debate this or discuss it in an open, honest manner before it was brought to us for a vote yesterday. But I think the record should reflect that we are doing the wrong thing. Pat Hamamoto, for the record, is in a tremendous conflict of interest position. She’s hired by the BOE. She works for the DOE. Are we going to get their agenda or are we going to have an open and honest discussion on education reform?

“I’m not going to debate the issue now, Mr. President, I think there’ll be the whole Session to debate it. Unfortunately, we’re having a hard time finding common ground. But before Pat Hamamoto talks, we wouldn’t have this discussion at all if the system were working. There is an old cliché that’s worth repeating: a definition of insanity is to do the same thing and expect different results. I don’t think the Department of Education or the Board of Education in the last 30 years has ever demonstrated the will to depart from business as usual and just ask for more money to solve the State’s single biggest and most expensive problem – our education system.

“Mr. President, thank you for allowing me to speak on this issue. I think it’s very important. I’m sorry we didn’t have a chance, but out of respect for yesterday, I thought it would be better to discuss it today.

“Thank you, Mr. President.”

ADJOURNMENT

At 1:05 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Friday, January 23, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

THIRD DAY

Friday, January 23, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Deacon Dan Guinaugh, Holy Trinity Catholic Church, after which the Roll was called showing all Senators present with the exception of Senators Ige and Whalen who were excused.

The President announced that he had read and approved the Journal of the Second Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 41 to 73) were read by the Clerk and were placed on file:

Gov. Msg. No. 41, dated December 2, 2003, transmitting the 2003 Annual Report on Home Property Liens, prepared by the Department of Human Services pursuant to Section 346-29.5, HRS.

Gov. Msg. No. 42, dated December 2, 2003, transmitting the Annual Report on the Center for Nursing, prepared by the University of Hawaii pursuant to Act 198, SLH 2003.

Gov. Msg. No. 43, dated December 2, 2003, transmitting the Annual Report of Uncollectible Delinquent Fines, prepared by the University of Hawaii pursuant to Act 243, SLH 2001.

Gov. Msg. No. 44, dated December 2, 2003, transmitting the Annual Report of the University of Hawaii Risk Management Special Fund for the Fiscal Year Ended June 30, 2003, prepared by the University of Hawaii pursuant to Act 186, SLH 2003.

Gov. Msg. No. 45, dated December 2, 2003, transmitting the Report on the Department of Human Services' Progress on Outreach and Application Process Simplification Efforts, prepared by the Department of Human Services, Med-QUEST Division pursuant to Act 57, SLH 2003.

Gov. Msg. No. 46, dated December 2, 2003, transmitting the Annual Report for the Medical Education Council, prepared by the University of Hawaii pursuant to Act 181, SLH 2003.

Gov. Msg. No. 47, dated December 2, 2003, transmitting the Annual Report for the Hawaii Research Center for Future Studies, prepared by the University of Hawaii pursuant to Section 222-3, HRS.

Gov. Msg. No. 48, dated December 8, 2003, transmitting the Annual Report for 2004 and 2005 on General Fund Appropriation Transfers Between Program IDS, prepared by the University of Hawaii pursuant to Act 200, Section 54, SLH 2003.

Gov. Msg. No. 49, dated December 8, 2003, transmitting the Annual Report of the Salaries Paid to All University of Hawaii Executive and Managerial Personnel, Including the President, and Faculty Members, prepared by the University of Hawaii pursuant to Section 304-13.5, HRS.

Gov. Msg. No. 50, dated December 9, 2003, transmitting the Annual Report on Identification of Rivers and Streams Worthy of Protection, prepared by the Department of Land and Natural

Resources, Commission on Water Resource Management, pursuant to Section 174C-31, HRS.

Gov. Msg. No. 51, dated December 9, 2003, transmitting the Annual Report Relating to the Forest Stewardship Program, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195F-6, HRS.

Gov. Msg. No. 52, dated December 1, 2003, transmitting the Final Report on the Use of Alternative Energy Sources to Address Energy Needs on the Island of Kahoolawe, prepared by the Department of Land and Natural Resources and The Kahoolawe Island Reserve Commission in conjunction with The Kahoolawe Island Reserve Alternative Energy Task Force pursuant to S.C.R. No. 101 (2002).

Gov. Msg. No. 53, dated December 9, 2003, transmitting the Annual Reports on All Special, Trust, and Revolving Fund Transactions Carried Out Over the Previous Fiscal Year, prepared by the Department of Land and Natural Resources pursuant to H.C.R. No. 125 (1993).

Gov. Msg. No. 54, dated December 9, 2003, transmitting the Report on the Status of the Kahoolawe Rehabilitation Trust Fund, prepared by the Kahoolawe Island Reserve Commission pursuant to Section 6K-9.5, HRS.

Gov. Msg. No. 55, dated December 9, 2003, transmitting the Criteria for the Establishment and Continuance of Administratively Established Accounts and Funds Report, prepared by the Department of Land and Natural Resources pursuant to Section 37-52.5, HRS.

Gov. Msg. No. 56, dated December 10, 2003, transmitting the Annual Report Relating to the Wildlife Revolving Fund, prepared by the Department of Land and Natural Resources pursuant to Section 183D-10.5, HRS.

Gov. Msg. No. 57, dated December 12, 2003, transmitting the Annual Report on the Discoveries and Inventions Revolving Fund, prepared by the University of Hawaii pursuant to Section 304-8.92, HRS.

Gov. Msg. No. 58, dated December 12, 2003, transmitting the Annual Report Requesting that the Department of Education and the University of Hawaii Community Colleges Initiate a Collaborative Partnership to Improve Services for Adults and Expand Opportunities for High School Students that will Result in Substantive Outcomes for the Two Entities, prepared by the University of Hawaii pursuant to H.C.R. No. 158 (2000).

Gov. Msg. No. 59, dated December 12, 2003, transmitting the Summary of University of Hawaii Special, Revolving and Trust Funds For the Fiscal Year Ended June 30, 2003, prepared by the University of Hawaii pursuant to Section 304-7 and 304-8, HRS.

Gov. Msg. No. 60, dated December 12, 2003, transmitting the Annual Report on the Research and Training Revolving Fund, prepared by the University of Hawaii pursuant to Section 304-8.1, HRS.

Gov. Msg. No. 61, dated December 12, 2003, transmitting the UH Tuition and Fees Special Fund for Fundraising, prepared by the University of Hawaii pursuant to Section 304-16.5(c), HRS.

Gov. Msg. No. 62, dated December 12, 2003, transmitting a Report Relating to Government Operations, prepared by the University of Hawaii pursuant to Act 100, SLH 1999.

Gov. Msg. No. 63, dated December 12, 2003, transmitting the Annual Report on the Teacher Education Coordinating Committee for 2002-2003, prepared by the University of Hawaii pursuant to Section 304-20, HRS.

Gov. Msg. No. 64, dated December 12, 2003, transmitting the Annual Report on Transfer of Appropriated Funds and Positions for the University of Hawaii, prepared by the University of Hawaii pursuant to Section 37-74, HRS.

Gov. Msg. No. 65, dated December 12, 2003, transmitting a Report Relating to Public Land Liability, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Act 82, Section 4, SLH 2003.

Gov. Msg. No. 66, dated December 15, 2003, transmitting a Report Concerning Special, Trust, and Revolving Funds, prepared by the Department of the Attorney General pursuant to Act 200, Section 69, SLH 2003.

Gov. Msg. No. 67, dated December 15, 2003, transmitting a Report on the Activities of the Kaneohe Bay Regional Council for 2002-2003, submitted on behalf of the Kaneohe Bay Regional Council by the Department of Land and Natural Resources pursuant to Section 200D-5, HRS.

Gov. Msg. No. 68, dated December 15, 2003, transmitting the 2003 Annual Report on the Recommendations for Denial of Claims for Legislative Relief, prepared by the Department of the Attorney General pursuant to Section 37-77, HRS.

Gov. Msg. No. 69, dated December 15, 2003, transmitting a Report on the Implementation of Chapter 190D, Hawaii Revised Statutes, Ocean and Submerged Lands Leasing, prepared by the Department of Land and Natural Resources and the Department of Agriculture pursuant to Act 176, Section 12, SLH 1999.

Gov. Msg. No. 70, dated December 15, 2003, transmitting the Report on Receipts and Expenditures of the Antitrust Trust Fund, prepared by the Department of the Attorney General pursuant to Section 28-13, HRS.

Gov. Msg. No. 71, dated December 15, 2003, transmitting the Annual Report on the Status of the Program for Environmentally-Themed Products to Support the Environment Established Under Section 195D-5.5, Hawaii Revised Statutes, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195D-5.5, HRS.

Gov. Msg. No. 72, dated December 15, 2003, transmitting the Annual Report on the Status of the Issuance of Incidental Take Licenses for Endangered, Threatened, Proposed, and Candidate Species; and the Condition of the Endangered Species Trust Fund for the Period July 1, 2002 - June 30, 2003, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195D-26, HRS.

Gov. Msg. No. 73, dated December 15, 2003, transmitting the Follow-Up Report of the Age of Consent Task Force, prepared by the Department of the Attorney General pursuant to Act 62, SLH 2003.

HOUSE COMMUNICATION

Hse. Com. No. 3, returning S.C.R. No. 1, which was adopted by the House of Representatives on January 22, 2004, was read by the Clerk and was placed on file.

INTRODUCTION OF SENATE BILLS

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2134 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Introduced by: Senators Kokubun, Aduja, Chun Oakland, English, Taniguchi, Espero, Kim, Hemmings, Slom.

No. 2135 "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING."

Introduced by: Senators Kokubun, English, Espero, Aduja, Taniguchi, Kawamoto, Slom, Chun Oakland.

No. 2136 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY."

Introduced by: Senators Kokubun, English, Aduja, Taniguchi, Tsutsui, Hooser, Slom, Chun Oakland.

No. 2137 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF DEFENSE."

Introduced by: Senators Bunda, Tsutsui, English, Taniguchi, Kokubun.

No. 2138 "A BILL FOR AN ACT RELATING TO AUTO THEFT."

Introduced by: Senators Kawamoto, Kanno.

No. 2139 "A BILL FOR AN ACT RELATING TO THE MUSEUM OF HAWAIIAN MUSIC AND DANCE."

Introduced by: Senators Kim, English, Aduja, Kanno, Kawamoto, Tsutsui, Hogue, Slom, Espero, Menor, Chun Oakland, Trimble, Sakamoto, Bunda, Fukunaga, Inouye, Hanabusa, Ige.

No. 2140 "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES."

Introduced by: Senators Kim, Bunda, Aduja, Chun Oakland, Kawamoto, Espero, Taniguchi, Kokubun, Hemmings, English, Ige, Menor.

No. 2141 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senator Kim.

No. 2142 "A BILL FOR AN ACT RELATING TO ENGINEERS, ARCHITECTS, AND SURVEYORS."

Introduced by: Senators Slom, Trimble, Hemmings, Hogue, Chun Oakland.

No. 2143 "A BILL FOR AN ACT RELATING TO THE EFFECT OF EMERGENCY MILITARY SERVICE ON ORDER OF CHILD SUPPORT."

Introduced by: Senators Slom, Tsutsui, Trimble, Sakamoto, Aduja, Hogue, Hemmings, Chun Oakland.

No. 2144 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A YOUTH SUMMIT."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Ige, Fukunaga, Baker, Kim, Tsutsui, English, Kawamoto.

No. 2145 "A BILL FOR AN ACT RELATING TO MINIMUM WAGES."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Baker, Kawamoto.

No. 2146 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Baker, Kim, Tsutsui, English, Ige, Fukunaga, Kawamoto.

No. 2147 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Baker, Kim, Fukunaga, Kawamoto.

No. 2148 "A BILL FOR AN ACT RELATING TO PHYSICAL EDUCATION."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Kim, Baker, Ige, Fukunaga, Kawamoto.

No. 2149 "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Kim, Baker, Kawamoto, Ige, Fukunaga.

No. 2150 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Baker, Kim, Tsutsui, English, Ige, Fukunaga, Kawamoto.

No. 2151 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Fukunaga, Baker, Tsutsui, English, Ige, Kawamoto.

No. 2152 "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND."

Introduced by: Senators Chun Oakland, Kanno, Ige, Baker, Aduja, Fukunaga.

No. 2153 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Baker, Kawamoto, Kim.

No. 2154 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Baker, Kim, Tsutsui, English, Ige, Fukunaga, Kawamoto.

No. 2155 "A BILL FOR AN ACT RELATING TO STUDENT TRANSPORTATION."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Sakamoto, Ige, Espero, Tsutsui, English, Kawamoto.

No. 2156 "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH."

Introduced by: Senators Chun Oakland, Kanno, Espero, Aduja, Sakamoto, Ige, Fukunaga, Baker, Tsutsui, English, Kawamoto.

No. 2157 "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL."

Introduced by: Senators Chun Oakland, Kanno, Espero, Aduja, Kim, Baker, Sakamoto, Tsutsui, English, Ige, Fukunaga, Kawamoto.

No. 2158 "A BILL FOR AN ACT RELATING TO EMERGENCY SERVICES."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Baker, Kim, Tsutsui, English, Ige, Fukunaga, Kawamoto.

No. 2159 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE."

Introduced by: Senators Chun Oakland, Kanno, Espero, Sakamoto, Aduja, Fukunaga, Ige, Kawamoto, Kim, Baker, Tsutsui.

No. 2160 "A BILL FOR AN ACT RELATING TO THE RESTORATION OF FULL FUNDING FOR HEALTHY HAWAII INITIATIVE FROM THE TOBACCO SETTLEMENT FUNDS AND APPROPRIATING FUNDS FOR HEALTHY START HAWAII."

Introduced by: Senators Chun Oakland, Ige, Baker, Kim, Espero, Aduja, Fukunaga, Kawamoto.

No. 2161 "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Sakamoto, Baker, Kim, Tsutsui, English, Ige, Fukunaga, Kawamoto.

No. 2162 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EARLY INTERVENTION SECTION."

Introduced by: Senators Chun Oakland, Aduja, Ige, Tsutsui, English, Fukunaga, Kawamoto.

No. 2163 "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Sakamoto, Baker, Kim, Tsutsui, Ige, Fukunaga, Kawamoto.

No. 2164 "A BILL FOR AN ACT RELATING TO CHILD ABUSE."

Introduced by: Senators Chun Oakland, Kanno, Espero, Tsutsui, Fukunaga, Kawamoto.

No. 2165 "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND PROTECTION."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Ige, Fukunaga, Kawamoto, Kim, Baker, Tsutsui, English.

No. 2166 "A BILL FOR AN ACT RELATING TO THE EDUCATION OF FOSTER YOUTH."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Ige, Fukunaga, Baker, Kawamoto.

No. 2167 "A BILL FOR AN ACT RELATING TO CHILD ENDANGERMENT."

Introduced by: Senators Chun Oakland, by request, Baker, Aduja, Fukunaga, Kawamoto.

No. 2168 "A BILL FOR AN ACT RELATING TO CRIB SAFETY."

Introduced by: Senators Chun Oakland, Kanno, Ige, Kim, Aduja, Fukunaga, Kawamoto.

No. 2169 "A BILL FOR AN ACT RELATING TO PHYSICAL EDUCATION."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Baker, Kim, Ige, Fukunaga, Kawamoto.

No. 2170 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senators Chun Oakland, Fukunaga, Baker, Ige.

No. 2171 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TEXTBOOKS FOR PUBLIC SCHOOLS."

Introduced by: Senators Chun Oakland, Kanno, Espero, Aduja, Sakamoto, Ige, Baker, Tsutsui, Fukunaga, Kawamoto.

No. 2172 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FULL-TIME STUDENT ACTIVITIES COORDINATORS."

Introduced by: Senators Chun Oakland, Kanno, Espero, Aduja, Ige, Fukunaga, Baker, Kawamoto.

No. 2173 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Chun Oakland, Kanno, Espero, Aduja, Ige, Fukunaga, Baker, Kawamoto.

No. 2174 "A BILL FOR AN ACT RELATING TO YOUTH INVOLVEMENT."

Introduced by: Senators Chun Oakland, Kanno, Aduja, Baker, Fukunaga, Ige.

No. 2175 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Chun Oakland, Kanno, Sakamoto, Aduja, Kawamoto, Baker, Ige, Fukunaga.

No. 2176 "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS."

Introduced by: Senators Chun Oakland, Espero, Aduja, Kawamoto, Baker, Ige, Fukunaga.

No. 2177 "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES."

Introduced by: Senator Hemmings.

No. 2178 "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES."

Introduced by: Senators Hemmings, Slom, Hogue, Trimble.

No. 2179 "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS."

Introduced by: Senators Hemmings, Slom, Hogue, Trimble.

No. 2180 "A BILL FOR AN ACT RELATING TO STUDENTS WITH DISABILITIES."

Introduced by: Senators Hemmings, Slom, Hogue, Trimble.

No. 2181 "A BILL FOR AN ACT RELATING TO PROVISION OF HEALTH CARE COVERAGE BY SMALL BUSINESSES."

Introduced by: Senators Hemmings, Slom, Hogue, Trimble.

No. 2182 "A BILL FOR AN ACT RELATING TO TORTS."

Introduced by: Senators Hemmings, Slom, Hogue, Trimble.

No. 2183 "A BILL FOR AN ACT RELATING TO TORTS."

Introduced by: Senators Hemmings, Slom, Hogue, Trimble.

No. 2184 "A BILL FOR AN ACT RELATING TO THE EMERGENCY BUDGET RESERVE FUND."

Introduced by: Senators Hemmings, Slom, Hogue, Trimble.

No. 2185 "A BILL FOR AN ACT RELATING TO THE LEGISLATURE."

Introduced by: Senators Hemmings, Slom, Hogue, Trimble.

No. 2186 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senators Hemmings, Slom, Hogue, Trimble.

No. 2187 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senators Hemmings, Slom, Hogue, Trimble.

No. 2188 "A BILL FOR AN ACT RELATING TO CORPORATE INCOME TAX."

- Introduced by: Senators Hemmings, Slom, Hogue, Trimble.
- No. 2189 "A BILL FOR AN ACT RELATING TO THE BANK FRANCHISE TAX."
- Introduced by: Senators Hemmings, Slom, Hogue, Trimble.
- No. 2190 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF RENEWABLE ENERGY SYSTEMS."
- Introduced by: Senators Hemmings, Slom, Hogue, Trimble.
- No. 2191 "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS"
- Introduced by: Senators Hemmings, Slom, Hogue, Trimble.
- No. 2192 "A BILL FOR AN ACT RELATING TO REPEATED EXCESSIVE SPEEDING OF A VEHICLE."
- Introduced by: Senators Hemmings, Slom, Hogue, Trimble.
- No. 2193 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RESPONSIBILITY."
- Introduced by: Senators Hemmings, Slom, Hogue, Trimble.
- No. 2194 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
- Introduced by: Senators Hemmings, Slom, Hogue, Trimble.
- No. 2195 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Sakamoto, Chun Oakland, Hemmings.
- No. 2196 "A BILL FOR AN ACT RELATING TO UNIVERSITY PROJECTS AND PURPOSES."
- Introduced by: Senators Sakamoto, Chun Oakland, Hemmings, Baker.
- No. 2197 "A BILL FOR AN ACT RELATING TO SCHOOL WORK-STUDY."
- Introduced by: Senators Sakamoto, Kokubun, Chun Oakland, English, Baker, Taniguchi.
- No. 2198 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."
- Introduced by: Senators Sakamoto, Hooser, Aduja, Kawamoto, Chun Oakland.
- No. 2199 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Sakamoto, Kanno, Aduja, Hooser, Kawamoto, Chun Oakland.
- No. 2200 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Sakamoto, Kanno, Aduja, Hooser, Kawamoto, Chun Oakland.
- No. 2201 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Sakamoto, Kanno, Aduja, Hooser, Kawamoto, Chun Oakland.
- No. 2202 "A BILL FOR AN ACT RELATING TO TEACHER COMPENSATION."
- Introduced by: Senators Sakamoto, Kanno, Aduja, Hooser, Kawamoto, Chun Oakland.
- No. 2203 "A BILL FOR AN ACT RELATING TO QUALITY ASSURANCE."
- Introduced by: Senator Baker, by request.
- No. 2204 "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC SCHOOLS BY PUBLIC EMPLOYEES."
- Introduced by: Senator Baker, by request.
- No. 2205 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING."
- Introduced by: Senator Baker, by request.
- No. 2206 "A BILL FOR AN ACT RELATING TO FEES."
- Introduced by: Senator Baker.
- No. 2207 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
- Introduced by: Senator Menor, by request.
- No. 2208 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
- Introduced by: Senator Menor, by request.
- No. 2209 "A BILL FOR AN ACT RELATING TO BOXING."
- Introduced by: Senator Menor, by request.
- No. 2210 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."
- Introduced by: Senator Menor, by request.
- No. 2211 "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS."
- Introduced by: Senator Ihara.
- No. 2212 "A BILL FOR AN ACT RELATING TO VOTING."
- Introduced by: Senator Ihara.
- No. 2213 "A BILL FOR AN ACT RELATING TO COUNTY ETHICS COMMISSIONS."

Introduced by: Senators Ihara, Hooser, Trimble.

No. 2214 "A BILL FOR AN ACT RELATING TO THE WAIKIKI NATATORIUM."

Introduced by: Senator Ihara.

No. 2215 "A BILL FOR AN ACT RELATING TO REGULATORY LICENSING."

Introduced by: Senators Ihara, Chun Oakland, Baker.

No. 2216 "A BILL FOR AN ACT RELATING TO TRANSFER OF OWNERSHIP OF FIREARMS AND AMMUNITION."

Introduced by: Senators Chun Oakland, Baker, Fukunaga, Kim.

No. 2217 "A BILL FOR AN ACT RELATING TO MEDICAL INSURANCE PREMIUM TAX DEDUCTION."

Introduced by: Senators Chun Oakland, Baker, Fukunaga, Kim.

No. 2218 "A BILL FOR AN ACT RELATING TO CHILD CARE."

Introduced by: Senators Chun Oakland, Baker, Fukunaga, Kim.

No. 2219 "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBERS."

Introduced by: Senators Chun Oakland, Baker, Fukunaga, Kim.

No. 2220 "A BILL FOR AN ACT RELATING TO TAXES."

Introduced by: Senators Chun Oakland, Baker, Fukunaga, Kim.

No. 2221 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE."

Introduced by: Senators Baker, Fukunaga, Chun Oakland, Kim.

No. 2222 "A BILL FOR AN ACT RELATING TO BRIDGE TO HOPE."

Introduced by: Senators Chun Oakland, Baker, Fukunaga, Kim.

No. 2223 "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT."

Introduced by: Senators Chun Oakland, Fukunaga, Kim.

No. 2224 "A BILL FOR AN ACT RELATING TO ELDERLY SERVICES."

Introduced by: Senators Chun Oakland, Fukunaga, Kim.

No. 2225 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE."

Introduced by: Senators Baker, Chun Oakland, Fukunaga, Kim.

No. 2226 "A BILL FOR AN ACT RELATING TO HOMELESS SERVICES."

Introduced by: Senators Chun Oakland, Baker, Fukunaga, Kim.

No. 2227 "A BILL FOR AN ACT RELATING TO PROSTITUTION."

Introduced by: Senators Chun Oakland, Baker, Fukunaga, Kim.

No. 2228 "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE."

Introduced by: Senators Chun Oakland, Baker, Fukunaga.

No. 2229 "A BILL FOR AN ACT RELATING TO BED AND BREAKFAST HOMES."

Introduced by: Senator Chun Oakland, by request.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, JANUARY 22, 2004

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

S.R. No. 1:

Senator Kim moved that S.R. No. 1, be adopted, seconded by Senator Tsutsui.

Senator Kim offered the following amendment (Floor Amendment No. 1) to S.R. No. 1:

"BE IT RESOLVED by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, that this body respectfully requests that the following sentence be ~~[deleted from]~~ amended in Senate Rule 45:

"[Co-sponsors may be added to bills] With the consent of the primary sponsor, additional sponsors may be added to bills up until the bill introduction deadline [and with the consent of the primary sponsor]."

Senator Kim moved that Floor Amendment No. 1 be adopted, seconded by Senator Tsutsui.

Senator Kim noted:

"This resolution was introduced because of the concerns raised with this measure being adopted last year for the first time. What we did was to amend the language to make it clearer as to the intent, and the intent was to allow members of the body to be able to sponsor, not co-introduce or be a further introducer, but just a sponsor to show support on the measure. And, hopefully, by being able to do that, one would not need to feel that they have to introduce a similar measure. That's cutting down on the time and expense that our body has to endure for the numerous, numerous duplicate types of bills allowed.

"The deadline would be up until the bill introduction. Last year it went beyond that and I believe that it is clear that our

purpose is for members to be allowed up until bill introduction deadline. And so, once the introduction of bills we have that deadline, there really is no reason why names would be then allowed or sponsors would be allowed to be placed onto those bills.

“So, for those reasons, I offer the amendment. Thank you.”

Senator Slom rose in opposition to the amendment and said:

“Mr. President, I rise in opposition to the amendment. Actually, I’m speaking for the Senate Minority Leader who was the co-introducer of the original resolution. He gives his regrets. He had a military event which had been planned weeks earlier so that’s why he’s not here. He will talk on the main resolution on Monday.

“The whole idea of this resolution, since it seems that the policy had changed last year with people suddenly wanting to be listed as sponsors to bills or resolutions, he views this as an effort in futility to make these changes and so would be voting against the amendment.

“Thank you, Mr. President.”

The motion to adopt Floor Amendment No. 1 was put by the Chair and carried.

By unanimous consent, S.R. No. 1, S.D. 1, entitled: “SENATE RESOLUTION AMENDING THE RULES OF THE SENATE OF THE TWENTY-SECOND LEGISLATURE,” was placed on the calendar for Adoption on Monday, January 26, 2004.

S.R. No. 3:

Senator Ihara moved that S.R. No. 3, be adopted, seconded by Senator Chun Oakland.

Senator Ihara offered the following amendment (Floor Amendment No. 2) to S.R. No. 3:

Rule 22 amendment (proposed)

(4) The Chair of a Committee may defer indefinitely further consideration of a bill and state publicly the reasons therefore at the hearing; provided that any member of the committee may move to take a vote on that deferral, in which case the chair shall proceed to take a vote immediately or at the next scheduled hearing of the committee. Upon such motion, a majority of the quorum of the committee shall be required to defer the bill.

Senator Ihara moved that Floor Amendment No. 2 be adopted, seconded by Senator Chun Oakland.

Senator Ihara noted:

“Mr. President, the floor amendment adds one word to the original proposed Rule, and that word is the word ‘indefinitely,’ located on the first line of the proposed Rule.

“Thank you.”

The motion to adopt Floor Amendment No. 2 was put by the Chair and carried.

By unanimous consent, S.R. No. 3, S.D. 1, entitled: “SENATE RESOLUTION AMENDING THE RULES OF THE SENATE RELATING TO COMMITTEE PROCEDURES ON DEFERRING CONSIDERATION ON A

BILL,” was placed on the calendar for Adoption on Monday, January 26, 2004.

S.R. No. 4:

Senator Ihara moved that S.R. No. 4, be adopted, seconded by Senator Chun Oakland.

Senator Ihara offered the following amendment (Floor Amendment No. 3) to S.R. No. 4:

Amendment to Rule 3 (proposed):

To adopt conference committee procedures in coordination with the Speaker of the House to facilitate the efficient administration of the committees.

Senator Ihara moved that Floor Amendment No. 3 be adopted, seconded by Senator Chun Oakland.

Senator Ihara noted:

“Mr. President, the last clause of the original proposed Rule was deleted and the deletion reads: ‘provided that no procedure shall alter the voting power of Committee members.’ The intent here, Mr. President, is to revisit the core issue of the Conference Chair veto voting power at a later date, hopefully in a few weeks.

“Thank you.”

The motion to adopt Floor Amendment No. 3 was put by the Chair and carried.

By unanimous consent, S.R. No. 4, S.D. 1, entitled: “SENATE RESOLUTION AMENDING THE RULES OF THE SENATE TO AUTHORIZE THE PRESIDENT TO ADOPT CONFERENCE COMMITTEE PROCEDURES,” was placed on the calendar for Adoption on Monday, January 26, 2004.

INTRODUCTION OF SENATE BILLS

On motion by Senator Kawamoto, seconded by Senator Hogue and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 6:00 o’clock p.m. In consequence thereof and subsequent to its recessing at 12:04 o’clock p.m., the following bills were introduced and placed on the calendar for further action on Monday, January 26, 2004:

Senate Bill

No. 2230 “A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES.”

Introduced by: Senators Aduja, Kawamoto, Espero, Kim, English, Kanno.

No. 2231 “A BILL FOR AN ACT RELATING TO TAX CREDITS.”

Introduced by: Senators Aduja, Espero, Kanno, Kawamoto, Chun Oakland, Baker, Slom.

No. 2232 “A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY.”

Introduced by: Senators Aduja, by request, Slom.

No. 2233 “A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT.”

- Introduced by: Senators Aduja, Chun Oakland, Kanno, Espero, Kokubun, Hooser, Baker, Kawamoto, Taniguchi.
- No. 2234 "A BILL FOR AN ACT RELATING TO DRUG PARAPHERNALIA."
- Introduced by: Senators Aduja, Chun Oakland, Fukunaga, Menor, Espero, Kim, Kanno, English.
- No. 2235 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senators Aduja, by request, Hemmings, Espero, Slom.
- No. 2236 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT."
- Introduced by: Senators Aduja, Espero, Hemmings, Hogue, Kanno, Kim, Sakamoto, Tsutsui, Chun Oakland, Baker, Kawamoto, Ihara, Slom, Menor.
- No. 2237 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- Introduced by: Senators Aduja, Trimble, Hemmings, Chun Oakland, Kawamoto, Hogue, Slom, Menor.
- No. 2238 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- Introduced by: Senators Aduja, by request, Hogue, Trimble, Hemmings, Kim, Tsutsui, Kawamoto, Slom.
- No. 2239 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE."
- Introduced by: Senators Aduja, by request, Trimble, Hemmings, Kim, Sakamoto, Hogue, Slom.
- No. 2240 "A BILL FOR AN ACT RELATING TO STORAGE OF WASTE."
- Introduced by: Senators Aduja, Kanno, Menor, Kawamoto, Kim, Chun Oakland, Kokubun, Fukunaga, Hooser, Taniguchi.
- No. 2241 "A BILL FOR AN ACT RELATING TO ABANDONED OR DERELICT MOTOR VEHICLES."
- Introduced by: Senators Aduja, Kanno, Chun Oakland, Ige, Fukunaga, Tsutsui, Menor.
- No. 2242 "A BILL FOR AN ACT RELATING TO EMPLOYEE STOCK OWNERSHIP PLANS."
- Introduced by: Senators Kokubun, Tsutsui, Hanabusa, Taniguchi, Hemmings, Slom, Chun Oakland, Ige, Menor, Aduja, English.
- No. 2243 "A BILL FOR AN ACT RELATING TO FIREWORKS."
- Introduced by: Senator Kokubun, by request.
- No. 2244 "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES."
- Introduced by: Senator Kokubun, by request.
- No. 2245 "A BILL FOR AN ACT RELATING TO PHARMACY."
- Introduced by: Senator Kokubun, by request.
- No. 2246 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senators Inouye, Aduja, Espero.
- No. 2247 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF INVASIVE SPECIES."
- Introduced by: Senators Inouye, English, Aduja, Espero.
- No. 2248 "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER USE."
- Introduced by: Senators Inouye, English, Espero, Aduja.
- No. 2249 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT."
- Introduced by: Senators Inouye, Aduja, English, Espero.
- No. 2250 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES."
- Introduced by: Senators Hogue, Hemmings.
- No. 2251 "A BILL FOR AN ACT RELATING TO TUITION WAIVERS."
- Introduced by: Senators Kanno, Aduja, Chun Oakland, Kawamoto, Menor, Hooser.
- No. 2252 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING."
- Introduced by: Senators Kanno, Sakamoto, Hooser.
- No. 2253 "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTERS."
- Introduced by: Senators Kanno, Sakamoto, Hooser.
- No. 2254 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT."
- Introduced by: Senators Kanno, Menor, Kawamoto, Taniguchi, Ihara.
- No. 2255 "A BILL FOR AN ACT RELATING TO THE OVERPAYMENT OF TEACHERS."
- Introduced by: Senator Kanno.
- No. 2256 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEPARTMENT OF EDUCATION PERSONNEL."
- Introduced by: Senator Kanno.
- No. 2257 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- Introduced by: Senators Kanno, Chun Oakland, Aduja, Kawamoto, Menor, Kim, Taniguchi.

No. 2258 "A BILL FOR AN ACT RELATING TO CONSUMER-DIRECTED CARE."

Introduced by: Senators Baker, Chun Oakland, English.

No. 2259 "A BILL FOR AN ACT RELATING TO OPTOMETRY."

Introduced by: Senators Baker, Chun Oakland, Inouye, Tsutsui, Fukunaga, Ihara, Ige, Kim, Kokubun, Espero, Kawamoto, English.

No. 2260 "A BILL FOR AN ACT RELATING TO STANDARD NONFORFEITURE FOR INDIVIDUAL DEFERRED ANNUITIES."

Introduced by: Senator Menor, by request.

No. 2261 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."

Introduced by: Senator Menor.

No. 2262 "A BILL FOR AN ACT RELATING TO SALE OF PUBLIC LANDS."

Introduced by: Senators Hooser, Chun Oakland, Kawamoto, Espero, Ige, Baker, Menor, Aduja, Kim, Kokubun, Trimble, English.

No. 2263 "A BILL FOR AN ACT RELATING TO PESTICIDES."

Introduced by: Senators Hooser, Aduja, Chun Oakland, Espero, Menor, Trimble, Ige, Baker, Kim, Kokubun.

No. 2264 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII FOR A MASTER'S DEGREE IN SOCIAL WORK BY DISTANCE LEARNING PROGRAM."

Introduced by: Senators Hooser, Chun Oakland, Kokubun, English, Espero, Menor, Ige, Hemmings, Ihara, Slom.

No. 2265 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senators Hooser, Chun Oakland, Espero, Baker, Menor, Kim.

No. 2266 "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE."

Introduced by: Senators Hooser, Chun Oakland, Espero, Aduja, Baker, Kim, Ige.

No. 2267 "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION."

Introduced by: Senators Hooser, Chun Oakland, Espero, Ige, Slom, Baker, Menor, Aduja, Kim, Kokubun, Trimble.

No. 2268 "A BILL FOR AN ACT RELATING TO HERBICIDE USE."

Introduced by: Senators Hooser, Chun Oakland, Ige, Baker, Menor, Trimble, Aduja, Kim, Kokubun.

No. 2269 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."

Introduced by: Senator Fukunaga.

No. 2270 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Senator Fukunaga.

No. 2271 "A BILL FOR AN ACT RELATING TO LIABILITY FOR GENETICALLY ENGINEERED FOOD."

Introduced by: Senator Fukunaga.

No. 2272 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION OF AGRICULTURE."

Introduced by: Senator Fukunaga.

No. 2273 "A BILL FOR AN ACT RELATING TO PESTICIDES."

Introduced by: Senator Fukunaga.

No. 2274 "A BILL FOR AN ACT RELATING TO THE USE OF HERBICIDES IN PUBLIC PARKS."

Introduced by: Senator Fukunaga.

No. 2275 "A BILL FOR AN ACT RELATING TO ROADSIDE HERBICIDE USE."

Introduced by: Senator Fukunaga.

No. 2276 "A BILL FOR AN ACT RELATING TO PESTICIDES."

Introduced by: Senator Fukunaga.

No. 2277 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS IN THE ELEVENTH SENATORIAL DISTRICT."

Introduced by: Senator Fukunaga.

No. 2278 "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS."

Introduced by: Senator Bunda, by request.

No. 2279 "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS."

Introduced by: Senator Bunda.

No. 2280 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON."

Introduced by: Senator Bunda.

No. 2281 "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION."

Introduced by: Senator Bunda.

No. 2282 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Bunda.

No. 2283 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Bunda.

No. 2284 "A BILL FOR AN ACT RELATING TO OPTOMETRY."

Introduced by: Senator Bunda.

No. 2285 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE."

Introduced by: Senator Bunda.

No. 2286 "A BILL FOR AN ACT RELATING TO BOATING AND OCEAN RECREATION."

Introduced by: Senator Bunda.

No. 2287 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU."

Introduced by: Senator Bunda.

No. 2288 "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY."

Introduced by: Senator Bunda.

No. 2289 "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS."

Introduced by: Senator Bunda.

No. 2290 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

Introduced by: Senator Bunda.

No. 2291 "A BILL FOR AN ACT RELATING TO NORTH KOHALA."

Introduced by: Senator Bunda.

No. 2292 "A BILL FOR AN ACT RELATING TO THE CONSTRUCTION INDUSTRY."

Introduced by: Senator Bunda.

No. 2293 "A BILL FOR AN ACT RELATING TO HOUSING FINANCING PROGRAMS."

Introduced by: Senator Bunda.

No. 2294 "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS."

Introduced by: Senator Bunda.

No. 2295 "A BILL FOR AN ACT RELATING TO LIENS."

Introduced by: Senator Bunda.

No. 2296 "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS."

Introduced by: Senators Menor, Kanno, Kim, Baker, English, Aduja, Slom, Espero, Kokubun, Ihara, Taniguchi.

No. 2297 "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE."

Introduced by: Senators Menor, Kim, Chun Oakland, Espero, English, Kanno, Trimble, Ihara, Kokubun, Sakamoto, Baker, Taniguchi.

No. 2298 "A BILL FOR AN ACT RELATING TO QUALIFIED MENTAL HEALTH CENTER INVESTMENT TAX CREDIT."

Introduced by: Senators Menor, Aduja, Inouye, Baker, Chun Oakland, English, Kim, Hooser, Kanno, Fukunaga, Ihara, Espero.

No. 2299 "A BILL FOR AN ACT RELATING TO BOTTLED WATER."

Introduced by: Senator Menor, by request.

No. 2300 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Menor.

No. 2301 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."

Introduced by: Senators Menor, Kanno, Inouye, Baker, Chun Oakland, Kokubun, Hooser, Fukunaga, Espero, Aduja, Kim, Taniguchi, Ihara.

No. 2302 "A BILL FOR AN ACT RELATING TO THE FILIPINO CENTENNIAL CELEBRATION COMMISSION."

Introduced by: Senators Menor, Bunda, Aduja, Espero, Inouye.

No. 2303 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Senators Aduja, Menor, Kawamoto, Espero, Chun Oakland.

No. 2304 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Senators Aduja, Menor, Kawamoto, Espero, Chun Oakland.

No. 2305 "A BILL FOR AN ACT RELATING TO RECYCLING."

Introduced by: Senators Aduja, Menor, Kawamoto, Espero, Baker, Chun Oakland.

No. 2306 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."

- Introduced by: Senators Aduja, Menor, Kawamoto, Espero, Chun Oakland.
- No. 2307 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
Introduced by: Senator Kawamoto.
- No. 2308 "A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC WORKS."
Introduced by: Senators Bunda, Espero.
- No. 2309 "A BILL FOR AN ACT RELATING TO FIREARMS."
Introduced by: Senators Bunda, Tsutsui, Espero, Kim.
- No. 2310 "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY."
Introduced by: Senator Bunda, by request.
- No. 2311 "A BILL FOR AN ACT RELATING TO THE AUDITOR."
Introduced by: Senator Bunda, by request.
- No. 2312 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING APPROPRIATIONS FOR AN ADOLESCENT RESIDENTIAL TREATMENT FACILITY, IMPROVEMENTS TO THE ANTONE VIDINHA STADIUM COMPLEX, WAIMEA HIGH SCHOOL DISTRICT SWIMMING POOL, AND A TRANSITIONAL RESIDENTIAL TREATMENT FACILITY."
Introduced by: Senator Bunda, by request.
- No. 2313 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE CAPITAL IMPROVEMENT PROJECTS FOR THE COUNTY OF KAUAI."
Introduced by: Senator Bunda, by request.
- No. 2314 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A SEXUAL ASSAULT NURSE EXAMINERS PROGRAM."
Introduced by: Senators Chun Oakland, Espero.
- No. 2315 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Senators Hooser, Chun Oakland, Baker, Sakamoto, Fukunaga, Ige.
- No. 2316 "A BILL FOR AN ACT RELATING TO VICE PRINCIPALS."
Introduced by: Senators Hooser, Chun Oakland, Sakamoto, Fukunaga, Baker, Ihara, Ige.
- No. 2317 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Senators Hooser, Chun Oakland, Baker, Fukunaga, Ihara, Ige.
- No. 2318 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Senators Hooser, Chun Oakland, Baker, Sakamoto, Fukunaga, Ihara, Ige.
- No. 2319 "A BILL FOR AN ACT RELATING TO THE SCHOOL-COMMUNITY BASED MANAGEMENT."
Introduced by: Senators Hooser, Chun Oakland, Baker, Fukunaga, Ige.
- No. 2320 "A BILL FOR AN ACT RELATING TO VICE PRINCIPALS."
Introduced by: Senators Hooser, Chun Oakland, Kokubun, Fukunaga, Baker, Ihara, Taniguchi, Ige.
- No. 2321 "A BILL FOR AN ACT RELATING TO TEACHER'S AIDES."
Introduced by: Senators Hooser, Sakamoto, Chun Oakland, Fukunaga, Baker, Ihara, Ige.
- No. 2322 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WATER SAFETY."
Introduced by: Senators Hooser, English, Chun Oakland, Baker, Menor, Aduja, Tsutsui, Espero, Ige, Slom, Kim, Kokubun, Trimble, Fukunaga, Ihara.
- No. 2323 "A BILL FOR AN ACT RELATING TO STATE PARK RESTORATION AND MAINTENANCE."
Introduced by: Senators Hooser, Chun Oakland, Fukunaga, Baker, Ige, Sakamoto.
- No. 2324 "A BILL FOR AN ACT RELATING TO STATE PARK RESTORATION AND MAINTENANCE."
Introduced by: Senators Hooser, Chun Oakland, Fukunaga, Baker, Sakamoto, Ige.
- No. 2325 "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY."
Introduced by: Senators Hooser, Chun Oakland, Fukunaga, Baker, Ihara.
- No. 2326 "A BILL FOR AN ACT MAKING AN URGENT APPROPRIATION FOR COUNTY PERMITTING PROCESS OPERATIONS."
Introduced by: Senators Hooser, Chun Oakland, Fukunaga.
- No. 2327 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."
Introduced by: Senators Hooser, Chun Oakland, Fukunaga, Baker, Ige.
- No. 2328 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KAUAI COMMUNITY HEALTH CENTER."
Introduced by: Senators Hooser, Chun Oakland, Fukunaga, Baker, Ige.
- No. 2329 "A BILL FOR AN ACT RELATING TO REAL ESTATE."

- Introduced by: Senators Hooser, Chun Oakland, Fukunaga, Baker.
- No. 2330 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Hooser, Chun Oakland, Fukunaga, Ihara.
- No. 2331 "A BILL FOR AN ACT RELATING TO GENETIC ENGINEERING."
- Introduced by: Senator Hooser.
- No. 2332 "A BILL FOR AN ACT RELATING TO STATE PARK RESTORATION AND MAINTENANCE."
- Introduced by: Senators Hooser, Fukunaga, Baker, Ige.
- No. 2333 "A BILL FOR AN ACT RELATING TO SOLID WASTE POLLUTION."
- Introduced by: Senators Aduja, Slom, Chun Oakland, Bunda, Tsutsui, Hooser, Ihara, Taniguchi.
- No. 2334 "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT."
- Introduced by: Senators Aduja, Slom, Trimble, Chun Oakland, Bunda, Tsutsui, Ihara.
- No. 2335 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."
- Introduced by: Senators Aduja, Chun Oakland, Bunda, Ihara, Taniguchi.
- No. 2336 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CREATION OF A CRIMINAL ENFORCEMENT TEAM TO COMBAT ILLEGAL DUMPING."
- Introduced by: Senators Aduja, Chun Oakland, Bunda, Tsutsui, Ihara.
- No. 2337 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR RECYCLING EDUCATION PROGRAMS."
- Introduced by: Senators Aduja, Chun Oakland, Bunda, Hooser, Ihara.
- No. 2338 "A BILL FOR AN ACT RELATING TO PROCUREMENT OF RECYCLED GOODS."
- Introduced by: Senators Aduja, Kawamoto, Chun Oakland, Inouye, Kanno, Espero, Trimble, Menor.
- No. 2339 "A BILL FOR AN ACT RELATING TO WASTE DIVERSION."
- Introduced by: Senators Aduja, Chun Oakland, Inouye, Kanno, Kawamoto, Espero, Tsutsui, Trimble, Menor.
- No. 2340 "A BILL FOR AN ACT RELATING TO SOLID WASTE POLLUTION."
- Introduced by: Senators Aduja, Kawamoto, Chun Oakland, Espero, Inouye, Kanno, Tsutsui, Trimble, Menor.
- No. 2341 "A BILL FOR AN ACT RELATING TO COMPOST."
- Introduced by: Senators Aduja, Chun Oakland, Inouye, Kanno, Kawamoto, Espero, Menor.
- No. 2342 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."
- Introduced by: Senators Aduja, Inouye, Kanno, Menor.
- No. 2343 "A BILL FOR AN ACT RELATING TO COMPOST."
- Introduced by: Senators Aduja, Chun Oakland, Inouye, Kanno, Kawamoto, Espero, Tsutsui, Menor.
- No. 2344 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- Introduced by: Senator Aduja, by request.
- No. 2345 "A BILL FOR AN ACT RELATING TO GARNISHMENT."
- Introduced by: Senator Aduja, by request.
- No. 2346 "A BILL FOR AN ACT RELATING TO SEARCH AND SEIZURE."
- Introduced by: Senators Aduja, Espero, Bunda.
- No. 2347 "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT."
- Introduced by: Senators Aduja, Bunda.
- No. 2348 "A BILL FOR AN ACT RELATING TO THE OFFICE OF COMMUNITY SERVICES."
- Introduced by: Senators Kanno, English.
- No. 2349 "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES."
- Introduced by: Senator Kanno.
- No. 2350 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."
- Introduced by: Senator Kanno.
- No. 2351 "A BILL FOR AN ACT RELATING TO HOSPITAL CARE."
- Introduced by: Senator Kanno.
- No. 2352 "A BILL FOR AN ACT RELATING TO MANDATORY OVERTIME FOR NURSES."
- Introduced by: Senator Kanno.
- No. 2353 "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES."
- Introduced by: Senator Kanno.
- No. 2354 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."
- Introduced by: Senator Kanno.

No. 2355 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS."

Introduced by: Senator Kanno.

No. 2356 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Kanno.

No. 2357 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Senator Kanno.

No. 2358 "A BILL FOR AN ACT RELATING TO CONSTRUCTION CLAIMS."

Introduced by: Senator Sakamoto.

No. 2359 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Senator Sakamoto.

No. 2360 "A BILL FOR AN ACT RELATING TO AIRLINES."

Introduced by: Senator Kawamoto, by request.

No. 2361 "A BILL FOR AN ACT RELATING TO THE MILITARY."

Introduced by: Senators Sakamoto, Kawamoto.

No. 2362 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Kawamoto.

No. 2363 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senators Sakamoto, Kawamoto.

No. 2364 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Sakamoto, Kawamoto.

No. 2365 "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION."

Introduced by: Senator Sakamoto.

No. 2366 "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE."

Introduced by: Senator Sakamoto.

No. 2367 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Sakamoto.

No. 2368 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Senators Sakamoto, Kawamoto.

No. 2369 "A BILL FOR AN ACT RELATING TO THE KOMOHANA RESEARCH AND OUTREACH CENTER."

Introduced by: Senators Kokubun, Taniguchi, Fukunaga, Aduja, English, Espero, Tsutsui.

No. 2370 "A BILL FOR AN ACT RELATING TO THE WAIMANALO RESEARCH AND OUTREACH CENTER."

Introduced by: Senators Kokubun, Aduja, Inouye, Espero, Tsutsui.

No. 2371 "A BILL FOR AN ACT RELATING TO THE URBAN GARDEN CENTER."

Introduced by: Senators Kokubun, Taniguchi, Fukunaga, Aduja, Hooser, Tsutsui.

No. 2372 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Senators Kokubun, Taniguchi, Fukunaga, Tsutsui, Espero, Aduja.

No. 2373 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY."

Introduced by: Senators Kokubun, Kanno, Kawamoto, Tsutsui, Espero, Ige, Aduja, Hanabusa, Inouye.

No. 2374 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Kokubun, English, Chun Oakland, Taniguchi, Fukunaga, Aduja, Hooser, Espero, Tsutsui.

No. 2375 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senator Ige, by request.

No. 2376 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senator Ige, by request.

No. 2377 "A BILL FOR AN ACT RELATING TO PRIVACY."

Introduced by: Senator Ige.

No. 2378 "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS."

Introduced by: Senators Ige, English, Espero, Aduja, Baker, Trimble, Chun Oakland.

No. 2379 "A BILL FOR AN ACT RELATING TO A CONSTRUCTION RESEARCH PROGRAM."

Introduced by: Senators Ige, Aduja, Chun Oakland, English, Espero, Baker, Hogue, Hemmings, Slom, Taniguchi, Menor.

No. 2380 "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM."

Introduced by: Senators Ige, Aduja, Chun Oakland.

No. 2381 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS."

Introduced by: Senators Ige, Espero, Aduja, Baker, Chun Oakland.

No. 2382 "A BILL FOR AN ACT RELATING TO PAWNBROKERS AND SECONDHAND DEALERS."

Introduced by: Senators Ige, Aduja, Hogue, Chun Oakland, Menor.

No. 2383 "A BILL FOR AN ACT RELATING TO QUALITY CONTROL IN STATE PROJECTS."

Introduced by: Senators Ige, English, Aduja, Chun Oakland, Espero, Baker, Menor, Taniguchi.

No. 2384 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE HAWAII CONSTITUTION, TO RAISE THE MANDATORY RETIREMENT AGE FOR JUSTICES AND JUDGES FROM SEVENTY TO SEVENTY-FOUR YEARS."

Introduced by: Senators Espero, by request, Kawamoto.

No. 2385 "A BILL FOR AN ACT RELATING TO HIV/AIDS PROGRAMS."

Introduced by: Senators Espero, Baker, Hooser, Aduja, Fukunaga, Tsutsui, English, Kim, Taniguchi.

No. 2386 "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS."

Introduced by: Senators Espero, Fukunaga.

No. 2387 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Senators Espero, Kanno, Kim.

No. 2388 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Senators Espero, Kanno, Fukunaga, Kim, Taniguchi.

No. 2389 "A BILL FOR AN ACT RELATING TO RECYCLING."

Introduced by: Senators Espero, Aduja, Fukunaga, English, Hooser, Baker, Kim.

No. 2390 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Senators Espero, Aduja, Kanno, Baker, Sakamoto, Fukunaga.

No. 2391 "A BILL FOR AN ACT RELATING TO REAL PROPERTY."

Introduced by: Senator Espero.

No. 2392 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES."

Introduced by: Senators Espero, Fukunaga, Ige.

No. 2393 "A BILL FOR AN ACT RELATING TO CHECK CASHING."

Introduced by: Senators Espero, Fukunaga, English, Aduja, Baker.

No. 2394 "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY."

Introduced by: Senators Kim, Tsutsui, Espero, Slom.

No. 2395 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."

Introduced by: Senator Kim, by request.

No. 2396 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators Kim, by request, Espero, Slom.

No. 2397 "A BILL FOR AN ACT RELATING TO LIQUOR TAXES."

Introduced by: Senators Kim, by request, Trimble, Espero, Kokubun.

No. 2398 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senators Slom, Trimble, Hemmings.

No. 2399 "A BILL FOR AN ACT RELATING TO EMERGENCY AMBULANCE SERVICE."

Introduced by: Senators Kokubun, Aduja, Hooser, English, Tsutsui, Inouye, Espero, Taniguchi.

No. 2400 "A BILL FOR AN ACT RELATING TO THE KAPOHO BAY CONSERVATION DISTRICT."

Introduced by: Senators Kokubun, Aduja, Hooser, Tsutsui, Espero, English, Inouye.

No. 2401 "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION."

Introduced by: Senators Kokubun, English, Chun Oakland, Hanabusa, Taniguchi, Fukunaga, Espero, Tsutsui.

No. 2402 "A BILL FOR AN ACT RELATING TO HYBRID MOTOR VEHICLES."

Introduced by: Senator Kokubun, by request.

No. 2403 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT."

Introduced by: Senator Hooser, by request.

No. 2404 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU."

Introduced by: Senator Bunda.

No. 2405 "A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL."

Introduced by: Senators Hanabusa, Bunda.

No. 2406 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE."

Introduced by: Senators Inouye, Hanabusa, Kanno, Espero, Kawamoto, Aduja, Hooser, Bunda, English, Chun Oakland, Fukunaga, Baker, Sakamoto, Trimble, Ige, Hemmings, Kokubun, Menor, Kim, Ihara, Slom, Taniguchi, Tsutsui, Hogue.

No. 2407 "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES."

Introduced by: Senator Inouye, by request.

No. 2408 "A BILL FOR AN ACT RELATING TO TROPICAL AGRICULTURE AND COMMUNITY RESOURCES."

Introduced by: Senators Inouye, Espero.

No. 2409 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Senators Inouye, Espero.

No. 2410 "A BILL FOR AN ACT RELATING TO THE COQUI FROG."

Introduced by: Senators Inouye, Espero.

No. 2411 "A BILL FOR AN ACT RELATING TO LANDFILL CLOSURE."

Introduced by: Senators Inouye, Espero.

No. 2412 "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES."

Introduced by: Senators Inouye, Espero.

No. 2413 "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES."

Introduced by: Senators Inouye, Espero.

No. 2414 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN."

Introduced by: Senators Inouye, English, Tsutsui, Chun Oakland.

No. 2415 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM."

Introduced by: Senators Inouye, Chun Oakland.

No. 2416 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATIONS BONDS FOR THE AGRICULTURAL WATER DISTRIBUTION SYSTEM, UPCOUNTRY KULA, MAUI."

Introduced by: Senators Inouye, English, Tsutsui, Chun Oakland.

No. 2417 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Senators Inouye, Kokubun, Tsutsui.

No. 2418 "A BILL FOR AN ACT RELATING TO RECYCLING."

Introduced by: Senators Aduja, Menor.

No. 2419 "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII."

Introduced by: Senators Sakamoto, Chun Oakland, Hemmings.

No. 2420 "A BILL FOR AN ACT RELATING TO PRINCIPALS."

Introduced by: Senators Sakamoto, Hogue, Chun Oakland, English, Taniguchi.

No. 2421 "A BILL FOR AN ACT RELATING TO TEACHERS."

Introduced by: Senators Sakamoto, Chun Oakland.

No. 2422 "A BILL FOR AN ACT RELATING TO TEACHERS."

Introduced by: Senators Sakamoto, English, Chun Oakland.

No. 2423 "A BILL FOR AN ACT RELATING TO TEACHERS."

Introduced by: Senator Sakamoto.

No. 2424 "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS."

Introduced by: Senator Sakamoto.

No. 2425 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Sakamoto.

No. 2426 "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII."

Introduced by: Senator Sakamoto.

No. 2427 "A BILL FOR AN ACT RELATING TO TEACHERS."

Introduced by: Senator Sakamoto.

No. 2428 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Sakamoto.

No. 2429 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Sakamoto.

No. 2430 "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS."

- Introduced by: Senators Hanabusa, Espero, Aduja, English, Baker, Kokubun, Kawamoto, Taniguchi, Kim, Chun Oakland.
- No. 2431 "A BILL FOR AN ACT RELATING TO ANIMALS."
- Introduced by: Senators Hanabusa, Espero, Inouye, Kawamoto, Kokubun.
- No. 2432 "A BILL FOR AN ACT RELATING TO BAIL JUMPING."
- Introduced by: Senators Hanabusa, Aduja, Inouye, Espero, Kawamoto, Taniguchi, Kokubun, Fukunaga.
- No. 2433 "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA."
- Introduced by: Senators Hanabusa, Aduja, Kim, Espero, Kokubun, Taniguchi, Trimble, Kawamoto.
- No. 2434 "A BILL FOR AN ACT RELATING TO STALKING."
- Introduced by: Senators Hanabusa, Kawamoto, English, Inouye, Espero, Aduja, Fukunaga, Chun Oakland, Taniguchi.
- No. 2435 "A BILL FOR AN ACT RELATING TO CONTROL SHARE ACQUISITIONS."
- Introduced by: Senator Hanabusa.
- No. 2436 "A BILL FOR AN ACT RELATING TO SENTENCING OF HABITUAL VIOLENT FELONS."
- Introduced by: Senators Hanabusa, Aduja, Espero, Kawamoto, Sakamoto, Chun Oakland, Taniguchi.
- No. 2437 "A BILL FOR AN ACT RELATING TO OCEAN RECREATION."
- Introduced by: Senators Hanabusa, Kim, Espero, Aduja, Trimble, Kawamoto, Kokubun, Taniguchi, English.
- No. 2438 "A BILL FOR AN ACT RELATING TO SHARK MONITORING."
- Introduced by: Senators Hanabusa, Espero, Inouye, Aduja, Kawamoto, English, Taniguchi, Kokubun, Fukunaga.
- No. 2439 "A BILL FOR AN ACT RELATING TO THE UNIFORM ARBITRATION ACT."
- Introduced by: Senator Hanabusa.
- No. 2440 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
- Introduced by: Senators Hanabusa, Chun Oakland, Aduja, Kawamoto, English, Taniguchi.
- No. 2441 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senators Hanabusa, Bunda, Espero, Kawamoto, Aduja, Inouye, Kokubun.
- No. 2442 "A BILL FOR AN ACT RELATING TO FIREARMS."
- Introduced by: Senators Hanabusa, Aduja, Espero, Chun Oakland, Kawamoto, English, Taniguchi.
- No. 2443 "A BILL FOR AN ACT RELATING TO ATTORNEYS' LIENS."
- Introduced by: Senators Hanabusa, Kokubun, Kim, Chun Oakland, Trimble, Kawamoto, Espero, English, Aduja, Baker, Taniguchi.
- No. 2444 "A BILL FOR AN ACT RELATING TO THE PROBATE CODE."
- Introduced by: Senator Hanabusa.
- No. 2445 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A NEW SUBSTANCE ABUSE TREATMENT FACILITY."
- Introduced by: Senator Hanabusa.
- No. 2446 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 7 OF THE HAWAII STATE CONSTITUTION, TO ALLOW CERTAIN TYPES OF SEARCHES AND SEIZURES INVOLVING ILLICIT DRUGS, WITHOUT A WARRANT AS PROVIDED BY LAW."
- Introduced by: Senators Hanabusa, Espero, Aduja, Sakamoto, Chun Oakland, Kawamoto.
- No. 2447 "A BILL FOR AN ACT RELATING TO CRIME REDUCTION."
- Introduced by: Senators Hanabusa, Aduja, Espero, Chun Oakland, Kawamoto, Sakamoto, Taniguchi.
- No. 2448 "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION."
- Introduced by: Senators Hanabusa, Espero, Inouye, Aduja, Kawamoto, English, Kokubun, Fukunaga.
- No. 2449 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AIEA INTERMEDIATE SCHOOL."
- Introduced by: Senators Ige, Kim, Sakamoto.
- No. 2450 "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."
- Introduced by: Senator Ige.
- No. 2451 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."
- Introduced by: Senators Kawamoto, Espero.
- No. 2452 "A BILL FOR AN ACT RELATING TO INCOME TAX."
- Introduced by: Senators Tsutsui, English, Chun Oakland, Baker, Aduja.
- No. 2453 "A BILL FOR AN ACT RELATING TO INDIVIDUAL INCOME TAX."

Introduced by: Senators Tsutsui, English, Chun Oakland, Baker, Aduja, Hooser.

No. 2454 "A BILL FOR AN ACT RELATING TO RULEMAKING."

Introduced by: Senators Tsutsui, English, Baker, Chun Oakland, Aduja.

No. 2455 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE."

Introduced by: Senators Tsutsui, Chun Oakland, English, Baker, Aduja, Hooser.

No. 2456 "A BILL FOR AN ACT RELATING TO INCOME TAX."

Introduced by: Senators Tsutsui, English, Baker, Hooser, Chun Oakland, Aduja.

No. 2457 "A BILL FOR AN ACT RELATING TO LONG-TERM INSURANCE TAX CREDIT FOR SMALL BUSINESS."

Introduced by: Senators Tsutsui, English, Baker, Chun Oakland, Hooser, Aduja.

No. 2458 "A BILL FOR AN ACT RELATING TO KAHULUI HARBOR."

Introduced by: Senators Tsutsui, English.

No. 2459 "A BILL FOR AN ACT RELATING TO WITHHOLDING TAX."

Introduced by: Senators Tsutsui, English, Baker, Chun Oakland, Aduja.

No. 2460 "A BILL FOR AN ACT RELATING TO LAND USE COMMISSION."

Introduced by: Senators Tsutsui, English, Baker, Chun Oakland, Aduja.

No. 2461 "A BILL FOR AN ACT RELATING TO HOUSING PROJECTS."

Introduced by: Senators Tsutsui, English, Baker, Chun Oakland, Aduja.

No. 2462 "A BILL FOR AN ACT RELATING TO COUNTY LAND USE PLANNING."

Introduced by: Senators Tsutsui, English, Baker, Chun Oakland, Aduja.

No. 2463 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND PRESERVATION."

Introduced by: Senator Tsutsui, by request.

No. 2464 "A BILL FOR AN ACT RELATING TO STATE IRRIGATION SYSTEMS."

Introduced by: Senators English, Baker, Tsutsui, Espero, Slom, Kokubun, Ige, Trimble.

No. 2465 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANA COMMUNITY HEALTH CENTER."

Introduced by: Senators English, Baker, Tsutsui, Espero, Slom, Kokubun, Ige, Trimble.

No. 2466 "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION."

Introduced by: Senators English, Baker, Tsutsui, Slom, Ige, Kokubun, Trimble.

No. 2467 "A BILL FOR AN ACT AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR MANELE SMALL BOAT HARBOR."

Introduced by: Senators English, Baker, Espero, Tsutsui, Slom, Ige.

No. 2468 "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM."

Introduced by: Senators English, Baker, Espero, Tsutsui, Slom, Ige, Trimble.

No. 2469 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HPOWER PLANT BOILER ADDITION."

Introduced by: Senators English, Espero, Tsutsui, Slom, Kokubun, Ige, Kawamoto.

No. 2470 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Senators English, Baker, Tsutsui, Espero, Slom, Kokubun, Ige.

No. 2471 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LAMALAMA KA `ILI AT MOLOKAI GENERAL HOSPITAL."

Introduced by: Senators English, Kokubun, Baker, Tsutsui.

No. 2472 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE."

Introduced by: Senators English, Baker, Tsutsui.

No. 2473 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MOLOKAI GENERAL HOSPITAL."

Introduced by: Senators English, Kokubun, Baker, Tsutsui.

No. 2474 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Senators English, Kokubun, Baker, Tsutsui.

No. 2475 "A BILL FOR AN ACT AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A NEW OFFICE BUILDING FOR EXTENSION PROGRAMS ON MOLOKAI."

Introduced by: Senators English, Kokubun, Baker, Tsutsui.

No. 2476 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL COMPLIANCE."

Introduced by: Senators English, Tsutsui, Baker.

No. 2477 "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE."

Introduced by: Senators English, Baker, Espero, Tsutsui, Kokubun, Ige, Kawamoto.

No. 2478 "A BILL FOR AN ACT RELATING TO IMPACT FEES."

Introduced by: Senators Sakamoto, Hooser, Aduja, Chun Oakland, Fukunaga, Ige.

No. 2479 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS."

Introduced by: Senator Sakamoto.

No. 2480 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION, TO AUTHORIZE THE LEGISLATURE TO MODIFY THE APPOINTMENT PROCESS OF MEMBERS OF THE BOARD OF REGENTS OF UNIVERSITY OF HAWAII."

Introduced by: Senator Sakamoto.

No. 2481 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Sakamoto.

No. 2482 "A BILL FOR AN ACT RELATING TO PROHIBITED ACTIVITIES IN STATE OFFICES OR BUILDINGS."

Introduced by: Senators Ihara, Trimble, Baker, Menor.

No. 2483 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 4, OF THE HAWAII STATE CONSTITUTION TO REQUIRE PRIMARY ELECTION VOTERS TO IDENTIFY THE PARTY BALLOTS THEY CAST."

Introduced by: Senators Ihara, Fukunaga.

No. 2484 "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE STATEMENTS."

Introduced by: Senators Ihara, Hooser.

No. 2485 "A BILL FOR AN ACT RELATING TO THE JUDICIAL SELECTION COMMISSION."

Introduced by: Senators Ihara, Chun Oakland, Bunda.

No. 2486 "A BILL FOR AN ACT RELATING TO LIQUOR."

Introduced by: Senator Ihara.

No. 2487 "A BILL FOR AN ACT RELATING TO PROTECTION FOR WHISTLEBLOWERS."

Introduced by: Senators Ihara, Slom.

No. 2488 "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS."

Introduced by: Senators Ihara, Kim, Espero, Ige, Baker.

No. 2489 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."

Introduced by: Senators Ihara, Kim, Espero, Ige, Menor, Sakamoto.

No. 2490 "A BILL FOR AN ACT RELATING TO PESTICIDES."

Introduced by: Senator Bunda, by request.

No. 2491 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION OF AGRICULTURE."

Introduced by: Senator Bunda, by request.

No. 2492 "A BILL FOR AN ACT RELATING TO LIABILITY FOR GENETICALLY ENGINEERED FOOD."

Introduced by: Senator Bunda, by request.

No. 2493 "A BILL FOR AN ACT RELATING TO ROADSIDE HERBICIDE USE."

Introduced by: Senator Bunda, by request.

No. 2494 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

Introduced by: Senator Hanabusa.

No. 2495 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Senator Hanabusa.

No. 2496 "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION."

Introduced by: Senator Hanabusa.

No. 2497 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senator Hanabusa.

No. 2498 "A BILL FOR AN ACT RELATING TO GOVERNMENT."

Introduced by: Senator Hanabusa.

No. 2499 "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS."

Introduced by: Senator Hanabusa.

No. 2500 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senator Hanabusa.

No. 2501 "A BILL FOR AN ACT RELATING TO HEALTH FUND."

Introduced by: Senator Hanabusa.

No. 2502 "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM."

Introduced by: Senator Hanabusa.

No. 2503 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Introduced by: Senators Aduja, Menor, Hooser.

No. 2504 "A BILL FOR AN ACT RELATING TO RECYCLING."

Introduced by: Senators Aduja, Kawamoto, Menor, Hooser.

No. 2505 "A BILL FOR AN ACT RELATING TO WAIKANE VALLEY."

Introduced by: Senator Aduja.

No. 2506 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS."

Introduced by: Senators Aduja, Kawamoto, Baker, Menor, Sakamoto.

No. 2507 "A BILL FOR AN ACT RELATING TO SOIL EROSION CONTROL."

Introduced by: Senator Aduja.

No. 2508 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."

Introduced by: Senators Aduja, English, Baker, Tsutsui, Kawamoto, Menor.

No. 2509 "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT."

Introduced by: Senators Aduja, Kawamoto, Chun Oakland, Menor, Sakamoto, Hooser.

No. 2510 "A BILL FOR AN ACT RELATING TO A CAPITAL IMPROVEMENT PROJECT FOR THE BENEFIT OF THE TWENTY-THIRD SENATE DISTRICT."

Introduced by: Senators Aduja, Chun Oakland, Baker, Menor.

No. 2511 "A BILL FOR AN ACT RELATING TO PRODUCT PROCUREMENT PREFERENCES BY STATE AGENCIES."

Introduced by: Senators Aduja, Kawamoto, Chun Oakland, Baker, Menor, Hooser.

No. 2512 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Aduja, by request, Hemmings, Kim, Sakamoto, Kawamoto, Slom.

No. 2513 "A BILL FOR AN ACT RELATING TO VEHICLES."

Introduced by: Senators Aduja, Baker, Sakamoto, Espero, Taniguchi.

No. 2514 "A BILL FOR AN ACT RELATING TO SOLID WASTE POLLUTION."

Introduced by: Senators Aduja, Chun Oakland, Fukunaga, Taniguchi.

No. 2515 "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS."

Introduced by: Senator Aduja.

No. 2516 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE EXPANSION OF THE KAHUKU AGRICULTURAL PARK."

Introduced by: Senator Aduja.

No. 2517 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NO CHILD LEFT BEHIND."

Introduced by: Senator Aduja.

No. 2518 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HAWAIIAN LANGUAGE IMMERSION PROGRAMS."

Introduced by: Senator Aduja.

No. 2519 "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT."

Introduced by: Senator Aduja.

No. 2520 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE."

Introduced by: Senator Aduja.

No. 2521 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FEASIBILITY STUDY TO MAKE IMPROVEMENTS TO HEEIA KEA BEACH PARK."

Introduced by: Senator Aduja.

No. 2522 "A BILL FOR AN ACT RELATING TO STATE BONDS."

Introduced by: Senator Taniguchi.

No. 2523 "A BILL FOR AN ACT RELATING TO STATE FINANCES."

Introduced by: Senator Taniguchi.

No. 2524 "A BILL FOR AN ACT RELATING TO STATE FINANCES."

Introduced by: Senator Taniguchi.

No. 2525 "A BILL FOR AN ACT RELATING TO STATE FUNDS."

Introduced by: Senator Taniguchi.

No. 2526 "A BILL FOR AN ACT RELATING TO STATE PROPERTIES."

Introduced by: Senator Taniguchi.

No. 2527 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Taniguchi.

No. 2528 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senators Taniguchi, Chun Oakland, Menor, Kokubun, Hanabusa, Tsutsui, Aduja, Kawamoto, Baker, Kanno, Espero, Slom, Hemmings, English, Inouye, Hogue, Bunda.

No. 2529 "A BILL FOR AN ACT RELATING TO SECURITIES FOR THE PROTECTION OF PUBLIC FUNDS."

Introduced by: Senator Taniguchi.

No. 2530 "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY."

Introduced by: Senator Taniguchi.

No. 2531 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Taniguchi.

No. 2532 "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE."

Introduced by: Senator Taniguchi.

No. 2533 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senator Taniguchi, by request.

No. 2534 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senator Taniguchi, by request.

No. 2535 "A BILL FOR AN ACT RELATING TO ANIMALS."

Introduced by: Senator Taniguchi, by request.

No. 2536 "A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES."

Introduced by: Senator Taniguchi.

No. 2537 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE ALA WAI WATERSHED ASSOCIATION."

Introduced by: Senator Taniguchi.

No. 2538 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL."

Introduced by: Senators Taniguchi, Bunda, Ige, Menor.

No. 2539 "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Senator Taniguchi.

No. 2540 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR UNIFORM LAWS."

Introduced by: Senators Taniguchi, Hanabusa.

No. 2541 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

Introduced by: Senator Taniguchi.

No. 2542 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

Introduced by: Senator Taniguchi.

No. 2543 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

Introduced by: Senator Taniguchi.

No. 2544 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

Introduced by: Senator Taniguchi.

No. 2545 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

Introduced by: Senator Taniguchi.

No. 2546 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

Introduced by: Senator Taniguchi.

No. 2547 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

Introduced by: Senator Taniguchi.

No. 2548 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."

Introduced by: Senator Taniguchi.

No. 2549 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Senator Taniguchi.

No. 2550 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Senator Taniguchi.

No. 2551 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Senator Taniguchi.

No. 2552 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Senator Taniguchi.

No. 2553 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Senator Taniguchi.

No. 2554 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Senator Taniguchi.

No. 2555 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Senator Taniguchi.

No. 2556 "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS."

Introduced by: Senator Taniguchi.

No. 2557 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII CONSTITUTION, TO CHANGE THE REQUIRED MINIMUM VOTING AGE TO SIXTEEN."

Introduced by: Senators Fukunaga, Sлом, Espero, Ige, Chun Oakland, Taniguchi.

No. 2558 "A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY."

Introduced by: Senators Fukunaga, Aduja, Espero, Kanno, Chun Oakland, Baker, Ige, English, Tsutsui, Kawamoto, Hooser, Ihara.

No. 2559 "A BILL FOR AN ACT RELATING TO FILM INDUSTRY."

Introduced by: Senators Fukunaga, Aduja, Espero, Kanno, Chun Oakland, Baker, Ige, English, Tsutsui, Kawamoto, Hooser, Ihara.

No. 2560 "A BILL FOR AN ACT RELATING TO THE ECONOMIC VALUE OF ENTERTAINMENT CELEBRITY IDENTITIES."

Introduced by: Senators Fukunaga, Aduja, Inouye, Chun Oakland, Baker, Ige, Hemmings, English, Trimble, Kanno, Hooser, Ihara.

No. 2561 "A BILL FOR AN ACT RELATING TO DRUGS."

Introduced by: Senator Fukunaga.

No. 2562 "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE."

Introduced by: Senator Fukunaga.

No. 2563 "A BILL FOR AN ACT RELATING TO SMALL BUSINESS DEVELOPMENT."

Introduced by: Senators Fukunaga, Aduja, Baker, Ige, Hemmings, Ihara, Kawamoto, Tsutsui, Kanno, Chun Oakland.

No. 2564 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Introduced by: Senators Fukunaga, Baker.

No. 2565 "A BILL FOR AN ACT MAKING AN APPROPRIATION RELATING TO THE WEED AND SEED STRATEGY."

Introduced by: Senator Fukunaga.

No. 2566 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Senators Fukunaga, Ige, Aduja, Chun Oakland, Baker.

No. 2567 "A BILL FOR AN ACT RELATING TO WAIKIKI SPECIAL DISTRICT TAX CREDIT."

Introduced by: Senator Fukunaga.

No. 2568 "A BILL FOR AN ACT RELATING TO WAIKIKI RESORT FACILITY TAX CREDIT."

Introduced by: Senator Fukunaga.

No. 2569 "A BILL FOR AN ACT RELATING TO DEPENDENT ADULT PROTECTIVE SERVICES."

Introduced by: Senator Baker.

No. 2570 "A BILL FOR AN ACT RELATING TO MANDATED HEALTH BENEFITS."

Introduced by: Senator Baker.

No. 2571 "A BILL FOR AN ACT RELATING TO FAMILY CAREGIVERS."

Introduced by: Senators Baker, Chun Oakland.

No. 2572 "A BILL FOR AN ACT RELATING TO DENTAL SERVICES FOR PREGNANT WOMEN."

Introduced by: Senators Baker, Aduja, Chun Oakland, English, Fukunaga, Kokubun, Kim, Inouye.

No. 2573 "A BILL FOR AN ACT RELATING TO CAREGIVER TAX CREDIT."

Introduced by: Senators Baker, Chun Oakland, Inouye.

No. 2574 "A BILL FOR AN ACT RELATING TO CHILDREN'S PRODUCT SAFETY."

Introduced by: Senators Baker, Kokubun, Chun Oakland, Inouye.

No. 2575 "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS."

Introduced by: Senators Baker, Inouye, Kokubun, Chun Oakland.

No. 2576 "A BILL FOR AN ACT RELATING TO ALCOHOL AND DRUG DEPENDENCE BENEFITS."

Introduced by: Senators Baker, Aduja, Chun Oakland, Inouye.

No. 2577 "A BILL FOR AN ACT RELATING TO PEER REVIEW."

Introduced by: Senators Baker, Inouye, English, Chun Oakland, Fukunaga, Ihara, Kawamoto, Kokubun, Ige.

No. 2578 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC."

Introduced by: Senators Baker, Chun Oakland, Inouye, Kokubun.

No. 2579 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE INSURANCE."

Introduced by: Senators Baker, English, Taniguchi, Hooser, Aduja, Chun Oakland, Fukunaga, Ihara, Kokubun, Espero, Tsutsui.

No. 2580 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senators Baker, Chun Oakland, English, Inouye.

No. 2581 "A BILL FOR AN ACT RELATING TO NEEDLE EXCHANGE PROGRAM."

Introduced by: Senators Baker, Kokubun, Chun Oakland, Inouye.

No. 2582 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES."

Introduced by: Senators Baker, Kokubun, Chun Oakland, Inouye.

No. 2583 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Senators Baker, English, Sakamoto.

No. 2584 "A BILL FOR AN ACT RELATING TO DEFERRED COMPENSATION."

Introduced by: Senators Baker, Chun Oakland, Espero, Kim, Ige, Tsutsui, Inouye, Kokubun.

No. 2585 "A BILL FOR AN ACT RELATING TO DENTISTS."

Introduced by: Senators Baker, English, Kokubun, Chun Oakland, Tsutsui.

No. 2586 "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING."

Introduced by: Senators Baker, English, Hooser, Tsutsui, Kokubun, Aduja, Chun Oakland, Fukunaga, Ihara, Kawamoto, Kim, Ige, Inouye.

No. 2587 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."

Introduced by: Senators Baker, Kokubun, Chun Oakland.

No. 2588 "A BILL FOR AN ACT RELATING TO EMPLOYEES."

Introduced by: Senators Baker, Fukunaga, Chun Oakland, Hooser, Tsutsui, Kokubun, Ihara, Taniguchi, Kawamoto, Sakamoto.

No. 2589 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Baker, Chun Oakland, Inouye.

No. 2590 "A BILL FOR AN ACT RELATING TO ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS."

Introduced by: Senators Baker, Chun Oakland, Inouye.

No. 2591 "A BILL FOR AN ACT RELATING TO FAMILY AND CAREGIVER SUPPORT."

Introduced by: Senators Baker, Chun Oakland, Inouye, English, Kokubun.

No. 2592 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SEXUAL ASSAULT SERVICES."

Introduced by: Senators Baker, Aduja, Chun Oakland, Inouye, English, Fukunaga, Kokubun, Kim.

No. 2593 "A BILL FOR AN ACT RELATING TO INDEBTEDNESS TO THE GOVERNMENT."

Introduced by: Senators Baker, English, Kanno.

No. 2594 "A BILL FOR AN ACT RELATING TO ATHLETIC CONTEST OFFICIALS."

Introduced by: Senator Baker, by request.

No. 2595 "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS."

Introduced by: Senators Baker, Menor, English.

No. 2596 "A BILL FOR AN ACT RELATING TO ATHLETIC CONTEST OFFICIALS."

Introduced by: Senator Baker, by request.

No. 2597 "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT."

Introduced by: Senator Baker.

No. 2598 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF AN INTOXICANT."

Introduced by: Senator Baker.

No. 2599 "A BILL FOR AN ACT RELATING TO NEGLIGENT HOMICIDE."

Introduced by: Senator Baker.

No. 2600 "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE."

Introduced by: Senator Baker, by request.

No. 2601 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Baker, English.

No. 2602 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Baker, English.

No. 2603 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Baker, English.

No. 2604 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER."

Introduced by: Senators Baker, Kim, Chun Oakland, Tsutsui.

No. 2605 "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES."

Introduced by: Senators Baker, Espero, Chun Oakland, Kim.

No. 2606 "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES."

Introduced by: Senators Baker, English, Tsutsui, Espero, Chun Oakland, Fukunaga, Ihara, Ige, Kim, Kokubun.

No. 2607 "A BILL FOR AN ACT RELATING TO ADOPTION."

Introduced by: Senators Baker, Chun Oakland, Kokubun, Aduja, Kim, Ige, Tsutsui.

No. 2608 "A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS."

Introduced by: Senator Baker, by request.

No. 2609 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE."

Introduced by: Senator Chun Oakland.

No. 2610 "A BILL FOR AN ACT RELATING TO COMMUNITY COLLEGES."

Introduced by: Senators Chun Oakland, Hemmings, Trimble, Hogue.

No. 2611 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senators Chun Oakland, Kanno, Hemmings, Hogue.

No. 2612 "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS."

Introduced by: Senator Chun Oakland.

No. 2613 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING."

Introduced by: Senators Chun Oakland, Kanno, Sakamoto.

No. 2614 "A BILL FOR AN ACT RELATING TO PROTECTION OF CHILDREN IN DOMESTIC VIOLENCE."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Tsutsui.

No. 2615 "A BILL FOR AN ACT RELATING TO PAROLE."

Introduced by: Senators Chun Oakland, Kanno.

No. 2616 "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTERS."

Introduced by: Senators Chun Oakland, Kanno, Sakamoto, Hogue.

No. 2617 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CLEAN-UP OF KAPALAMA CANAL IN THE CITY AND COUNTY OF HONOLULU."

Introduced by: Senators Chun Oakland, Trimble, Hogue.

No. 2618 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Chun Oakland, Kanno.

No. 2619 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senators Chun Oakland, Kanno, English.

No. 2620 "A BILL FOR AN ACT RELATING TO PET SANCTUARIES."

Introduced by: Senator Chun Oakland.

No. 2621 "A BILL FOR AN ACT RELATING TO MEDICALLY FRAGILE CHILDREN'S TRUST FUND."

Introduced by: Senators Chun Oakland, Kanno.

No. 2622 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KEEHI BOAT HARBOR IMPROVEMENTS."

Introduced by: Senators Chun Oakland, Trimble, Hogue.

No. 2623 "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE."

Introduced by: Senators Chun Oakland, English, Trimble.

No. 2624 "A BILL FOR AN ACT RELATING TO TUITION WAIVERS."

Introduced by: Senators Chun Oakland, Fukunaga, Tsutsui, Hogue.

No. 2625 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII CONSTITUTION, TO CHANGE THE REQUIRED MINIMUM VOTING AGE TO SEVENTEEN."

Introduced by: Senator Chun Oakland.

No. 2626 "A BILL FOR AN ACT RELATING TO PRETRIAL DETAINEES."

Introduced by: Senators Chun Oakland, English, Hogue.

No. 2627 "A BILL FOR AN ACT RELATING TO CONSIGNMENT OF ART."

Introduced by: Senators Chun Oakland, English.

No. 2628 "A BILL FOR AN ACT RELATING TO A TRAINING ACADEMY WITHIN THE DEPARTMENT OF PUBLIC SAFETY."

Introduced by: Senator Chun Oakland.

No. 2629 "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES."

Introduced by: Senator Chun Oakland.

No. 2630 "A BILL FOR AN ACT RELATING TO FOSTER CUSTODY."

Introduced by: Senator Chun Oakland.

No. 2631 "A BILL FOR AN ACT RELATING TO CHILDREN."

Introduced by: Senator Chun Oakland.

No. 2632 "A BILL FOR AN ACT RELATING TO FAMILIES."

Introduced by: Senator Chun Oakland.

No. 2633 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES."

Introduced by: Senator Chun Oakland.

No. 2634 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES."

Introduced by: Senator Chun Oakland.

No. 2635 "A BILL FOR AN ACT RELATING TO TAX CREDITS."

Introduced by: Senator Chun Oakland.

No. 2636 "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS CODE OF ETHICS."

Introduced by: Senator Chun Oakland.

No. 2637 "A BILL FOR AN ACT RELATING TO FAMILY COURT."

Introduced by: Senator Chun Oakland.

No. 2638 "A BILL FOR AN ACT RELATING TO FAMILY COURT."

Introduced by: Senator Chun Oakland.

No. 2639 "A BILL FOR AN ACT RELATING TO SAFE NURSE STAFFING."

Introduced by: Senator Chun Oakland.

No. 2640 "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAX."

Introduced by: Senator Chun Oakland.

No. 2641 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."

Introduced by: Senator Chun Oakland.

No. 2642 "A BILL FOR AN ACT RELATING TO LEASES."

Introduced by: Senator Chun Oakland.

No. 2643 "A BILL FOR AN ACT RELATING TO MILITARY INSTALLATIONS."

Introduced by: Senator Chun Oakland.

No. 2644 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senator Chun Oakland.

No. 2645 "A BILL FOR AN ACT RELATING TO INDUSTRIAL PARKS."

Introduced by: Senator Chun Oakland.

No. 2646 "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT DISTRICTS."

Introduced by: Senator Chun Oakland.

No. 2647 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Senator Chun Oakland.

No. 2648 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

Introduced by: Senators Chun Oakland, Espero.

No. 2649 "A BILL FOR AN ACT RELATING TO FAMILY."

Introduced by: Senators Chun Oakland, Espero.

No. 2650 "A BILL FOR AN ACT RELATING TO EARLY EDUCATION."

Introduced by: Senators Chun Oakland, Espero.

No. 2651 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGING AND LONG-TERM CARE."

Introduced by: Senator Chun Oakland.

No. 2652 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Chun Oakland, Espero.

No. 2653 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Chun Oakland, Espero.

No. 2654 "A BILL FOR AN ACT RELATING TO HEALTH CARE."

Introduced by: Senators Chun Oakland, Kanno.

No. 2655 "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Trimble.

No. 2656 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, Hogue.

No. 2657 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Chun Oakland, English, Kanno, Fukunaga.

No. 2658 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

Introduced by: Senators Chun Oakland, Fukunaga, Kanno, English, Tsutsui.

No. 2659 "A BILL FOR AN ACT RELATING TO GENETIC PATERNITY TESTING."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga, English, Tsutsui, Hogue.

No. 2660 "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION."

Introduced by: Senators Chun Oakland, Kanno, Hogue, Fukunaga.

No. 2661 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR QUEST AND MEDICAID COVERAGE FOR MICRONESIANS RESIDING IN HAWAII."

Introduced by: Senators Chun Oakland, English, Kanno, Fukunaga.

No. 2662 "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

Introduced by: Senators Chun Oakland, Kanno, Fukunaga.

No. 2663 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT."

Introduced by: Senators Chun Oakland, English, Kanno, Tsutsui.

No. 2664 "A BILL FOR AN ACT RELATING TO PROBATE."

Introduced by: Senators Chun Oakland, Trimble, Hogue.

No. 2665 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Chun Oakland, Hogue.

No. 2666 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Senators Chun Oakland, Fukunaga.

No. 2667 "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES."

Introduced by: Senators Chun Oakland, Fukunaga.

No. 2668 "A BILL FOR AN ACT RELATING TO ANIMALS."

Introduced by: Senator Chun Oakland, by request.

No. 2669 "A BILL FOR AN ACT RELATING TO TORT ACTIONS."

Introduced by: Senators Chun Oakland, Trimble, Hogue.

No. 2670 "A BILL FOR AN ACT RELATING TO PAIN MANAGEMENT."

Introduced by: Senators Chun Oakland, Fukunaga, English.

No. 2671 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL."

Introduced by: Senators Chun Oakland, Sakamoto, Hemmings, Hogue.

No. 2672 "A BILL FOR AN ACT RELATING TO HAWAII QUEST."

Introduced by: Senator Chun Oakland.

No. 2673 "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS COMMISSION."

Introduced by: Senators Chun Oakland, Kanno.

No. 2674 "A BILL FOR AN ACT RELATING TO TRANSFER TRAUMA."

Introduced by: Senator Chun Oakland.

No. 2675 "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN REAL PROPERTY TRANSACTIONS."

Introduced by: Senator Chun Oakland, by request.

No. 2676 "A BILL FOR AN ACT RELATING TO TRAFFIC."

Introduced by: Senator Chun Oakland.

No. 2677 "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY."

Introduced by: Senator Chun Oakland.

No. 2678 "A BILL FOR AN ACT RELATING TO A ONE
CALL CENTER."

Introduced by: Senator Menor.

ADJOURNMENT

At 6:00 o'clock p.m., the Senate adjourned until 9:30 o'clock
a.m., Monday, January 26, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FOURTH DAY

Monday, January 26, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 9:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Urasaki, Honpa Hongwanji, after which the Roll was called showing all Senators present with the exception of Senator Whalen who was excused.

The President announced that he had read and approved the Journal of the Third Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 74 to 80) were read by the Clerk and were placed on file:

Gov. Msg. No. 74, dated December 15, 2003, transmitting the Report on Litigation Deposits Trust Fund Transactions and Collections Made on Behalf of Other Departments and Agencies for Fiscal Year 2002-2003, prepared by the Department of the Attorney General.

Gov. Msg. No. 75, dated December 15, 2003, transmitting the Annual Report of the Tobacco Enforcement Unit for Fiscal Year 2002-2003, prepared by the Department of the Attorney General pursuant to Act 249, SLH 2000.

Gov. Msg. No. 76, dated December 16, 2003, transmitting the 2003 Annual Report of the Office of Information Practices.

Gov. Msg. No. 77, dated December 16, 2003, transmitting the Report of Administratively Established New Accounts or Funds, prepared by the Department of Budget and Finance pursuant to Act 178, SLH 2002.

Gov. Msg. No. 78, dated December 16, 2003, transmitting the Hawaii Employer-Union Health Benefits Trust Fund's Annual Report for Fiscal Year Ending June 30, 2003.

Gov. Msg. No. 79, dated December 16, 2003, transmitting the Expenditure Report of the Hawaii Convention Center for FY 02-03 and FY 03-04, prepared by the Hawaii Tourism Authority pursuant to Act 200, SLH 2003.

Gov. Msg. No. 80, dated December 16, 2003, transmitting the Hawaii Tourism Authority's 2003 Annual Report.

ORDER OF THE DAY

FIRST READING

On motion by Senator Kawamoto, seconded by Senator Hogue and carried unanimously, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2230 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES."

No. 2231 "A BILL FOR AN ACT RELATING TO TAX CREDITS."

No. 2232 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

No. 2233 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."

No. 2234 "A BILL FOR AN ACT RELATING TO DRUG PARAPHERNALIA."

No. 2235 "A BILL FOR AN ACT RELATING TO TAXATION."

No. 2236 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT."

No. 2237 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

No. 2238 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

No. 2239 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE."

No. 2240 "A BILL FOR AN ACT RELATING TO STORAGE OF WASTE."

No. 2241 "A BILL FOR AN ACT RELATING TO ABANDONED OR DERELICT MOTOR VEHICLES."

No. 2242 "A BILL FOR AN ACT RELATING TO EMPLOYEE STOCK OWNERSHIP PLANS."

No. 2243 "A BILL FOR AN ACT RELATING TO FIREWORKS."

No. 2244 "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES."

No. 2245 "A BILL FOR AN ACT RELATING TO PHARMACY."

No. 2246 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

No. 2247 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF INVASIVE SPECIES."

No. 2248 "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER USE."

No. 2249 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT."

No. 2250 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES."

No. 2251 "A BILL FOR AN ACT RELATING TO TUITION WAIVERS."

No. 2252 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING."

No. 2253 "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTERS."

No. 2254 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT."

No. 2255 "A BILL FOR AN ACT RELATING TO THE OVERPAYMENT OF TEACHERS."

No. 2256 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEPARTMENT OF EDUCATION PERSONNEL."

No. 2257 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

No. 2258 "A BILL FOR AN ACT RELATING TO CONSUMER-DIRECTED CARE."

No. 2259 "A BILL FOR AN ACT RELATING TO OPTOMETRY."

No. 2260 "A BILL FOR AN ACT RELATING TO STANDARD NONFORFEITURE FOR INDIVIDUAL DEFERRED ANNUITIES."

No. 2261 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."

No. 2262 "A BILL FOR AN ACT RELATING TO SALE OF PUBLIC LANDS."

No. 2263 "A BILL FOR AN ACT RELATING TO PESTICIDES."

No. 2264 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII FOR A MASTER'S DEGREE IN SOCIAL WORK BY DISTANCE LEARNING PROGRAM."

No. 2265 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

No. 2266 "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE."

No. 2267 "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION."

No. 2268 "A BILL FOR AN ACT RELATING TO HERBICIDE USE."

No. 2269 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."

No. 2270 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

No. 2271 "A BILL FOR AN ACT RELATING TO LIABILITY FOR GENETICALLY ENGINEERED FOOD."

No. 2272 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION OF AGRICULTURE."

No. 2273 "A BILL FOR AN ACT RELATING TO PESTICIDES."

No. 2274 "A BILL FOR AN ACT RELATING TO THE USE OF HERBICIDES IN PUBLIC PARKS."

No. 2275 "A BILL FOR AN ACT RELATING TO ROADSIDE HERBICIDE USE."

No. 2276 "A BILL FOR AN ACT RELATING TO PESTICIDES."

No. 2277 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS IN THE ELEVENTH SENATORIAL DISTRICT."

No. 2278 "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS."

No. 2279 "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS."

No. 2280 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON."

No. 2281 "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION."

No. 2282 "A BILL FOR AN ACT RELATING TO TAXATION."

No. 2283 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 2284 "A BILL FOR AN ACT RELATING TO OPTOMETRY."

No. 2285 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE."

No. 2286 "A BILL FOR AN ACT RELATING TO BOATING AND OCEAN RECREATION."

No. 2287 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU."

No. 2288 "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY."

No. 2289 "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS."

No. 2290 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

No. 2291 "A BILL FOR AN ACT RELATING TO NORTH KOHALA."

No. 2292 "A BILL FOR AN ACT RELATING TO THE CONSTRUCTION INDUSTRY."

No. 2293 "A BILL FOR AN ACT RELATING TO HOUSING FINANCING PROGRAMS."

No. 2294 "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS."

No. 2295 "A BILL FOR AN ACT RELATING TO LIENS."

No. 2296 "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS."

- No. 2297 "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE."
- No. 2298 "A BILL FOR AN ACT RELATING TO QUALIFIED MENTAL HEALTH CENTER INVESTMENT TAX CREDIT."
- No. 2299 "A BILL FOR AN ACT RELATING TO BOTTLED WATER."
- No. 2300 "A BILL FOR AN ACT RELATING TO TAXATION."
- No. 2301 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."
- No. 2302 "A BILL FOR AN ACT RELATING TO THE FILIPINO CENTENNIAL CELEBRATION COMMISSION."
- No. 2303 "A BILL FOR AN ACT RELATING TO SOLID WASTE."
- No. 2304 "A BILL FOR AN ACT RELATING TO SOLID WASTE."
- No. 2305 "A BILL FOR AN ACT RELATING TO RECYCLING."
- No. 2306 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."
- No. 2307 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- No. 2308 "A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC WORKS."
- No. 2309 "A BILL FOR AN ACT RELATING TO FIREARMS."
- No. 2310 "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY."
- No. 2311 "A BILL FOR AN ACT RELATING TO THE AUDITOR."
- No. 2312 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING APPROPRIATIONS FOR AN ADOLESCENT RESIDENTIAL TREATMENT FACILITY, IMPROVEMENTS TO THE ANTONE VIDINHA STADIUM COMPLEX, WAIMEA HIGH SCHOOL DISTRICT SWIMMING POOL, AND A TRANSITIONAL RESIDENTIAL TREATMENT FACILITY."
- No. 2313 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE CAPITAL IMPROVEMENT PROJECTS FOR THE COUNTY OF KAUAI."
- No. 2314 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A SEXUAL ASSAULT NURSE EXAMINERS PROGRAM."
- No. 2315 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2316 "A BILL FOR AN ACT RELATING TO VICE PRINCIPALS."
- No. 2317 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2318 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2319 "A BILL FOR AN ACT RELATING TO THE SCHOOL-COMMUNITY BASED MANAGEMENT."
- No. 2320 "A BILL FOR AN ACT RELATING TO VICE PRINCIPALS."
- No. 2321 "A BILL FOR AN ACT RELATING TO TEACHER'S AIDES."
- No. 2322 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WATER SAFETY."
- No. 2323 "A BILL FOR AN ACT RELATING TO STATE PARK RESTORATION AND MAINTENANCE."
- No. 2324 "A BILL FOR AN ACT RELATING TO STATE PARK RESTORATION AND MAINTENANCE."
- No. 2325 "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY."
- No. 2326 "A BILL FOR AN ACT MAKING AN URGENT APPROPRIATION FOR COUNTY PERMITTING PROCESS OPERATIONS."
- No. 2327 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."
- No. 2328 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KAUAI COMMUNITY HEALTH CENTER."
- No. 2329 "A BILL FOR AN ACT RELATING TO REAL ESTATE."
- No. 2330 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2331 "A BILL FOR AN ACT RELATING TO GENETIC ENGINEERING."
- No. 2332 "A BILL FOR AN ACT RELATING TO STATE PARK RESTORATION AND MAINTENANCE."
- No. 2333 "A BILL FOR AN ACT RELATING TO SOLID WASTE POLLUTION."
- No. 2334 "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT."
- No. 2335 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."
- No. 2336 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CREATION OF A CRIMINAL ENFORCEMENT TEAM TO COMBAT ILLEGAL DUMPING."
- No. 2337 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR RECYCLING EDUCATION PROGRAMS."
- No. 2338 "A BILL FOR AN ACT RELATING TO PROCUREMENT OF RECYCLED GOODS."

- No. 2339 "A BILL FOR AN ACT RELATING TO WASTE DIVERSION."
- No. 2340 "A BILL FOR AN ACT RELATING TO SOLID WASTE POLLUTION."
- No. 2341 "A BILL FOR AN ACT RELATING TO COMPOST."
- No. 2342 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."
- No. 2343 "A BILL FOR AN ACT RELATING TO COMPOST."
- No. 2344 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- No. 2345 "A BILL FOR AN ACT RELATING TO GARNISHMENT."
- No. 2346 "A BILL FOR AN ACT RELATING TO SEARCH AND SEIZURE."
- No. 2347 "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT."
- No. 2348 "A BILL FOR AN ACT RELATING TO THE OFFICE OF COMMUNITY SERVICES."
- No. 2349 "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES."
- No. 2350 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."
- No. 2351 "A BILL FOR AN ACT RELATING TO HOSPITAL CARE."
- No. 2352 "A BILL FOR AN ACT RELATING TO MANDATORY OVERTIME FOR NURSES."
- No. 2353 "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES."
- No. 2354 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."
- No. 2355 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS."
- No. 2356 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- No. 2357 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."
- No. 2358 "A BILL FOR AN ACT RELATING TO CONSTRUCTION CLAIMS."
- No. 2359 "A BILL FOR AN ACT RELATING TO CONTRACTORS."
- No. 2360 "A BILL FOR AN ACT RELATING TO AIRLINES."
- No. 2361 "A BILL FOR AN ACT RELATING TO THE MILITARY."
- No. 2362 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2363 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
- No. 2364 "A BILL FOR AN ACT RELATING TO TAXATION."
- No. 2365 "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION."
- No. 2366 "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE."
- No. 2367 "A BILL FOR AN ACT RELATING TO TAXATION."
- No. 2368 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."
- No. 2369 "A BILL FOR AN ACT RELATING TO THE KOMOHANA RESEARCH AND OUTREACH CENTER."
- No. 2370 "A BILL FOR AN ACT RELATING TO THE WAIMANALO RESEARCH AND OUTREACH CENTER."
- No. 2371 "A BILL FOR AN ACT RELATING TO THE URBAN GARDEN CENTER."
- No. 2372 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."
- No. 2373 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY."
- No. 2374 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
- No. 2375 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
- No. 2376 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
- No. 2377 "A BILL FOR AN ACT RELATING TO PRIVACY."
- No. 2378 "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS."
- No. 2379 "A BILL FOR AN ACT RELATING TO A CONSTRUCTION RESEARCH PROGRAM."
- No. 2380 "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM."
- No. 2381 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS."
- No. 2382 "A BILL FOR AN ACT RELATING TO PAWNBROKERS AND SECONDHAND DEALERS."
- No. 2383 "A BILL FOR AN ACT RELATING TO QUALITY CONTROL IN STATE PROJECTS."
- No. 2384 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE HAWAII CONSTITUTION, TO RAISE THE MANDATORY RETIREMENT AGE FOR JUSTICES AND JUDGES FROM SEVENTY TO SEVENTY-FOUR YEARS."

- No. 2385 "A BILL FOR AN ACT RELATING TO HIV/AIDS PROGRAMS."
- No. 2386 "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS."
- No. 2387 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."
- No. 2388 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."
- No. 2389 "A BILL FOR AN ACT RELATING TO RECYCLING."
- No. 2390 "A BILL FOR AN ACT RELATING TO SOLID WASTE."
- No. 2391 "A BILL FOR AN ACT RELATING TO REAL PROPERTY."
- No. 2392 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES."
- No. 2393 "A BILL FOR AN ACT RELATING TO CHECK CASHING."
- No. 2394 "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY."
- No. 2395 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."
- No. 2396 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."
- No. 2397 "A BILL FOR AN ACT RELATING TO LIQUOR TAXES."
- No. 2398 "A BILL FOR AN ACT RELATING TO FIREARMS."
- No. 2399 "A BILL FOR AN ACT RELATING TO EMERGENCY AMBULANCE SERVICE."
- No. 2400 "A BILL FOR AN ACT RELATING TO THE KAPOHO BAY CONSERVATION DISTRICT."
- No. 2401 "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION."
- No. 2402 "A BILL FOR AN ACT RELATING TO HYBRID MOTOR VEHICLES."
- No. 2403 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT."
- No. 2404 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU."
- No. 2405 "A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL."
- No. 2406 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE."
- No. 2407 "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES."
- No. 2408 "A BILL FOR AN ACT RELATING TO TROPICAL AGRICULTURE AND COMMUNITY RESOURCES."
- No. 2409 "A BILL FOR AN ACT RELATING TO ENERGY."
- No. 2410 "A BILL FOR AN ACT RELATING TO THE COQUI FROG."
- No. 2411 "A BILL FOR AN ACT RELATING TO LANDFILL CLOSURE."
- No. 2412 "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES."
- No. 2413 "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES."
- No. 2414 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN."
- No. 2415 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM."
- No. 2416 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATIONS BONDS FOR THE AGRICULTURAL WATER DISTRIBUTION SYSTEM, UPCOUNTRY KULA, MAUI."
- No. 2417 "A BILL FOR AN ACT RELATING TO SOLID WASTE."
- No. 2418 "A BILL FOR AN ACT RELATING TO RECYCLING."
- No. 2419 "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII."
- No. 2420 "A BILL FOR AN ACT RELATING TO PRINCIPALS."
- No. 2421 "A BILL FOR AN ACT RELATING TO TEACHERS."
- No. 2422 "A BILL FOR AN ACT RELATING TO TEACHERS."
- No. 2423 "A BILL FOR AN ACT RELATING TO TEACHERS."
- No. 2424 "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS."
- No. 2425 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2426 "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII."
- No. 2427 "A BILL FOR AN ACT RELATING TO TEACHERS."
- No. 2428 "A BILL FOR AN ACT RELATING TO EDUCATION."

- No. 2429 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
- No. 2430 "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS."
- No. 2431 "A BILL FOR AN ACT RELATING TO ANIMALS."
- No. 2432 "A BILL FOR AN ACT RELATING TO BAIL JUMPING."
- No. 2433 "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA."
- No. 2434 "A BILL FOR AN ACT RELATING TO STALKING."
- No. 2435 "A BILL FOR AN ACT RELATING TO CONTROL SHARE ACQUISITIONS."
- No. 2436 "A BILL FOR AN ACT RELATING TO SENTENCING OF HABITUAL VIOLENT FELONS."
- No. 2437 "A BILL FOR AN ACT RELATING TO OCEAN RECREATION."
- No. 2438 "A BILL FOR AN ACT RELATING TO SHARK MONITORING."
- No. 2439 "A BILL FOR AN ACT RELATING TO THE UNIFORM ARBITRATION ACT."
- No. 2440 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
- No. 2441 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- No. 2442 "A BILL FOR AN ACT RELATING TO FIREARMS."
- No. 2443 "A BILL FOR AN ACT RELATING TO ATTORNEYS' LIENS."
- No. 2444 "A BILL FOR AN ACT RELATING TO THE PROBATE CODE."
- No. 2445 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A NEW SUBSTANCE ABUSE TREATMENT FACILITY."
- No. 2446 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 7 OF THE HAWAII STATE CONSTITUTION, TO ALLOW CERTAIN TYPES OF SEARCHES AND SEIZURES INVOLVING ILLICIT DRUGS, WITHOUT A WARRANT AS PROVIDED BY LAW."
- No. 2447 "A BILL FOR AN ACT RELATING TO CRIME REDUCTION."
- No. 2448 "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION."
- No. 2449 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AIEA INTERMEDIATE SCHOOL."
- No. 2450 "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."
- No. 2451 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."
- No. 2452 "A BILL FOR AN ACT RELATING TO INCOME TAX."
- No. 2453 "A BILL FOR AN ACT RELATING TO INDIVIDUAL INCOME TAX."
- No. 2454 "A BILL FOR AN ACT RELATING TO RULEMAKING."
- No. 2455 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE."
- No. 2456 "A BILL FOR AN ACT RELATING TO INCOME TAX."
- No. 2457 "A BILL FOR AN ACT RELATING TO LONG-TERM INSURANCE TAX CREDIT FOR SMALL BUSINESS."
- No. 2458 "A BILL FOR AN ACT RELATING TO KAHULUI HARBOR."
- No. 2459 "A BILL FOR AN ACT RELATING TO WITHHOLDING TAX."
- No. 2460 "A BILL FOR AN ACT RELATING TO LAND USE COMMISSION."
- No. 2461 "A BILL FOR AN ACT RELATING TO HOUSING PROJECTS."
- No. 2462 "A BILL FOR AN ACT RELATING TO COUNTY LAND USE PLANNING."
- No. 2463 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND PRESERVATION."
- No. 2464 "A BILL FOR AN ACT RELATING TO STATE IRRIGATION SYSTEMS."
- No. 2465 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANA COMMUNITY HEALTH CENTER."
- No. 2466 "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION."
- No. 2467 "A BILL FOR AN ACT AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR MANELE SMALL BOAT HARBOR."
- No. 2468 "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM."
- No. 2469 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HPOWER PLANT BOILER ADDITION."
- No. 2470 "A BILL FOR AN ACT RELATING TO ENERGY."

- No. 2471 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LAMALAMA KA `ILI AT MOLOKAI GENERAL HOSPITAL."
- No. 2472 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE."
- No. 2473 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MOLOKAI GENERAL HOSPITAL."
- No. 2474 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."
- No. 2475 "A BILL FOR AN ACT AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A NEW OFFICE BUILDING FOR EXTENSION PROGRAMS ON MOLOKAI."
- No. 2476 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL COMPLIANCE."
- No. 2477 "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE."
- No. 2478 "A BILL FOR AN ACT RELATING TO IMPACT FEES."
- No. 2479 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS."
- No. 2480 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION, TO AUTHORIZE THE LEGISLATURE TO MODIFY THE APPOINTMENT PROCESS OF MEMBERS OF THE BOARD OF REGENTS OF UNIVERSITY OF HAWAII."
- No. 2481 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
- No. 2482 "A BILL FOR AN ACT RELATING TO PROHIBITED ACTIVITIES IN STATE OFFICES OR BUILDINGS."
- No. 2483 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 4, OF THE HAWAII STATE CONSTITUTION TO REQUIRE PRIMARY ELECTION VOTERS TO IDENTIFY THE PARTY BALLOTS THEY CAST."
- No. 2484 "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE STATEMENTS."
- No. 2485 "A BILL FOR AN ACT RELATING TO THE JUDICIAL SELECTION COMMISSION."
- No. 2486 "A BILL FOR AN ACT RELATING TO LIQUOR."
- No. 2487 "A BILL FOR AN ACT RELATING TO PROTECTION FOR WHISTLEBLOWERS."
- No. 2488 "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS."
- No. 2489 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."
- No. 2490 "A BILL FOR AN ACT RELATING TO PESTICIDES."
- No. 2491 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION OF AGRICULTURE."
- No. 2492 "A BILL FOR AN ACT RELATING TO LIABILITY FOR GENETICALLY ENGINEERED FOOD."
- No. 2493 "A BILL FOR AN ACT RELATING TO ROADSIDE HERBICIDE USE."
- No. 2494 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."
- No. 2495 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
- No. 2496 "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION."
- No. 2497 "A BILL FOR AN ACT RELATING TO HEALTH."
- No. 2498 "A BILL FOR AN ACT RELATING TO GOVERNMENT."
- No. 2499 "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS."
- No. 2500 "A BILL FOR AN ACT RELATING TO LAND USE."
- No. 2501 "A BILL FOR AN ACT RELATING TO HEALTH FUND."
- No. 2502 "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM."
- No. 2503 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."
- No. 2504 "A BILL FOR AN ACT RELATING TO RECYCLING."
- No. 2505 "A BILL FOR AN ACT RELATING TO WAIKANE VALLEY."
- No. 2506 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS."
- No. 2507 "A BILL FOR AN ACT RELATING TO SOIL EROSION CONTROL."
- No. 2508 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."
- No. 2509 "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT."
- No. 2510 "A BILL FOR AN ACT RELATING TO A CAPITAL IMPROVEMENT PROJECT FOR THE BENEFIT OF THE TWENTY-THIRD SENATE DISTRICT."
- No. 2511 "A BILL FOR AN ACT RELATING TO PRODUCT PROCUREMENT PREFERENCES BY STATE AGENCIES."
- No. 2512 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2513 "A BILL FOR AN ACT RELATING TO VEHICLES."

- No. 2514 "A BILL FOR AN ACT RELATING TO SOLID WASTE POLLUTION."
- No. 2515 "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS."
- No. 2516 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE EXPANSION OF THE KAHUKU AGRICULTURAL PARK."
- No. 2517 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NO CHILD LEFT BEHIND."
- No. 2518 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HAWAIIAN LANGUAGE IMMERSION PROGRAMS."
- No. 2519 "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT."
- No. 2520 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE."
- No. 2521 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FEASIBILITY STUDY TO MAKE IMPROVEMENTS TO HEEIA KEA BEACH PARK."
- No. 2522 "A BILL FOR AN ACT RELATING TO STATE BONDS."
- No. 2523 "A BILL FOR AN ACT RELATING TO STATE FINANCES."
- No. 2524 "A BILL FOR AN ACT RELATING TO STATE FINANCES."
- No. 2525 "A BILL FOR AN ACT RELATING TO STATE FUNDS."
- No. 2526 "A BILL FOR AN ACT RELATING TO STATE PROPERTIES."
- No. 2527 "A BILL FOR AN ACT RELATING TO TAXATION."
- No. 2528 "A BILL FOR AN ACT RELATING TO INSURANCE."
- No. 2529 "A BILL FOR AN ACT RELATING TO SECURITIES FOR THE PROTECTION OF PUBLIC FUNDS."
- No. 2530 "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY."
- No. 2531 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
- No. 2532 "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE."
- No. 2533 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."
- No. 2534 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."
- No. 2535 "A BILL FOR AN ACT RELATING TO ANIMALS."
- No. 2536 "A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES."
- No. 2537 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE ALA WAI WATERSHED ASSOCIATION."
- No. 2538 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL."
- No. 2539 "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX."
- No. 2540 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR UNIFORM LAWS."
- No. 2541 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."
- No. 2542 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."
- No. 2543 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."
- No. 2544 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."
- No. 2545 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."
- No. 2546 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."
- No. 2547 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."
- No. 2548 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES."
- No. 2549 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS."
- No. 2550 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS."
- No. 2551 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS."
- No. 2552 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."
- No. 2553 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

- No. 2554 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."
- No. 2555 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."
- No. 2556 "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS."
- No. 2557 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII CONSTITUTION, TO CHANGE THE REQUIRED MINIMUM VOTING AGE TO SIXTEEN."
- No. 2558 "A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY."
- No. 2559 "A BILL FOR AN ACT RELATING TO FILM INDUSTRY."
- No. 2560 "A BILL FOR AN ACT RELATING TO THE ECONOMIC VALUE OF ENTERTAINMENT CELEBRITY IDENTITIES."
- No. 2561 "A BILL FOR AN ACT RELATING TO DRUGS."
- No. 2562 "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE."
- No. 2563 "A BILL FOR AN ACT RELATING TO SMALL BUSINESS DEVELOPMENT."
- No. 2564 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."
- No. 2565 "A BILL FOR AN ACT MAKING AN APPROPRIATION RELATING TO THE WEED AND SEED STRATEGY."
- No. 2566 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
- No. 2567 "A BILL FOR AN ACT RELATING TO WAIKIKI SPECIAL DISTRICT TAX CREDIT."
- No. 2568 "A BILL FOR AN ACT RELATING TO WAIKIKI RESORT FACILITY TAX CREDIT."
- No. 2569 "A BILL FOR AN ACT RELATING TO DEPENDENT ADULT PROTECTIVE SERVICES."
- No. 2570 "A BILL FOR AN ACT RELATING TO MANDATED HEALTH BENEFITS."
- No. 2571 "A BILL FOR AN ACT RELATING TO FAMILY CAREGIVERS."
- No. 2572 "A BILL FOR AN ACT RELATING TO DENTAL SERVICES FOR PREGNANT WOMEN."
- No. 2573 "A BILL FOR AN ACT RELATING TO CAREGIVER TAX CREDIT."
- No. 2574 "A BILL FOR AN ACT RELATING TO CHILDREN'S PRODUCT SAFETY."
- No. 2575 "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS."
- No. 2576 "A BILL FOR AN ACT RELATING TO ALCOHOL AND DRUG DEPENDENCE BENEFITS."
- No. 2577 "A BILL FOR AN ACT RELATING TO PEER REVIEW."
- No. 2578 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC."
- No. 2579 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE INSURANCE."
- No. 2580 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."
- No. 2581 "A BILL FOR AN ACT RELATING TO NEEDLE EXCHANGE PROGRAM."
- No. 2582 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES."
- No. 2583 "A BILL FOR AN ACT RELATING TO CONTRACTORS."
- No. 2584 "A BILL FOR AN ACT RELATING TO DEFERRED COMPENSATION."
- No. 2585 "A BILL FOR AN ACT RELATING TO DENTISTS."
- No. 2586 "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING."
- No. 2587 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."
- No. 2588 "A BILL FOR AN ACT RELATING TO EMPLOYEES."
- No. 2589 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
- No. 2590 "A BILL FOR AN ACT RELATING TO ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS."
- No. 2591 "A BILL FOR AN ACT RELATING TO FAMILY AND CAREGIVER SUPPORT."
- No. 2592 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SEXUAL ASSAULT SERVICES."
- No. 2593 "A BILL FOR AN ACT RELATING TO INDEBTEDNESS TO THE GOVERNMENT."
- No. 2594 "A BILL FOR AN ACT RELATING TO ATHLETIC CONTEST OFFICIALS."
- No. 2595 "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS."
- No. 2596 "A BILL FOR AN ACT RELATING TO ATHLETIC CONTEST OFFICIALS."
- No. 2597 "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT."

- No. 2598 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF AN INTOXICANT."
- No. 2599 "A BILL FOR AN ACT RELATING TO NEGLIGENT HOMICIDE."
- No. 2600 "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE."
- No. 2601 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
- No. 2602 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
- No. 2603 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
- No. 2604 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER."
- No. 2605 "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES."
- No. 2606 "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES."
- No. 2607 "A BILL FOR AN ACT RELATING TO ADOPTION."
- No. 2608 "A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS."
- No. 2609 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE."
- No. 2610 "A BILL FOR AN ACT RELATING TO COMMUNITY COLLEGES."
- No. 2611 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."
- No. 2612 "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS."
- No. 2613 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING."
- No. 2614 "A BILL FOR AN ACT RELATING TO PROTECTION OF CHILDREN IN DOMESTIC VIOLENCE."
- No. 2615 "A BILL FOR AN ACT RELATING TO PAROLE."
- No. 2616 "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTERS."
- No. 2617 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CLEAN-UP OF KAPALAMA CANAL IN THE CITY AND COUNTY OF HONOLULU."
- No. 2618 "A BILL FOR AN ACT RELATING TO HEALTH."
- No. 2619 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."
- No. 2620 "A BILL FOR AN ACT RELATING TO PET SANCTUARIES."
- No. 2621 "A BILL FOR AN ACT RELATING TO MEDICALLY FRAGILE CHILDREN'S TRUST FUND."
- No. 2622 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KEEHI BOAT HARBOR IMPROVEMENTS."
- No. 2623 "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE."
- No. 2624 "A BILL FOR AN ACT RELATING TO TUITION WAIVERS."
- No. 2625 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII CONSTITUTION, TO CHANGE THE REQUIRED MINIMUM VOTING AGE TO SEVENTEEN."
- No. 2626 "A BILL FOR AN ACT RELATING TO PRETRIAL DETAINEES."
- No. 2627 "A BILL FOR AN ACT RELATING TO CONSIGNMENT OF ART."
- No. 2628 "A BILL FOR AN ACT RELATING TO A TRAINING ACADEMY WITHIN THE DEPARTMENT OF PUBLIC SAFETY."
- No. 2629 "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES."
- No. 2630 "A BILL FOR AN ACT RELATING TO FOSTER CUSTODY."
- No. 2631 "A BILL FOR AN ACT RELATING TO CHILDREN."
- No. 2632 "A BILL FOR AN ACT RELATING TO FAMILIES."
- No. 2633 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES."
- No. 2634 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES."
- No. 2635 "A BILL FOR AN ACT RELATING TO TAX CREDITS."
- No. 2636 "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS CODE OF ETHICS."
- No. 2637 "A BILL FOR AN ACT RELATING TO FAMILY COURT."
- No. 2638 "A BILL FOR AN ACT RELATING TO FAMILY COURT."
- No. 2639 "A BILL FOR AN ACT RELATING TO SAFE NURSE STAFFING."
- No. 2640 "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAX."
- No. 2641 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."

No. 2642 "A BILL FOR AN ACT RELATING TO LEASES."

No. 2643 "A BILL FOR AN ACT RELATING TO MILITARY INSTALLATIONS."

No. 2644 "A BILL FOR AN ACT RELATING TO LAND USE."

No. 2645 "A BILL FOR AN ACT RELATING TO INDUSTRIAL PARKS."

No. 2646 "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT DISTRICTS."

No. 2647 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

No. 2648 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

No. 2649 "A BILL FOR AN ACT RELATING TO FAMILY."

No. 2650 "A BILL FOR AN ACT RELATING TO EARLY EDUCATION."

No. 2651 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGING AND LONG-TERM CARE."

No. 2652 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

No. 2653 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

No. 2654 "A BILL FOR AN ACT RELATING TO HEALTH CARE."

No. 2655 "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE."

No. 2656 "A BILL FOR AN ACT RELATING TO TAXATION."

No. 2657 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 2658 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

No. 2659 "A BILL FOR AN ACT RELATING TO GENETIC PATERNITY TESTING."

No. 2660 "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION."

No. 2661 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR QUEST AND MEDICAID COVERAGE FOR MICRONESIANS RESIDING IN HAWAII."

No. 2662 "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

No. 2663 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT."

No. 2664 "A BILL FOR AN ACT RELATING TO PROBATE."

No. 2665 "A BILL FOR AN ACT RELATING TO TAXATION."

No. 2666 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

No. 2667 "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES."

No. 2668 "A BILL FOR AN ACT RELATING TO ANIMALS."

No. 2669 "A BILL FOR AN ACT RELATING TO TORT ACTIONS."

No. 2670 "A BILL FOR AN ACT RELATING TO PAIN MANAGEMENT."

No. 2671 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL."

No. 2672 "A BILL FOR AN ACT RELATING TO HAWAII QUEST."

No. 2673 "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS COMMISSION."

No. 2674 "A BILL FOR AN ACT RELATING TO TRANSFER TRAUMA."

No. 2675 "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN REAL PROPERTY TRANSACTIONS."

No. 2676 "A BILL FOR AN ACT RELATING TO TRAFFIC."

No. 2677 "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY."

No. 2678 "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER."

ADOPTION OF RESOLUTIONS

S.R. No. 1, S.D. 1:

Senator Kim moved that S.R. No. 1, S.D. 1, be adopted, seconded by Senator Tsutsui.

Senator Hemmings rose in opposition to the measure as follows:

"Mr. President, it's with great irony I rise to speak against a resolution that I introduced.

"Mr. President, this resolution is now a Trojan horse – that is, it's like legislation that we've passed in past legislative sessions dating back to the time you and I were in the House of Representatives, it's extremely defective because it represents doing something when in fact nothing is being done at all. The words have been changed and juggled on a piece of paper and it leaves in place Rule 45.

"Why is this legislation needed? Very simply because the system was being exploited. Last year, a Senator from the Koolau/Windward side of the island – and it wasn't Senator Hogue or myself – on the eighth day of the Legislature, the

Journal will show that she put her name on over 120 pieces of legislation utilizing Rule 45. At the end of the Session, a report was sent out to the district saying that that individual had passed much legislation, many of which included bills that simply had her name added to.

"This type of deception hurts public confidence in us and what we're doing. I realize everyone in this Chamber wants to get credit for legislation, but at least have something to do with it when it does pass.

"Rule 45 is not needed. I've heard the argument put forth that it's something that's done in Congress. Well, this isn't Congress. There are a lot of things done in Congress, Mr. President, including bipartisan cooperation, not the unilateralism leaving out of the process one party just because it's the Minority.

"So for this and other reasons, I recommend you all vote against it. This resolution is worthless . . . absolutely worthless. It's not worth the paper it's written on. It's going to do nothing to change it. The Majority Party once again has done nothing to amend the Senate Rules to create a more fair and equitable environment for legislation in the way it goes through the Legislature, and most importantly, how we treat the public.

"So I urge my colleagues to vote against this worthless resolution. Thank you, Mr. President."

Senator Aduja rose in support of the measure as follows:

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

"Mr. President, at the time in which I participated under Rule 45, it did indicate undersigners as co-sponsor, and I believe that the amendment indicates undersigners as just being a sponsor. At this point in time, Mr. President, the whole reason why I feel that Rule 45 is so important is because I believe in my colleagues and I believe seriously in the good work that we all put into this Legislative Session.

"As a 'freshman' Senator, there were a lot of issues in which, at the time, I was just learning about. I fully support this body in many of the bills it generates and a lot of the ideas are those that I would have wanted to have been the initiator of. However, given that some of them I did initiate and some of them I signed on as a supporter, I believe that we're all working towards the betterment of our quality of life in the best interest of the State, of the people of the State of Hawaii.

"Therefore, Mr. President, I submit to you that what I have done, and I'm sure as with the rest of my colleagues as well, is clearly not a deception. We work together as a body. I lend my name in support. We work towards what is best for our State.

"Given that, Mr. President, I fully submit to members of this body that we support the amendment and we move forward for a very successful Legislative Session. Thank you."

The motion was put by the Chair and carried, S.R. No. 1, S.D. 1, entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE OF THE TWENTY-SECOND LEGISLATURE," was adopted.

S.R. No. 3, S.D. 1:

Senator Ihara moved that S.R. No. 3, S.D. 1, be adopted, seconded by Senator Chun Oakland.

Senator Ihara rose in support of the measure and said:

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

"This resolution seeks to implement a proposal offered in Senate Special Committee Report No. 1. This proposal would allow a Committee Chair to defer consideration on a bill without taking a vote if there is unanimous consent by committee members present, otherwise a vote on the deferral will be taken.

"Public testimony submitted to the Special Committee raised concerns regarding Committee Chairs deferring consideration on bills without taking a vote. Many Committee Chairs do have legitimate reasons for deferring bills, but this practice has been seen often by the public as being used too frequently. The concern is that too many bills get stalled or defeated without debate or a public vote. I believe this practice should be changed to allow a vote in certain circumstances and restore public accountability in our legislative process.

"I support this bill and urge members to support it also. Thank you."

The motion was put by the Chair and carried, S.R. No. 3, S.D. 1, entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE RELATING TO COMMITTEE PROCEDURES ON DEFERRING CONSIDERATION ON A BILL," was adopted.

S.R. No. 4, S.D. 1:

Senator Ihara moved that S.R. No. 4, S.D. 1, be adopted, seconded by Senator Chun Oakland.

Senator Ihara rose in support of the measure and said:

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

"This resolution would amend the Rules of the Senate to authorize you, Mr. President, to adopt Conference Committee procedures to facilitate the efficient administrative and logistical operations of these Committees. I believe this Rule change moves the Senate in the right direction in making our Rules clearer and more explicit when delegating our authority to the President.

"Rather than rely on unwritten Senate Rules made so by past practice, I believe the Senate should strive to make our procedures and Rules more transparent to the public and not hidden in the world of the unwritten.

"I urge my colleagues to support this resolution."

The motion was put by the Chair and carried, S.R. No. 4, S.D. 1, entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE TO AUTHORIZE THE PRESIDENT TO ADOPT CONFERENCE COMMITTEE PROCEDURES," was adopted.

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Wednesday, January 21, 2004; Thursday, January 22, 2004; and Friday, January 23, 2004:

Senate Bill Referred to:

No. 2001 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

- No. 2002 Jointly to the Committee on Labor and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
- No. 2003 Committee on Transportation, Military Affairs, and Government Operations
- No. 2004 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2005 Committee on Health
- No. 2006 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2007 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health
- No. 2008 Committee on Commerce, Consumer Protection and Housing
- No. 2009 Committee on Commerce, Consumer Protection and Housing
- No. 2010 Committee on Commerce, Consumer Protection and Housing
- No. 2011 Committee on Commerce, Consumer Protection and Housing
- No. 2012 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Commerce, Consumer Protection and Housing
- No. 2013 Jointly to the Committee on Health and the Committee on Education, then to the Committee on Ways and Means
- No. 2014 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2015 Committee on Transportation, Military Affairs, and Government Operations
- No. 2016 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2017 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2018 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2019 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2020 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2021 Committee on Transportation, Military Affairs, and Government Operations
- No. 2022 Committee on Transportation, Military Affairs, and Government Operations
- No. 2023 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2024 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2025 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2026 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2027 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2028 Committee on Judiciary and Hawaiian Affairs
- No. 2029 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2030 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development
- No. 2031 Committee on Judiciary and Hawaiian Affairs
- No. 2032 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2033 Committee on Labor, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2034 Committee on Transportation, Military Affairs, and Government Operations
- No. 2035 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, then to the Committee on Water, Land, and Agriculture
- No. 2036 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Water, Land, and Agriculture
- No. 2037 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2038 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture
- No. 2039 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2040 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2041 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 2042 Committee on Education, then to the Committee on Ways and Means

No. 2043 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2044 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2045 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2046 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2047 Committee on Education, then to the Committee on Ways and Means

No. 2048 Committee on Judiciary and Hawaiian Affairs

No. 2049 Committee on Judiciary and Hawaiian Affairs

No. 2050 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism, then to the Committee on Ways and Means

No. 2051 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2052 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2053 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2054 Committee on Education, then to the Committee on Ways and Means

No. 2055 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2056 Jointly to the Committee on Education and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs

No. 2057 Committee on Education, then to the Committee on Ways and Means

No. 2058 Committee on Education, then to the Committee on Ways and Means

No. 2059 Committee on Education, then to the Committee on Ways and Means

No. 2060 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2061 Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs

No. 2062 Committee on Education, then to the Committee on Ways and Means

No. 2063 Committee on Education, then to the Committee on Ways and Means

No. 2064 Committee on Labor, then to the Committee on Ways and Means

No. 2065 Committee on Education, then to the Committee on Ways and Means

No. 2066 Committee on Education, then to the Committee on Ways and Means

No. 2067 Committee on Education, then to the Committee on Ways and Means

No. 2068 Committee on Education, then to the Committee on Ways and Means

No. 2069 Committee on Education, then to the Committee on Ways and Means

No. 2070 Committee on Education, then to the Committee on Ways and Means

No. 2071 Committee on Education, then to the Committee on Ways and Means

No. 2072 Committee on Education, then to the Committee on Ways and Means

No. 2073 Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means

No. 2074 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations

No. 2075 Committee on Education, then to the Committee on Ways and Means

No. 2076 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 2077 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations

No. 2078 Committee on Labor, then to the Committee on Ways and Means

No. 2079 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2080 Committee on Energy and Environment, then to the Committee on Ways and Means

- No. 2081 Committee on Energy and Environment, then to the Committee on Ways and Means
- No. 2082 Committee on Transportation, Military Affairs, and Government Operations
- No. 2083 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2084 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2085 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2086 Committee on Health, then to the Committee on Ways and Means
- No. 2087 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2088 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2089 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
- No. 2090 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2091 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2092 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2093 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2094 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2095 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2096 Committee on Ways and Means
- No. 2097 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2098 Committee on Health, then to the Committee on Ways and Means
- No. 2099 Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2100 Committee on Judiciary and Hawaiian Affairs
- No. 2101 Committee on Judiciary and Hawaiian Affairs
- No. 2102 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2103 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor
- No. 2104 Committee on Transportation, Military Affairs, and Government Operations
- No. 2105 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2106 Jointly to the Committee on Energy and Environment and the Committee on Health, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2107 Committee on Transportation, Military Affairs, and Government Operations
- No. 2108 Committee on Education, then to the Committee on Ways and Means
- No. 2109 Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2110 Jointly to the Committee on Education and the Committee on Human Services, then to the Committee on Ways and Means
- No. 2111 Committee on Education, then to the Committee on Ways and Means
- No. 2112 Committee on Education, then to the Committee on Ways and Means
- No. 2113 Committee on Education, then to the Committee on Ways and Means
- No. 2114 Committee on Education, then to the Committee on Ways and Means
- No. 2115 Committee on Education, then to the Committee on Ways and Means
- No. 2116 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2117 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2118 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2119 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2120 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2121 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 2122 Jointly to the Committee on Energy and Environment and the Committee on Science, Arts, and Technology, then to the Committee on Water, Land, and Agriculture

No. 2123 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2124 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 2125 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2126 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs

No. 2127 Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 2128 Committee on Energy and Environment, then to the Committee on Ways and Means

No. 2129 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

No. 2130 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2131 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2132 Jointly to the Committee on Energy and Environment, the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 2133 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2134 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2135 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 2136 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2137 Committee on Transportation, Military Affairs, and Government Operations

No. 2138 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2139 Jointly to the Committee on Science, Arts, and Technology and the Committee on Tourism, then to the Committee on Ways and Means

No. 2140 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs

No. 2141 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 2142 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Labor

No. 2143 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 2144 Committee on Human Services, then to the Committee on Ways and Means

No. 2145 Committee on Labor, then to the Committee on Ways and Means

No. 2146 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means

No. 2147 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Education

No. 2148 Committee on Education, then to the Committee on Ways and Means

No. 2149 Committee on Human Services, then to the Committee on Ways and Means

No. 2150 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 2151 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2152 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 2153 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 2154 Committee on Health, then to the Committee on Ways and Means

No. 2155 Committee on Education, then to the Committee on Ways and Means

No. 2156 Committee on Human Services, then to the Committee on Ways and Means

No. 2157 Committee on Education, then to the Committee on Ways and Means

No. 2158 Committee on Health, then to the Committee on Ways and Means

- No. 2159 Jointly to the Committee on Health and the Committee on Education, then to the Committee on Ways and Means
- No. 2160 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
- No. 2161 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2162 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
- No. 2163 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2164 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2165 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
- No. 2166 Committee on Human Services, then to the Committee on Ways and Means
- No. 2167 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2168 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2169 Committee on Education, then to the Committee on Ways and Means
- No. 2170 Committee on Judiciary and Hawaiian Affairs
- No. 2171 Committee on Education, then to the Committee on Ways and Means
- No. 2172 Committee on Education, then to the Committee on Ways and Means
- No. 2173 Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2174 Committee on Transportation, Military Affairs, and Government Operations
- No. 2175 Committee on Education, then to the Committee on Ways and Means
- No. 2176 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2177 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2178 Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2179 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2180 Committee on Education, then to the Committee on Ways and Means
- No. 2181 Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2182 Committee on Judiciary and Hawaiian Affairs
- No. 2183 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2184 Committee on Ways and Means
- No. 2185 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2186 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations
- No. 2187 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations
- No. 2188 Committee on Ways and Means
- No. 2189 Committee on Ways and Means
- No. 2190 Jointly to the Committee on Energy and Environment and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 2191 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2192 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2193 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2194 Committee on Labor, then to the Committee on Ways and Means
- No. 2195 Committee on Education, then to the Committee on Ways and Means
- No. 2196 Committee on Education, then to the Committee on Ways and Means
- No. 2197 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means
- No. 2198 Jointly to the Committee on Education and the Committee on Science, Arts, and Technology
- No. 2199 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and

Government Operations, then to the Committee on Ways and Means	No. 2220	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	
No. 2200	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs	No. 2221	Jointly to the Committee on Human Services and the Committee on Health
No. 2201	Committee on Education, then to the Committee on Ways and Means	No. 2222	Jointly to the Committee on Education and the Committee on Human Services, then to the Committee on Ways and Means
No. 2202	Committee on Education, then to the Committee on Ways and Means	No. 2223	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2203	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2224	Committee on Human Services, then to the Committee on Ways and Means
No. 2204	Jointly to the Committee on Labor and the Committee on Education	No. 2225	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
No. 2205	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2226	Committee on Human Services, then to the Committee on Ways and Means
No. 2206	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2227	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
No. 2207	Committee on Commerce, Consumer Protection and Housing	No. 2228	Committee on Human Services, then to the Committee on Ways and Means
No. 2208	Committee on Commerce, Consumer Protection and Housing	No. 2229	Jointly to the Committee on Tourism and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2209	Committee on Economic Development, then to the Committee on Commerce, Consumer Protection and Housing	No. 2230	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2210	Committee on Commerce, Consumer Protection and Housing	No. 2231	Jointly to the Committee on Labor and the Committee on Health, then to the Committee on Ways and Means
No. 2211	Committee on Science, Arts, and Technology, then to the Committee on Transportation, Military Affairs, and Government Operations	No. 2232	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2212	Committee on Judiciary and Hawaiian Affairs	No. 2233	Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations
No. 2213	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2234	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2214	Committee on Tourism, then to the Committee on Ways and Means	No. 2235	Committee on Ways and Means
No. 2215	Committee on Commerce, Consumer Protection and Housing	No. 2236	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2216	Committee on Judiciary and Hawaiian Affairs	No. 2237	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2217	Committee on Ways and Means	No. 2238	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2218	Committee on Human Services, then to the Committee on Commerce, Consumer Protection and Housing	No. 2239	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2219	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs		

No. 2240	Jointly to the Committee on Energy and Environment and the Committee on Health	No. 2261	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 2241	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2262	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture
No. 2242	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2263	Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations
No. 2243	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2264	Committee on Education, then to the Committee on Ways and Means
No. 2244	Committee on Transportation, Military Affairs, and Government Operations	No. 2265	Committee on Human Services, then to the Committee on Ways and Means
No. 2245	Committee on Commerce, Consumer Protection and Housing	No. 2266	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2246	Committee on Water, Land, and Agriculture	No. 2267	Committee on Education
No. 2247	Jointly to the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 2268	Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations
No. 2248	Committee on Water, Land, and Agriculture	No. 2269	Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology
No. 2249	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 2270	Committee on Science, Arts, and Technology, then to the Committee on Water, Land, and Agriculture
No. 2250	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2271	Jointly to the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs
No. 2251	Committee on Education, then to the Committee on Ways and Means	No. 2272	Jointly to the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs
No. 2252	Committee on Education, then to the Committee on Ways and Means	No. 2273	Committee on Energy and Environment, then to the Committee on Water, Land, and Agriculture
No. 2253	Committee on Education, then to the Committee on Ways and Means	No. 2274	Committee on Energy and Environment, then to the Committee on Economic Development
No. 2254	Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means	No. 2275	Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations
No. 2255	Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means	No. 2276	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 2256	Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means	No. 2277	Committee on Ways and Means
No. 2257	Committee on Labor, then to the Committee on Ways and Means	No. 2278	Committee on Judiciary and Hawaiian Affairs
No. 2258	Jointly to the Committee on Human Services and the Committee on Health	No. 2279	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2259	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2280	Committee on Economic Development, then to the Committee on Ways and Means
No. 2260	Committee on Commerce, Consumer Protection and Housing		

- No. 2281 Jointly to the Committee on Science, Arts, and Technology and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 2282 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2283 Committee on Education, then to the Committee on Ways and Means
- No. 2284 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2285 Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2286 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2287 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism, then to the Committee on Ways and Means
- No. 2288 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2289 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2290 Committee on Science, Arts, and Technology, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2291 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2292 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2293 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2294 Committee on Judiciary and Hawaiian Affairs
- No. 2295 Committee on Judiciary and Hawaiian Affairs
- No. 2296 Committee on Commerce, Consumer Protection and Housing
- No. 2297 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2298 Committee on Health, then to the Committee on Ways and Means
- No. 2299 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2300 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2301 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2302 Committee on Tourism, then to the Committee on Ways and Means
- No. 2303 Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2304 Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2305 Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2306 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2307 Committee on Transportation, Military Affairs, and Government Operations
- No. 2308 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2309 Committee on Judiciary and Hawaiian Affairs
- No. 2310 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2311 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2312 Committee on Ways and Means
- No. 2313 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2314 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2315 Committee on Education, then to the Committee on Ways and Means
- No. 2316 Jointly to the Committee on Education and the Committee on Labor
- No. 2317 Committee on Education, then to the Committee on Ways and Means
- No. 2318 Committee on Education, then to the Committee on Ways and Means
- No. 2319 Committee on Education, then to the Committee on Ways and Means

- No. 2320 Committee on Education, then to the Committee on Ways and Means
- No. 2321 Committee on Education, then to the Committee on Ways and Means
- No. 2322 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2323 Jointly to the Committee on Economic Development and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
- No. 2324 Jointly to the Committee on Economic Development, the Committee on Water, Land, and Agriculture and the Committee on Tourism, then to the Committee on Ways and Means
- No. 2325 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2326 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2327 Committee on Human Services, then to the Committee on Ways and Means
- No. 2328 Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2329 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2330 Committee on Education, then to the Committee on Ways and Means
- No. 2331 Jointly to the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2332 Jointly to the Committee on Economic Development and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
- No. 2333 Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2334 Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2335 Jointly to the Committee on Health and the Committee on Energy and Environment
- No. 2336 Jointly to the Committee on Energy and Environment and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2337 Jointly to the Committee on Education and the Committee on Energy and Environment, then to the Committee on Ways and Means
- No. 2338 Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2339 Jointly to the Committee on Health, the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2340 Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2341 Committee on Energy and Environment, then to the Committee on Economic Development
- No. 2342 Committee on Energy and Environment, then to the Committee on Ways and Means
- No. 2343 Committee on Energy and Environment, then to the Committee on Economic Development
- No. 2344 Committee on Transportation, Military Affairs, and Government Operations
- No. 2345 Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2346 Jointly to the Committee on Education, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2347 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2348 Committee on Education, then to the Committee on Ways and Means
- No. 2349 Committee on Human Services, then to the Committee on Ways and Means
- No. 2350 Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2351 Jointly to the Committee on Health and the Committee on Labor
- No. 2352 Jointly to the Committee on Labor and the Committee on Health
- No. 2353 Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2354 Committee on Labor, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2355 Committee on Labor, then to the Committee on Ways and Means
- No. 2356 Committee on Labor, then to the Committee on Ways and Means
- No. 2357 Committee on Labor, then to the Committee on Ways and Means

- No. 2358 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2359 Committee on Commerce, Consumer Protection and Housing
- No. 2360 Jointly to the Committee on Economic Development, the Committee on Tourism and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2361 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2362 Committee on Education, then to the Committee on Ways and Means
- No. 2363 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2364 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2365 Committee on Education, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2366 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2367 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2368 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2369 Committee on Education, then to the Committee on Ways and Means
- No. 2370 Committee on Education, then to the Committee on Ways and Means
- No. 2371 Committee on Education, then to the Committee on Ways and Means
- No. 2372 Committee on Judiciary and Hawaiian Affairs
- No. 2373 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2374 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2375 Jointly to the Committee on Transportation, Military Affairs, and Government Operations
- and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2376 Committee on Transportation, Military Affairs, and Government Operations
- No. 2377 Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2378 Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2379 Jointly to the Committee on Education and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
- No. 2380 Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
- No. 2381 Committee on Labor, then to the Committee on Ways and Means
- No. 2382 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2383 Jointly to the Committee on Energy and Environment and the Committee on Science, Arts, and Technology, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2384 Committee on Judiciary and Hawaiian Affairs
- No. 2385 Committee on Health, then to the Committee on Ways and Means
- No. 2386 Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2387 Committee on Judiciary and Hawaiian Affairs
- No. 2388 Committee on Judiciary and Hawaiian Affairs
- No. 2389 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2390 Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations
- No. 2391 Committee on Ways and Means
- No. 2392 Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
- No. 2393 Committee on Commerce, Consumer Protection and Housing
- No. 2394 Committee on Tourism
- No. 2395 Committee on Tourism, then to the Committee on Judiciary and Hawaiian Affairs

No. 2396	Committee on Tourism, then to the Committee on Ways and Means	No. 2416	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2397	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2417	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 2398	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2418	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 2399	Committee on Health, then to the Committee on Ways and Means	No. 2419	Committee on Education, then to the Committee on Ways and Means
No. 2400	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 2420	Committee on Education, then to the Committee on Ways and Means
No. 2401	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations	No. 2421	Committee on Education, then to the Committee on Ways and Means
No. 2402	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2422	Committee on Education, then to the Committee on Ways and Means
No. 2403	Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means	No. 2423	Committee on Education, then to the Committee on Ways and Means
No. 2404	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism, then to the Committee on Ways and Means	No. 2424	Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means
No. 2405	Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs	No. 2425	Committee on Education, then to the Committee on Ways and Means
No. 2406	Committee on Judiciary and Hawaiian Affairs	No. 2426	Committee on Education, then to the Committee on Ways and Means
No. 2407	Committee on Transportation, Military Affairs, and Government Operations	No. 2427	Committee on Education
No. 2408	Jointly to the Committee on Education and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 2428	Committee on Education, then to the Committee on Ways and Means
No. 2409	Committee on Energy and Environment, then to the Committee on Ways and Means	No. 2429	Committee on Education, then to the Committee on Ways and Means
No. 2410	Committee on Energy and Environment, then to the Committee on Ways and Means	No. 2430	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2411	Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2431	Committee on Judiciary and Hawaiian Affairs
No. 2412	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 2432	Committee on Judiciary and Hawaiian Affairs
No. 2413	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development, then to the Committee on Ways and Means	No. 2433	Committee on Judiciary and Hawaiian Affairs
No. 2414	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 2434	Committee on Judiciary and Hawaiian Affairs
No. 2415	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 2435	Committee on Commerce, Consumer Protection and Housing
		No. 2436	Committee on Judiciary and Hawaiian Affairs
		No. 2437	Jointly to the Committee on Tourism and the Committee on Economic Development, then to the Committee on Water, Land, and Agriculture
		No. 2438	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2439	Committee on Judiciary and Hawaiian Affairs	No. 2461	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 2440	Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs	No. 2462	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 2441	Committee on Water, Land, and Agriculture	No. 2463	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2442	Committee on Judiciary and Hawaiian Affairs	No. 2464	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2443	Committee on Judiciary and Hawaiian Affairs	No. 2465	Committee on Health, then to the Committee on Ways and Means
No. 2444	Committee on Judiciary and Hawaiian Affairs	No. 2466	Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations
No. 2445	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2467	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2446	Committee on Judiciary and Hawaiian Affairs	No. 2468	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2447	Committee on Judiciary and Hawaiian Affairs	No. 2469	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 2448	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs	No. 2470	Jointly to the Committee on Energy and Environment and the Committee on Science, Arts, and Technology
No. 2449	Committee on Education, then to the Committee on Ways and Means	No. 2471	Committee on Health, then to the Committee on Ways and Means
No. 2450	Committee on Transportation, Military Affairs, and Government Operations	No. 2472	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2451	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs	No. 2474	Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing
No. 2452	Committee on Ways and Means	No. 2475	Committee on Education, then to the Committee on Ways and Means
No. 2453	Committee on Ways and Means	No. 2476	Jointly to the Committee on Tourism and the Committee on Economic Development, then to the Committee on Energy and Environment
No. 2454	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs	No. 2477	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Energy and Environment
No. 2455	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means	No. 2478	Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2456	Committee on Health, then to the Committee on Ways and Means	No. 2479	Committee on Education, then to the Committee on Ways and Means
No. 2457	Jointly to the Committee on Economic Development and the Committee on Health, then to the Committee on Ways and Means	No. 2480	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs
No. 2458	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations	No. 2481	Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means
No. 2459	Committee on Ways and Means		
No. 2460	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations		

No. 2482 Committee on Judiciary and Hawaiian Affairs

No. 2483 Committee on Judiciary and Hawaiian Affairs

No. 2484 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 2485 Committee on Judiciary and Hawaiian Affairs

No. 2486 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 2487 Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs

No. 2488 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2489 Committee on Science, Arts, and Technology, then to the Committee on Tourism

No. 2490 Committee on Energy and Environment, then to the Committee on Water, Land, and Agriculture

No. 2491 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs

No. 2492 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs

No. 2493 Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 2494 Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs

No. 2495 Committee on Economic Development

No. 2496 Committee on Education

No. 2497 Committee on Health

No. 2498 Committee on Transportation, Military Affairs, and Government Operations

No. 2499 Committee on Transportation, Military Affairs, and Government Operations

No. 2500 Committee on Water, Land, and Agriculture

No. 2501 Committee on Labor

No. 2502 Committee on Labor

No. 2503 Committee on Energy and Environment, then to the Committee on Transportation, Military Affairs, and Government Operations

At 9:58 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives, in accordance with House Concurrent Resolution No. 2, to receive the Governor's state of the state address.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, was called to order at 10:06 o'clock a.m. by the Honorable Calvin Say, Speaker of the House of Representatives.

At this time, the Speaker welcomed and introduced the following distinguished guests to the members of the Twenty-Second Legislature:

The Honorable James R. Aiona, Jr., Lieutenant Governor of Hawaii, and Mrs. Vivian Aiona. They were presented leis by Representative David Pendleton and Senator Suzanne Chun Oakland;

The Honorable Ronald T.Y. Moon, Chief Justice, Hawaii Supreme Court. He was presented a lei by Senator Carol Fukunaga;

The Honorable Ed Case, United States House of Representatives. He was presented a lei by Representative Tulsı Gabbard Tamayo;

Ms. Haunani Apoliona, Chair, Office of Hawaiian Affairs. She was presented a lei by Senator J. Kalani English;

The Honorable Simeon R. Acoba, Jr., Associate Justice, Hawaii State Supreme Court;

The Honorable James E. Duffy, Jr., Associate Justice, Hawaii State Supreme Court;

The Honorable Steven H. Levinson, Associate Justice, Hawaii State Supreme Court;

The Honorable Paula A. Nakayama, Associate Justice, Hawaii State Supreme Court;

The Honorable Jeremy Harris, Mayor of the City and County of Honolulu;

The Honorable Harry Kim, Mayor of the County of Hawaii;

The Honorable Alan M. Arakawa, Mayor of the County of Maui;

The Honorable Bryan J. Baptiste, Mayor of the County of Kauai;

The Honorable James Y. Arakaki, Council Chair, County of Hawaii;

The Honorable Dain P. Kane, Council Chair, County of Maui;

The Honorable Bill "Kaipo" Asing, Council Chair, County of Kauai;

The Honorable Rolando S. Gregorio, Consul General of the Philippines and Dean of the Hawaii Consular Corps;

The Honorable Heung Sik Choi, Consul General of Korea;

Lieutenant General Robert R. Dierker, Deputy Commander, U.S. Pacific Command;

Lieutenant General James L. Campbell, Commanding General, U.S. Army, Pacific, and Mrs. Campbell;

Lieutenant General Wallace C. Gregson, Jr., Commander, U.S. Marine Forces Pacific;

Lieutenant General Victor E. Renuart, Jr., Vice Commander, Pacific Air Forces; and

Captain Glen A. Wiltshire, Chief of Staff, U.S. Coast Guard, 14th Coast Guard District.

The Speaker then appointed Senators Donna Mercado Kim, Colleen Hanabusa, and Fred Hemmings, on behalf of the Senate, and Representatives Sylvia J. Luke, Scott K. Saiki and Galen Fox, on behalf of the House of Representatives, to escort the Honorable Linda Lingle, Governor of the State of Hawaii, to the rostrum.

At 10:11 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:12 o'clock a.m.

Senator Shan S. Tsutsui and Representative Bud Stonebraker presented Governor Lingle with maile and ilima leis.

The Speaker then presented to the members of the Twenty-Second Legislature and guests the Honorable Linda Lingle, Governor of the State of Hawaii.

"Mr. President; Mr. Speaker; Members of the Legislature; Lt. Governor Aiona; cabinet members; Chief Justice Moon; OHA Chair Haunani Apoliona; Governor Waihee; Congressmen Case; Mayor Arakawa; Mayor Baptiste; Mayor Harris; Mayor Kim; Lt. General Dierker; Lt. General Gregson; Lt. General and Mrs. Campbell; Lt. General Renuart; Capt. Wiltshire; Admiral McCullough; elected officials; Consul General Rolando Gregorio, dean of the Consular Corps, and other members of the Consular Corps; distinguished guests; and to the people of Hawaii – aloha and good morning.

"It is a great privilege to come before you again to reflect for a few minutes on the past, and then to look ahead to the coming year. It is going to be a year of great opportunity for our State. It is already a time of hope and optimism among the people of Hawaii. It is up to us to convert that hope and optimism into concrete results and to capitalize on the opportunities we see before us.

"No one thought my first year in office would be easy, and it wasn't. Everyone knew that power sharing after 40 years of one-party rule would require adjustments. I guess you could say we are all still adjusting. But, a complete picture of the past year would show areas of common ground, times of respectful give and take and some mutual achievements.

"Our first real interaction occurred over my cabinet appointments. Although most of these people were new to state government, and several had never worked in government at any level, you gave each of them a fair confirmation hearing. I have to admit to you now that I was a little concerned when I read an interview quoting a Senate leader saying, 'I never heard of any of these people.' The truth is, I hadn't heard of most of them just a few weeks earlier.

"Ten of my 16 cabinet appointees were people I met for the first time when I interviewed them for the job. But just as I learned through the interview process, and you learned through the confirmation process, this is a superior group of individuals who are doing a great job for the people of Hawaii.

"The Senate unanimously confirmed all of my cabinet appointees and I thank you for that, because they enabled me to begin carrying out my vision of a 'New Beginning' for our State. I consider the formation of the cabinet one of my most important first-year achievements, and I would like all the members to stand and be recognized for a job well done.

"Both the House and the Senate were an important part of the 'New Beginning' as well. I am especially proud of how we worked together to rewrite the State procurement law so we now have a contracting system that is open, accessible and devoid of favoritism. It is no longer a matter of 'who you know,' but 'whether you will do the best job for the people of Hawaii at the fairest price.'

"Progress on our vision for a 'New Beginning' often will occur by passing such a bill during the legislative session, but progress is not limited by our ability to get a new law passed. Sometimes we make progress by rewriting administrative rules, as we did when we modernized and simplified the animal quarantine laws.

"Sometimes we make people's lives better by changing long-standing but outdated policies, as we did in our new 'Going Home Project' which gives hospitalized Medicaid patients the option of transferring their benefits to home-based or community-based settings. This simple but significant policy change improves the quality of patients' lives, saves millions of taxpayers dollars, and frees up much-needed bed space in our hospitals.

"Sometimes progress is achieved in the form of public-private partnerships, such as Hawaii Prescription Care, which is helping thousands of low-income people obtain medications at no cost to taxpayers.

"Sometimes progress means bringing a comprehensive focus to an important issue, as we did by appointing our State's first tourism liaison. Marsha Wienert is working effectively with industry leaders, legislators and the community to develop a comprehensive strategy to remain competitive in the years ahead. At the same time, she is working effectively with her fellow cabinet members to make certain that state parks, harbors, airports and other infrastructure is in place to sustain a healthy visitor industry.

"Sometimes progress comes about through appropriate expressions of gratitude and respect for our friends, as we have shown to our nation's military leaders stationed in Hawaii. This mutual respect enabled us to successfully complete the return of Kaho'olawe when many felt successful negotiations were unlikely. I want to give special thanks to Attorney General Mark Bennett, Admiral Barry McCullough, the Kaho'olawe Island Reserve Commission, and the Hawaiian community for their commitment to resolve the issue of access in a way that maximized safety.

"Sometimes an Executive Order can solve a long-standing problem, as was the case with payments owed to the Office of Hawaiian Affairs. We used both an Executive Order and an appropriations bill to make back payments and resume payments to OHA for certain ceded land revenues we believed had been unfairly withheld.

“Sometimes you can improve the quality of life by reviving an old idea that never got implemented, just as we did with the Nimitz Highway Contra-Flow Lane, which Transportation Director Rod Haraga pushed through to completion.

“Sometimes we make progress through a more creative and aggressive use of federal funds. The State had previously failed to claim millions of federal Medicaid dollars. In 2003, Human Services Director Lillian Koller took the necessary steps to begin receiving more than \$10 million each year in new federal dollars without spending additional State funds.

“And sometimes we can make progress by just keeping our promises. For example, we promised to find money to support youth centers in the Kalihi area after vetoing the use of the Rainy Day Fund. We made good on that promise by securing federal funds to continue to operate these centers.

“Lt. Governor Aiona’s drug summit, which I will speak about in some detail later, so impressed federal officials that they granted \$3.6 million dollars for our efforts to help those suffering from both drug addiction and mental illness.

“Yes, there is much we can do outside the legislative process. But there are so many important things that only you Legislators can do.

“Only you can place important constitutional amendments on the ballot that will reform public education and institutionalize budget integrity.

“Only you can adopt a supplemental budget that addresses pressing needs such as repairing and improving State parks and schools, fully funding our State hospitals, and reducing the tax burden on our lowest wage earning residents.

“And only you can amend or repeal existing laws that are impeding progress or pass new laws that will help us achieve our goals of a safe, healthy and prosperous state.

“It is clear to everyone that much has changed since the last legislative session, particularly the economic and budget picture. The lessons of the past year dramatically demonstrate the importance of fiscal discipline.

“It was only a few months ago that we experienced substantially reduced revenue estimates, a large projected deficit and budget restrictions. Throughout the past year, we worked hard to inspire fiscal discipline and budgetary integrity in order to meet these challenges while maintaining needed services. My Administration’s goal then was to continue providing quality services while balancing the budget without raiding the Hurricane Relief or Rainy Day funds, and we accomplished that goal.

“But balanced budgets proposed by the Executive Branch are only half of the fiscal equation. The State Legislature plays an equally important role in ensuring Hawaii’s financial integrity. That is why I propose amending the State Constitution to require the Legislature to enact a balanced budget. This is no different than the law in 40 other states, and it sends a strong message that government is serious about living within its means. Let’s work together to pass this important legislation.

“The session ahead presents so many opportunities . . . opportunities to correct past mistakes, devise new solutions to old problems, capitalize on changing circumstances, and the chance to lay down a clear path to a bright future. I know each of you has ideas on how to make life better for the people of Hawaii, and I look forward to hearing them. At this time, I would like to share my priorities for the upcoming session.

“The five areas our Administration will focus on are: building safe communities, promoting a healthier Hawaii, protecting our unique environment, maintaining a strong economy, and revamping the public school system.

“Public safety is one of the fundamental responsibilities of government. Safe neighborhoods promote a sense of social well-being and are essential if our State is to flourish. Our children need to be safe when they are at school. Our kupuna need to be safe when crossing the street. Your wives and sisters need to be safe walking to their cars late at night. And visitors need to return home with all the valuables they brought with them on vacation.

“Our anti-crime initiatives to build safer communities are three-pronged – combating substance abuse, increasing public safety and protecting vulnerable young people from being victimized.

“In September of last year, Lt. Governor Aiona convened the Drug Control Strategy Summit to identify approaches for tackling the illicit drug use and underage drinking that has devastated so many families. This problem is tearing apart the fabric of our society. Substance abuse affects families all across the State, and lately it has generated much publicity and compassion. But acting on that compassion with solutions that work has been largely unsuccessful.

“This problem didn’t just happen lately. It has been years in the making. And even though we have spent tens of millions of dollars trying to address the issue, past efforts have lacked the coordination needed for success. We have already allocated \$19.6 million in our 2005 budget for drug treatment, but spending more money without coordination will not solve the problem.

“Prior to the State’s first drug summit, Lt. Governor Aiona listened to suggestions on how to deal with this problem at 14 community forums held across the State. Many of the initiatives we are proposing today are based on recommendations he received from community leaders and citizens at those forums.

“Community leaders across the State agree that one of the most effective ways to combat drug abuse and underage drinking is providing healthy after-school activities during a child’s adolescent years. That is why we are implementing new after-school programs now targeted at middle school students. These programs would be paid for with up to \$5 million in already available federal funds to provide healthy activities for children in the most vulnerable age group. These programs will enrich our children and provide peace of mind for their parents.

“We are asking the Legislature to impose serious prison time for those brazen enough to make illegal drugs in the presence of a child, and an additional five years if that child suffers bodily harm. We are recommending enhanced penalties for those who manufacture illegal drugs.

“We want limits on the sale of chemicals that can be used to manufacture the drug ‘ice.’ And we are introducing a bill to regulate the sale of paraphernalia that could be used to make illegal drugs.

“Above and beyond this, I call upon Legislators to make permanent the law that allows for the seizure and forfeiture of cars and other property belonging to convicted drug felons. The law allowing such seizures is set to expire on June 30 of this year. Let’s make certain this law stays on the books.

“As you know, we are proposing legislation to strengthen Hawaii’s electronic surveillance laws. This is a proven, reasonable tool in the identification and arrest of drug dealers and other criminals. It is essential that we modernize our electronic surveillance laws so law enforcement has the same access to the same capabilities that the criminals have. We need to stop fighting 21st Century crimes with 20th Century laws.

“As an additional measure, we are asking the Legislature to authorize a constitutional amendment legalizing the ‘walk and talk’ and ‘knock and talk’ programs. These are vital tools police officers need to identify and apprehend drug carriers at airports, harbors and suspected drug houses. Law enforcement’s hands have been tied for too long. These changes have been too long in coming. It is time we leveled the playing field between the criminals and those who are sworn to protect us.

“In addition, communities can be made safer when repeat offenders are kept off the streets and away from our families. How many times have you read a newspaper story or seen a television report about a crime committed by a person with 10, 20 or even 30 prior convictions? We need to stop this ‘revolving door’ syndrome. That is why I am proposing legislation to toughen mandatory and minimum sentencing laws for repeat offenders.

“And how many times have you heard about innocent victims being injured or killed by drivers who were speeding or under the influence of alcohol or drugs? That is why we want to make it a felony for people to continue driving after their license has been suspended or revoked.

“But more effective law enforcement tools and tougher sentencing are not enough. There must be adequate facilities to house convicted criminals.

“There has been no major capital investment in our prison system since 1991. We are therefore requesting \$8.4 million in emergency repairs and maintenance for jail and prison facilities, and \$1.5 million to plan for the replacement of Oahu Community Correctional Center. Years of past neglect must be addressed and I have asked Director of Public Safety John Peyton to continue his efforts to develop a comprehensive, long-range plan for repairing, maintaining and replacing our aging prisons and community correctional centers.

“He is also tasked with identifying additional treatment, vocational and transitional programs that will increase the likelihood of a prisoner leading a productive life upon release back into society.

“The process of building safe communities includes protecting those who are most vulnerable – children, senior citizens and people living in poverty. My Administration is proposing legislation to add child pornographers to the registry of sex offenders.

“Further, we believe the Constitution should be amended to allow public access to records of sex offenders. This is frequently referred to as Megan’s Law. This would make it easier for parents to obtain information that identifies sexual offenders in their neighborhoods.

“Few people are aware that police officers lack the authority to enforce trespassing laws in public housing projects. Current laws treat these housing projects as private property, making it difficult for police to remove disruptive individuals from those projects housing the poor and elderly, and we want this law changed.

“There is broad, bipartisan support for these common-sense proposals to make our communities safer. Let us work together to ensure that these bills are enacted into law this session. The safety and security of our communities depend on it.

“Beyond basic safety, we want this to be a time of achieving a healthier Hawaii. We are blessed to be one of the healthiest states in the nation. We breathe clean air, suffer minimal industrial pollution, enjoy the kind of year-round weather that encourages healthy lifestyles, and benefit from modern, top-quality medical facilities.

“Hawaii continues to be a leader in providing health coverage for its citizens, but there are significant gaps in coverage for too many children and adults. The Prepaid Health Care Act provides health insurance coverage for those who are employed 20-hours or more per week. However, approximately 10 percent of Hawaii’s population remains uninsured. I ask for your support of both of our budget requests and legislative proposals to address the critical medical needs of our uninsured residents.

“First, we are proposing an additional \$2.7 million to provide a total of \$4.9 million dollars for primary care for uninsured residents at community health centers. This is a small investment that will yield big results.

“I visited five community clinics on four islands during the past year and found their boards and staffs to be committed to quality care for both the insured and uninsured in their neighborhoods. Their outreach efforts, combined with talented staff who make effective use of limited resources, are already providing quality health care to thousands of children and adults who otherwise would go without. These services also mean that fewer people end up in the emergency room because they couldn’t receive basic care on an ongoing basis.

“My Administration is also proposing an additional \$5 million in state funds to be matched with federal dollars so we can provide medical assistance to an additional 6,000 children who are currently eligible for Medicaid, but not enrolled due to cultural or other barriers. These funds will also be utilized to enroll 1,000 additional very low-income adults who have been shut out of the program due to enrollment caps.

“We are also proposing to spend an additional \$18.5 million for mental health services across the state. After decades of neglecting the mental health needs of Hawaii’s families, we must be bold in our attempt to deal with this difficult and heart-wrenching problem. This funding would allow our Community Mental Health Centers as well as the Hawaii State Hospital to handle more patients, and would help those homeless people suffering from mental illness.

“Besides spending additional State and federal funds, there are several other measures we will propose to help decrease costs and extend health insurance coverage. We are recommending again, as we did in 2003, that the Legislature eliminate the premium tax on new companies that would like to sell medical insurance to Hawaii residents. This would increase competition by leveling the playing field and thus lower health insurance costs.

“We are also proposing that you pass a law enabling members of business associations to join together in negotiating affordable group health insurance rates to cover their employees.

“Everyone knows that the cost of prescription drugs is a big part of the price of health care. To increase the availability of

lower-cost generic drugs, we are proposing legislation to improve procedures of the Drug Product Selection Boards.

“We also recommend that you amend the prescription drug program enacted last year, known as Hawaii Rx, to ensure that it targets those residents who can least afford to purchase their medications. In particular this program should focus on families who meet the federal poverty guidelines and who are not eligible for Medicaid or an employer-provided health plan.

“To address the important issue of long-term care, we are recommending three initiatives.

“First, I urge you to join me this year in supporting state tax credits for those families and individuals who take responsibility for their own long-term care by purchasing insurance.

“Secondly, for those already living in long-term care facilities, we are requesting over \$3 million in State and federal funds to expand options for the elderly and disabled to use more home- and community-based nursing care. These funds would be augmented by nearly \$860,000 for in-home chore services, allowing more people to remain longer in their own homes.

“Taken together, these proposals will not by themselves provide complete medical care for all our residents; but each proposal will mean meaningful progress toward our mutual goal of all residents having access to affordable, quality health care, while allowing us to live within our financial means.

“The expression ‘an ounce of prevention is worth a pound of cure’ reminds us that often it is our own actions that have the biggest impact on our health. The simple, common sense choices to avoid tobacco, excessive alcohol and harmful drugs, eat sensibly, exercise and to get enough sleep will determine our quality of life to a large degree. Each of us can help lower our health care costs by making good lifestyle decisions.

“A healthy environment is also essential to the well being of our State. Hawaii is blessed with a unique abundance of natural resources and beauty. These gifts require thoughtful stewardship. Too often attempts at stewardship have been reactive rather than proactive. That is why this Administration is pledging to spend \$20 million over the next four years to tackle the challenge of invasive species. This program will be unprecedented in scope and scale. A lack of preventive action against invasive species has resulted in disastrous ecological consequences. The danger of continued inaction cannot be overemphasized.

“No one who viewed Lake Wilson early last year before our massive clean up will ever doubt the destruction an invasive species can wreak on our environment. The \$5 million annually we are proposing will support Hawaii’s Invasive Species Council in its efforts to eradicate existing problems and prevent new species from arriving on our shores.

“It is important to note that this money will be doubled by matching funds from the federal government as well as private sources. This means approximately \$40 million will be spent over the next four years to tackle this problem.

“Coupled with the invasive species initiative, it is important to remain vigilant in addressing man-made contaminants. That is why our Administration is proposing legislation to make illegal dumping of solid waste a felony. We will also encourage private landowners to work cooperatively with the State Department of Health to clean up contaminated properties.

“As an island state with an economy based to a significant extent on tourism, the environment remains a critical part of our economic well-being. Yet, here too, the past practice has been one of reaction rather than positive action.

“For too many years, State parks and marine facilities have been poorly maintained and allowed to fall into disrepair. Therefore, we are proposing a \$14-million bond to improve State parks. Our 69 parks and recreational areas accommodate more than 15 million visits a year. The funds we are requesting would be the first installment of a multi-year program to bring our parks up to the level our citizens deserve and our visitors expect.

“We are also requesting \$10 million to renovate small boat harbors statewide. Safe access to our oceans and adequate, well-maintained harbors are part of both environmental stewardship and improved recreational opportunities.

“Preserving the environment also means making wise land use decisions. Twenty-five years ago the Hawaii State Constitution was amended to require that the State conserve and protect agricultural land. Over the years, a lack of consensus between various interest groups has stymied all attempts to pass legislation that would accomplish this important mandate. Now an opportunity exists to fulfill this mandate through the collaboration of the many.

“We are seeking legislation that would allow the counties to play a key role in identifying ‘Important Agricultural Lands,’ guided by criteria adopted by the Legislature, with final approval by the Land Use Commission. I look forward to working with the Legislature to fulfill this 25-year-old constitutional mandate.

“Hawaii is blessed with a diversity of natural energy sources. Conservation, waste-to-energy programs and alternative energy initiatives can reduce our dependence on fossil fuels and move our State to the forefront of progressive energy policies. To demonstrate the State’s commitment and leadership role, I ask you today to pass our bill that mandates 20 percent of all electricity sold in the year 2020 come from renewable sources. This ambitious goal would be mandated in steps through a balance of incentives and penalties.

“We are also proposing a bill to encourage the use of non-fossil fuels by exempting them from the Hawaii State fuel tax.

“The State’s ability to pay for such things as a fuel tax exemption, drug treatment programs, maintenance of State parks and small boat harbors, and health care for the poor depends on an expanding and sustainable economy. And a healthy economy means an increase in the standard of living for each and every person in Hawaii. It means better-paying jobs and the chance for thousands of our sons and daughters to come home.

“The good news is our economy is starting to rebound after years of stagnation. The latest statistics indicate strong job growth, increased personal income and record low bankruptcies. And although forces beyond our control can dramatically impact the economy at times, a sustainable, vibrant economy is neither the result of wishful thinking nor chance. It is the result of eliminating obstacles to business creation and job growth, encouraging the entrepreneurial spirit in our citizens, investing in both existing and emerging industries, and fostering the attitude that labor, government and business can work cooperatively for their mutual benefit.

“One negative effect of our expanding economy and prosperous real estate market is the serious lack of affordable

rentals in low-income categories. To address the need for affordable rental housing, I am calling upon the Legislature to increase by \$100 million the borrowing authority of the Housing and Community Development Corporation of Hawaii. This will provide money to finance construction and rehabilitation of more housing units across the state. I will also call upon the private development community to use its expertise to help us address a projected shortfall of 30,000 housing units in the low-income category.

"The first step the Legislature can take to improve the standard of living for our citizens who need it most, is providing tax relief for our lowest wage earning families.

"I am again proposing to you legislation to raise the standard deduction over the next three years to equal 50 percent of the federal standard deduction. Hawaii's standard deduction has not been adjusted in 20 years. When this simple change is fully phased in, more than 19,000 low-income wage earners will be relieved of any income tax burden. This is more than a tax issue. It is a matter of social justice.

"We are also proposing to exempt from State income taxes the military pay of our citizens in uniform fighting in hostile combat zones. This exemption would apply to the Hawaii National Guard and to reserve forces of the Army, Navy, Air Force, Coast Guard and Marines. I urge the Legislature to join me in showing our citizen soldiers and their families how much they are appreciated by passing this piece of legislation – and passing it quickly.

"Joining us in the Chamber today are members of all branches of the military. Please join me in a round of applause for their service to our State and to our country.

"I also would like each of us to offer a special silent prayer at this time for those soldiers who have been deployed to Iraq and to Afghanistan."

At this time, the Members of the Senate and the House of Representatives, guests and the audience rose for a moment of silence.

The Governor continued as follows:

"Thank you very much. I know your prayers mean a lot to each of them and to their families.

"For us to continue our efforts in building a business-friendly climate in Hawaii, we are requesting legislation to allow the Department of Commerce and Consumer Affairs to lower business registration fees and adjust other fees as warranted so this department itself runs like a business. These cuts, along with others made in the department, would save businesses roughly \$6 million by June of 2005.

"Also, we want to eliminate the current charge businesses must pay to receive something called a 'Certificate of Good Standing.' When companies comply with our laws, they shouldn't have to pay the government to acknowledge that fact. The business community should be our partner in economic development, not a profit center for government bureaucracy.

"We will pursue several insurance-related reforms this session aimed at bringing down the cost of living and the cost of doing business. We are proposing improvements in the workers' compensation system because the cost of this insurance is a substantial business expense that restricts job growth, and because we believe the system can work better. Our proposed reforms include: fighting fraud by giving the Insurance Commissioner the authority to investigate workers'

compensation fraud the same way he is currently able to investigate automobile insurance fraud.

"We want to give residential building contractors the opportunity to lower their insurance costs through legislation permitting them to repair defects before litigation is filed. This will help hold down escalating housing costs.

"We also want to build on Hawaii's strong reputation in the captive insurance field by making our State a port of entry for foreign insurance companies that would like to do business in the United States. When more foreign as well as domestic insurance companies choose Hawaii as their headquarters, it enhances our State's reputation as a good place to do business.

"Besides these insurance reforms, we ask you to work with us in providing improved investment tools to encourage technology industries, as well as non-tech businesses, we want them to locate and stay in our State.

"The programs we are proposing would encourage investments through professional venture capital managers and offer incentives for investment in University of Hawaii-based research. The objective would be to help not only start-up firms, but also more mature companies that are ready to launch a product or service.

"For the tourism industry, all indications point to 2004 being a better year. Visitor counts are up, additional airline flights are scheduled, hotel occupancy rates are higher, and the cruise ship industry will be adding ships and ports of call.

"To respond to this increased demand as well as new security requirements, my administration has requested approval to spend federal funds for improving the airports in Honolulu and Kahului. We are also asking the Legislature to support funding to upgrade our harbors to accommodate additional cruise ship passengers. And we have requested \$2 million for renovations and maintenance at the Hawaii Convention Center to preserve the investment we have made in this important facility and to forestall costly repairs in future years.

"Fair tax policies, eliminating obstacles to job growth, encouraging entrepreneurs and diversification, building necessary infrastructure, and fostering business/labor/government collaboration all can create economic expansion. But only a quality public school system can sustain that expansion in the years ahead.

"Quality education is the most valuable gift one generation can give to the next. Every culture values education because it is the key to success, not only for individuals and families but for society as a whole. That is why I have made education my number one priority.

"Education gives us the tools we need to reach our full potential as individuals. Education imparts the knowledge we need to pursue a career and earn a good living. Education enables us to understand and participate in our great American democracy and appreciate the cultures and systems in other countries. And a quality education system provides both the entrepreneurs and workers needed to build new businesses and create jobs that will sustain our economy and a high standard of living for years to come.

"While my major focus will be on K-12 education, I, like all of you, am fully aware of the role the University of Hawaii plays in our economic and social life. My supplemental budget includes major commitments for the new medical school and library, the innovative Academy for Creative Media, previously called the UH Film School, and for the construction-related

apprenticeship programs offered through the community colleges.

“In addition, I have asked for an additional \$25 million for repair and maintenance of buildings throughout the UH system. Again, it is important that we protect the investment taxpayers have already made in the university.

“In order for Hawaii’s people to gain admission to UH or another college or university here at home or on the Mainland, we must have a public school system that properly prepares students to compete. Everyone agrees that students have a better chance of excelling in a subject if their teacher is highly qualified. My budget requests \$480,000 to pay teachers \$5,000 more per year when they achieve certification through the National Board for Professional Teaching Standards.

“Hawaii’s school facilities have suffered from years of neglect, despite citizen-led efforts to improve them. Leaking roofs, falling walkways, inoperable restrooms and faulty fire alarm systems are a few examples. That is why I am asking the Legislature for \$90 million to fund basic repairs and maintenance at campuses around the State. We need this \$90 million in order to keep pace with the ever-growing list of repair and maintenance requests from elementary, middle and high schools on all islands.

“Emotions are running high about how best to raise student achievement and reform our education system. Let’s lower the volume and look at the facts. The problem is not with our students. They are capable of excellence. The problem is not with our teachers. They are among the most committed in the nation. The problem is not money. Hawaii allocates \$1.9 billion a year supporting our public school system, ranking us 14th in the nation. That figure represents one-half of the general fund budget. And over the last 30 years, the Department of Education has hired 96 percent more people while student enrollment has remained level at about 180,000 students.

“So, what is the problem? Why don’t our children do better? After reviewing past reports, consulting experts, and listening to people across the State, we have concluded that our school system is structured in a way that just doesn’t work for the children. It didn’t work last year or five years ago or ten years ago. And, although you have made attempts to fix it in the past, it still doesn’t work as evidenced by both state and national test scores.

“These reports have been published on Hawaii’s public school system. All point to the same problem – the way decisions get made.

“The Department of Education decides how all resources are spent, resulting in only 50 cents of each dollar reaching the schools. The centralized Department of Education is too far removed from the schools to see and respond to actual teacher and student needs.

“Last September I appointed 25 people to a committee to help me prepare education reform recommendations. The committee is called CARE, Citizens Achieving Reform in Education, and is made up of traditional and charter school principals, teachers, business leaders, a former DOE official, a teacher’s union official, a member of the State Board of Education and parents.

“CARE conducted a series of community meetings across the State. Committee members and expert consultants examined prior reports on our educational system. CARE concluded that the structure of public education in Hawaii is ineffective.

“It is important to note that we are the only state in the nation where all decisions are made by a single, statewide board of education. And, as you know, test scores have consistently ranked our students at or near the bottom of the nation.

“These facts, coupled with past failures to fix the system, point to the obvious conclusion that it is time to stop tinkering and instead restructure our school system.

“It is important to remember that in 2002 both the House and Senate voted to place a constitutional amendment on the ballot to create local school boards. Unfortunately, this proposed amendment never made it onto the ballot. I call upon every legislator to again enthusiastically support placing a constitutional amendment on November’s ballot to allow the voters of Hawaii to decide if they want to establish local school boards or if they want to allow the current failing system to continue.

“Along with local control, our education reforms call for putting more money into the classroom. This can be done through a weighted student formula assigning a specific amount of money to each student based on his or her specific education needs. My education bill mandates that 90 percent of operating funds would go directly to the schools instead of being swallowed up by a vast bureaucracy.

“The third component of our education reform package is empowering principals to function as true leaders. Principals would be expected to maintain the confidence of teachers, parents and staff and be held accountable for student success – much as the CEO of a company is held accountable for the success of their company.

“Fourth, we are proposing legislation to establish a Statewide Education Standards and Accountability Commission as many other states have. This commission would be tasked with maintaining rigorous standards and fairly allocating funds to all schools in the State. Members would be appointed by the Legislature and confirmed by the governor.

“Under our fifth proposal, public charter schools would finally receive fair and adequate funding, both for operations and facilities. And the cap on new start-up charter schools would be lifted.

“Our final initiative is to ensure students, teachers and staff have safe schools. We are proposing increased funding for additional security attendants. I am also asking the Legislature to give teachers more authority to remove disruptive students from their classrooms.

“My goal is to begin implementing these initiatives by the fall of 2005, with final transition occurring by the fall of 2006.

“Some have suggested that our school reform plan is moving too fast. Thirty years of studies and reports and increased spending and minor adjustments to the system prove otherwise. I believe the people of Hawaii have waited too long for the schools to improve. Now is the time to move forward with great determination because each year of further delay means thousands more students will lack the basic education they need to succeed in life.

“The good news is, we have universal consensus that improved student achievement and education reform is the most critical issue for this legislative session. However, some question the value of breaking up the statewide Department of Education into separate districts governed by locally elected school boards. They say this approach would not be effective

and would only add to the bureaucracy. Those claims are simply not true.

“National studies consistently find that smaller school districts perform better than larger ones. In a small district, decision-making is simpler, faster, and more in tune with the community.

“The problem of a single statewide board of education is highlighted by the experience of Lahianaluna High School on Maui. The school wanted to change the date of its graduation ceremony by a couple of days. The State Department of Education said, no.

“It was only after a protracted community outcry, including a major letter writing and telephone campaign, as well as stories and editorials in the local newspaper, including trips from Maui to fly to Honolulu to attend Board of Education meetings, that the statewide Board of Education acquiesced to the desires of the students, parents, teachers, principals, administrators and the community of Lahaina.

“With local autonomy and a local community school board, the decision to change graduation day could have been made in a day. This example clearly illustrates why local boards should be voted on in November.

“‘Let the people decide’ is my way of summarizing the public’s role in this issue. But only you can make it happen by approving a constitutional amendment on this crucial local school board issue.

“This is not about politics or my idea versus your idea; this is about the kids! Involving voters in this issue will show respect for the people of Hawaii. It is the kind of respect we show for our neighbors, our friends and our *o’hana*. It is the kind of respect that makes Hawaii such a special place.

“It is easy to dismiss the often-used phrase . . . ‘Hawaii is a special place’ as a tourism or election slogan. Yet each of us has experienced firsthand the profound distinction this phrase represents. It is seen in the unspoken salute of a *shaka* when someone allows you to merge into gridlock traffic. It is transmitted in the hug we give a stranger when we drape them with a lei and welcome them to our islands. It is heard in the voice of an elderly man at the back of a crowded elevator ‘C’mon in . . . this is Hawaii. There is always room for one more.’

“And it is felt when you look out of the airplane window at the shimmering turquoise water after a dreary Mainland trip . . . and you know that you are home. You have returned home to a place that truly is special because we naturally treat each other with generosity, respect and trust.

“The people of Hawaii have placed their trust in us, their elected leaders. Don’t squander that trust. Let the people be a part of their own government and participate in making this and other important decisions that will affect the lives of their families for years to come.

“I don’t believe people in other states are as quick to place their trust in elected officials. The people of Hawaii are a kind, trusting and forgiving people who have too often been let down. Our residents are feeling good about the future for the first time in a long while. It is now up to us to match their hope and enthusiasm with courageous actions that will both solve current problems and position our State to take advantage of future opportunities.

“Let us remember that this legislative session is not about us; it is about the people of Hawaii and the trust they have placed in us. We have been given the privilege and responsibility of leadership during a critical time for our state, our nation and our world. When history judges our actions, let us not be seen as quarreling and ineffective politicians who were primarily motivated by self-interest and the interests of our parties. Let us instead be remembered as good statesmen who rose above the sound and fury to better serve all the people of Hawaii.

“Politicians all too often think about the next election. Statesmen think about the next generation. Years from now when you reminisce about this time with your children and grandchildren, be able to tell them that it was a unique period in our State’s history. It was a time when Republicans and Democrats together took the bold steps to improve our schools, sustain a vibrant economy and make our communities safe. It was a time when a bunch of politicians became a group of statesmen, and when the people of Hawaii were proud of what we had accomplished.

“I truly believe the brightest days lie ahead for the Great State of Hawaii. By working together for Hawaii’s future we can turn that shining promise into a reality. Mahalo to you all.”

Senate President Robert Bunda then rose and stated:

“Governor Lingle, ladies and gentlemen – the members of the Senate and House of Representatives join me in extending our mahalo to you, Governor Lingle, for sharing your ideas.

“Governor, you may be assured that we will take your ideas to heart. We will approach your legislative proposals and those of our colleagues in the spirit of cooperation, openness and compromise. We as elected officials should stand on common ground when we stand for legislation that serves the greater good of all the people of Hawaii. Mahalo.

“This Joint Session between the House and the Senate is now adjourned.”

At 11:20 o’clock a.m., President Bunda declared the Joint Session adjourned.

INTRODUCTION OF SENATE BILLS

On motion by Senator Kawamoto, seconded by Senator Hogue and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 6:00 o’clock p.m. In consequence thereof, the following bills were introduced and placed on the calendar for further action on Wednesday, January 28, 2004:

Senate Bill

No. 2679 “A BILL FOR AN ACT RELATING TO NOISE.”

Introduced by: Senators Trimble, Fukunaga, Chun Oakland, Espero, Kim, Menor, Taniguchi, Hanabusa, Hogue, Slom, Bunda, Hemmings, Ihara.

No. 2680 “A BILL FOR AN ACT RELATING TO SALARY PERIODS.”

Introduced by: Senators Trimble, Slom, Hemmings, Chun Oakland, Aduja, Espero, Kim, Menor, Taniguchi, Hanabusa, Tsutsui, Hogue, Fukunaga, Inouye, Baker, Kokubun, Bunda, Ige.

No. 2681 "A BILL FOR AN ACT RELATING TO TEACHERS."

Introduced by: Senator Hooser.

No. 2682 "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY."

Introduced by: Senators Hooser, English, Chun Oakland, Aduja, Kanno, Menor, Ige, Baker, Kim, Sakamoto, Fukunaga, Ihara, Tsutsui, Inouye, Taniguchi.

No. 2683 "A BILL FOR AN ACT RELATING TO PRIMARY HEALTH CARE."

Introduced by: Senators Hooser, English, Aduja, Chun Oakland, Tsutsui, Taniguchi, Ige, Kim, Espero, Inouye, Kawamoto, Baker.

No. 2684 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

Introduced by: Senators Hooser, English, Tsutsui, Sakamoto, Aduja, Trimble, Espero, Kawamoto, Inouye, Chun Oakland, Baker, Kim, Ige, Taniguchi.

No. 2685 "A BILL FOR AN ACT RELATING TO VICE PRINCIPALS."

Introduced by: Senators Hooser, English, Tsutsui, Sakamoto, Aduja, Trimble, Espero, Kawamoto, Taniguchi, Inouye, Chun Oakland, Baker, Ige.

No. 2686 "A BILL FOR AN ACT RELATING TO TECHNOLOGY."

Introduced by: Senators Baker, Fukunaga, Tsutsui, Chun Oakland, Ige, Hooser, Ihara.

No. 2687 "A BILL FOR AN ACT RELATING TO SMALL BUSINESSES."

Introduced by: Senators Baker, Fukunaga, Hooser, Tsutsui, Sakamoto, Ige, Ihara.

No. 2688 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senators Baker, Hooser.

No. 2689 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Baker, Tsutsui, English.

No. 2690 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

Introduced by: Senators Baker, English, Tsutsui, Kokubun, Hooser.

No. 2691 "A BILL FOR AN ACT RELATING TO THE VEHICLE."

Introduced by: Senators Menor, Kawamoto.

No. 2692 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 22ND SENATORIAL DISTRICT."

Introduced by: Senator Bunda.

No. 2693 "A BILL FOR AN ACT RELATING TO FLOODS."

Introduced by: Senator Bunda.

No. 2694 "A BILL FOR AN ACT RELATING TO LIBRARIES."

Introduced by: Senators Kokubun, Inouye, Kanno, Baker, Hooser.

No. 2695 "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS."

Introduced by: Senators Kokubun, Kanno, Kim, Inouye, Kawamoto, Baker, Hooser.

No. 2696 "A BILL FOR AN ACT RELATING TO HARBORS."

Introduced by: Senators Kokubun, English, Tsutsui, Aduja, Taniguchi, Kanno, Inouye, Baker, Hooser.

No. 2697 "A BILL FOR AN ACT RELATING TO COMPANION PETS."

Introduced by: Senator Taniguchi, by request.

No. 2698 "A BILL FOR AN ACT RELATING TO STATE PARKS."

Introduced by: Senator Taniguchi.

No. 2699 "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT ANIMALS."

Introduced by: Senators Aduja, Slom, Hemmings, Fukunaga, Ige, Inouye, Kawamoto, Kokubun, Sakamoto.

No. 2700 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HIGHWAY TRANSPORTATION STUDY."

Introduced by: Senators Aduja, Slom, Hemmings, Ige, Inouye.

No. 2701 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PERMANENT ADMINISTRATIVE BUILDINGS, WORKING CAFETERIAS, AND LIBRARIES FOR ALL PRIMARY AND SECONDARY PUBLIC SCHOOLS."

Introduced by: Senators Aduja, Baker, Fukunaga, Ige, Inouye, Kawamoto.

No. 2702 "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX."

Introduced by: Senators Kokubun, English, Kanno, Hooser, Taniguchi, Kawamoto, Tsutsui, Inouye, Baker.

No. 2703 "A BILL FOR AN ACT RELATING TO COMMERCIAL ELECTRONIC MAIL."

Introduced by: Senators Espero, English, Tsutsui, Kim, Aduja, Kanno, Fukunaga, Hemmings, Taniguchi.

No. 2704 "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES."

Introduced by: Senators Espero, Aduja, Kanno, Trimble, Tsutsui, Hemmings, English, Fukunaga.

No. 2705 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senator Tsutsui, by request.

No. 2706 "A BILL FOR AN ACT GARNISHMENT ORDERS; EMPLOYER REIMBURSEMENT."

Introduced by: Senators Slom, Hogue, Hemmings, Kim, Chun Oakland.

No. 2707 "A BILL FOR AN ACT RELATING TO PERSONAL INCOME TAX."

Introduced by: Senators Slom, Hogue, Hemmings, Kim.

No. 2708 "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE."

Introduced by: Senators Kim, Tsutsui, Espero, Kawamoto, English, Trimble, Kokubun, Slom, Hanabusa.

No. 2709 "A BILL FOR AN ACT RELATING TO HOME INVASION."

Introduced by: Senators Kim, Espero, Kawamoto, Chun Oakland, English, Tsutsui, Kokubun, Slom, Taniguchi.

No. 2710 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE FOURTEENTH SENATORIAL DISTRICT."

Introduced by: Senator Kim.

No. 2711 "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY."

Introduced by: Senator Kim.

No. 2712 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO NA LEI WILI AREA HEALTH EDUCATION CENTER'S 'GROW OUR OWN HEALERS' PROGRAM."

Introduced by: Senators Kim, Hooser, Baker, Inouye, Tsutsui, Kokubun, Ige, Espero, Aduja, Taniguchi, Bunda, Chun Oakland.

No. 2713 "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING RESIDENTS."

Introduced by: Senator Chun Oakland.

No. 2714 "A BILL FOR AN ACT RELATING TO DRUGS AND INTOXICATING COMPOUNDS."

Introduced by: Senator Chun Oakland.

No. 2715 "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE."

Introduced by: Senator Chun Oakland.

No. 2716 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Chun Oakland.

No. 2717 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Chun Oakland.

No. 2718 "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE LEGISLATIVE SERVICE AGENCIES."

Introduced by: Senator Bunda, by request.

No. 2719 "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE OFFICE OF THE AUDITOR."

Introduced by: Senator Bunda, by request.

No. 2720 "A BILL FOR AN ACT RELATING TO TORT LIABILITY."

Introduced by: Senator Bunda, by request.

No. 2721 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

Introduced by: Senator Bunda, by request.

No. 2722 "A BILL FOR AN ACT RELATING TO EMPLOYMENT RECORDS."

Introduced by: Senator Bunda, by request.

No. 2723 "A BILL FOR AN ACT RELATING TO SHORTAGE CATEGORIES."

Introduced by: Senator Bunda, by request.

No. 2724 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING."

Introduced by: Senator Bunda, by request.

No. 2725 "A BILL FOR AN ACT RELATING TO UNADJUDICATED FINES."

Introduced by: Senator Bunda, by request.

No. 2726 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Senator Bunda, by request.

No. 2727 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Bunda, by request.

No. 2728 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING PROJECTS."

Introduced by: Senator Bunda, by request.

No. 2729 "A BILL FOR AN ACT RELATING TO COUNTY TAXES."

Introduced by: Senator Bunda, by request.

No. 2730 "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY."

Introduced by: Senator Bunda, by request.

No. 2731 "A BILL FOR AN ACT RELATING TO THE AUDITOR."

Introduced by: Senator Bunda, by request.

No. 2732 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Senator Bunda, by request.

No. 2733 "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS."

Introduced by: Senator Bunda, by request.

No. 2734 "A BILL FOR AN ACT RELATING TO INTERSTATE ADULT OFFENDER SUPERVISION."

Introduced by: Senator Bunda, by request.

No. 2735 "A BILL FOR AN ACT RELATING TO FEES FOR ADMINISTRATIVE COSTS IN TRAFFIC CASES."

Introduced by: Senator Bunda, by request.

No. 2736 "A BILL FOR AN ACT RELATING TO COLLECTIONS ON DELINQUENT COURT-ORDERED PAYMENTS."

Introduced by: Senator Bunda, by request.

No. 2737 "A BILL FOR AN ACT RELATING TO THE USE OF CREDIT AND DEBIT CARDS."

Introduced by: Senator Bunda, by request.

No. 2738 "A BILL FOR AN ACT RELATING TO GUARDIANSHIP AND PROTECTIVE PROCEEDINGS."

Introduced by: Senator Bunda, by request.

No. 2739 "A BILL FOR AN ACT RELATING TO DISQUALIFICATION OF JUDGES."

Introduced by: Senator Bunda, by request.

No. 2740 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Senator Bunda, by request.

No. 2741 "A BILL FOR AN ACT RELATING TO APPELLATE COURT COSTS."

Introduced by: Senator Bunda, by request.

No. 2742 "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION."

Introduced by: Senator Bunda, by request.

No. 2743 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Senator Bunda, by request.

No. 2744 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Senator Bunda, by request.

No. 2745 "A BILL FOR AN ACT RELATING TO CHAPTER 291E, HAWAII REVISED STATUTES."

Introduced by: Senator Bunda, by request.

No. 2746 "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT."

Introduced by: Senator Bunda, by request.

No. 2747 "A BILL FOR AN ACT RELATING TO CHAPTER 291E."

Introduced by: Senator Bunda, by request.

No. 2748 "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS."

Introduced by: Senator Bunda, by request.

No. 2749 "A BILL FOR AN ACT RELATING TO SPEEDING."

Introduced by: Senator Bunda, by request.

No. 2750 "A BILL FOR AN ACT RELATING TO CHAPTER 707, HAWAII REVISED STATUTES."

Introduced by: Senator Bunda, by request.

No. 2751 "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT."

Introduced by: Senator Bunda, by request.

No. 2752 "A BILL FOR AN ACT RELATING TO PROMOTION OF CONTROLLED SUBSTANCES."

Introduced by: Senator Bunda, by request.

No. 2753 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES."

Introduced by: Senator Bunda, by request.

No. 2754 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Bunda, by request.

No. 2755 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Bunda, by request.

No. 2756 "A BILL FOR AN ACT RELATING TO THE ELECTION OF THE STATE BOARD OF EDUCATION."

Introduced by: Senator Bunda, by request.

No. 2757 "A BILL FOR AN ACT RELATING TO EDUCATION."

- Introduced by: Senator Bunda, by request.
- No. 2758 "A BILL FOR AN ACT RELATING TO CEDED LANDS."
- Introduced by: Senator Bunda, by request.
- No. 2759 "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXES ON KULEANA LAND."
- Introduced by: Senator Bunda, by request.
- No. 2760 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS."
- Introduced by: Senator Bunda, by request.
- No. 2761 "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT ANIMALS."
- Introduced by: Senator Bunda, by request.
- No. 2762 "A BILL FOR AN ACT RELATING TO MISUSE OF 911."
- Introduced by: Senator Bunda, by request.
- No. 2763 "A BILL FOR AN ACT RELATING TO JUDICIAL SALARIES."
- Introduced by: Senator Bunda, by request.
- No. 2764 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE."
- Introduced by: Senator Bunda, by request.
- No. 2765 "A BILL FOR AN ACT RELATING TO CAMPAIGN SOLICITATIONS IN STATE OFFICES OR BUILDINGS."
- Introduced by: Senator Bunda, by request.
- No. 2766 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING."
- Introduced by: Senator Bunda, by request.
- No. 2767 "A BILL FOR AN ACT RELATING TO UNADJUDICATED FINES."
- Introduced by: Senator Bunda, by request.
- No. 2768 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- Introduced by: Senator Bunda, by request.
- No. 2769 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
- Introduced by: Senator Bunda, by request.
- No. 2770 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING PROJECTS."
- Introduced by: Senator Bunda, by request.
- No. 2771 "A BILL FOR AN ACT RELATING TO COUNTY TAXES."
- Introduced by: Senator Bunda, by request.
- No. 2772 "A BILL FOR AN ACT RELATING TO THE IMPOUNDMENT OF VEHICLES."
- Introduced by: Senator Bunda, by request.
- No. 2773 "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS."
- Introduced by: Senator Bunda, by request.
- No. 2774 "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS."
- Introduced by: Senator Bunda, by request.
- No. 2775 "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS."
- Introduced by: Senator Bunda, by request.
- No. 2776 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- Introduced by: Senator Bunda, by request.
- No. 2777 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LICENSE PLATES."
- Introduced by: Senator Kawamoto.
- No. 2778 "A BILL FOR AN ACT RELATING TO ILLEGAL DRUGS."
- Introduced by: Senator Kawamoto.
- No. 2779 "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES."
- Introduced by: Senator Kawamoto.
- No. 2780 "A BILL FOR AN ACT RELATING TO FIRE FIGHTER LIABILITY."
- Introduced by: Senator Kawamoto.
- No. 2781 "A BILL FOR AN ACT RELATING TO MISUSE OF 911."
- Introduced by: Senators Kawamoto, by request, Aduja.
- No. 2782 "A BILL FOR AN ACT RELATING TO THE FUNDING OF A HABITAT CONSERVATION PLAN."
- Introduced by: Senators Inouye, Aduja, English, Espero.
- No. 2783 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE THE TELECOMMUNICATIONS SYSTEM OF THE HAWAII COUNTY POLICE DEPARTMENT."
- Introduced by: Senators Inouye, Kokubun.
- No. 2784 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PAAUILO RENDERING PLANT, HAMAKUA, BIG ISLAND."
- Introduced by: Senators Inouye, Aduja, Espero.

No. 2785 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HONOMALINO IRRIGATION SYSTEM IN THE BIG ISLAND."

Introduced by: Senators Inouye, Aduja, Espero.

No. 2786 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senators Inouye, Kokubun.

No. 2787 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSIST MAUI COUNTY ON INDIGENOUS HAWAIIAN ARCHITECTURE."

Introduced by: Senators Tsutsui, English, Inouye.

No. 2788 "A BILL FOR AN ACT RELATING TO TAX."

Introduced by: Senators Tsutsui, English, Baker, Sakamoto, Inouye.

No. 2789 "A BILL FOR AN ACT RELATING TO TEACHER SALARIES."

Introduced by: Senators Tsutsui, English.

No. 2790 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL."

Introduced by: Senators English, Kokubun, Hemmings, Slom, Aduja, Tsutsui, Inouye.

No. 2791 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC."

Introduced by: Senators English, Kokubun, Hemmings, Slom, Aduja, Tsutsui, Inouye.

No. 2792 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR MOLOKAI GENERAL HOSPITAL."

Introduced by: Senators English, Tsutsui, Baker, Kokubun, Slom, Aduja, Inouye.

No. 2793 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators English, Tsutsui, Kokubun, Slom, Aduja, Baker, Inouye.

No. 2794 "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE."

Introduced by: Senators English, Kokubun, Hemmings, Aduja, Tsutsui, Baker, Inouye.

No. 2795 "A BILL FOR AN ACT RELATING TO THE HAWAII FILM ENHANCEMENT REBATE PROGRAM."

Introduced by: Senators Aduja, Espero, Baker, Hooser, Tsutsui, English, Fukunaga, Inouye.

No. 2796 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CONVERSION OF CESSPOOLS AT ALL PUBLIC SCHOOLS AND STATE AND COUNTY PARKS TO SEPTIC TANKS BY 2005."

Introduced by: Senators Aduja, Espero, Baker, Hooser, Inouye, Chun Oakland.

No. 2797 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Senator Menor.

No. 2798 "A BILL FOR AN ACT RELATING TO TORT."

Introduced by: Senator Menor, by request.

No. 2799 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

Introduced by: Senators Tsutsui, English, Baker.

No. 2800 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTEENTH AND TWENTY-SECOND SENATORIAL DISTRICTS."

Introduced by: Senators Menor, Bunda.

No. 2801 "A BILL FOR AN ACT RELATING TO FAIRNESS IN COLLECTIVE BARGAINING."

Introduced by: Senator Bunda, by request.

No. 2802 "A BILL FOR AN ACT RELATING TO FAIRNESS IN COLLECTIVE BARGAINING FOR EMPLOYEES IN LAW ENFORCEMENT, HEALTH, AND SAFETY CLASSIFICATIONS."

Introduced by: Senator Bunda, by request.

No. 2803 "A BILL FOR AN ACT RELATING TO BINDING ARBITRATION."

Introduced by: Senator Bunda, by request.

No. 2804 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Bunda, by request.

No. 2805 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Bunda, by request.

No. 2806 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO PUBLIC EDUCATION."

Introduced by: Senator Bunda, by request.

No. 2807 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Bunda, by request.

No. 2808 "A BILL FOR AN ACT RELATING TO PUBLIC RECORDS."

Introduced by: Senator Bunda, by request.

No. 2809 "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS."

- Introduced by: Senator Bunda, by request.
- No. 2810 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."
- Introduced by: Senator Bunda, by request.
- No. 2811 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS."
- Introduced by: Senator Bunda, by request.
- No. 2812 "A BILL FOR AN ACT RELATING TO NAME CHANGES."
- Introduced by: Senator Bunda, by request.
- No. 2813 "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF LEASES AND UTILITY AND ACCESS EASEMENTS."
- Introduced by: Senator Bunda, by request.
- No. 2814 "A BILL FOR AN ACT RELATING TO LAND USE."
- Introduced by: Senator Bunda, by request.
- No. 2815 "A BILL FOR AN ACT RELATING TO MILK CONTROL."
- Introduced by: Senator Bunda, by request.
- No. 2816 "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION."
- Introduced by: Senator Bunda, by request.
- No. 2817 "A BILL FOR AN ACT RELATING TO MICROORGANISM IMPORT."
- Introduced by: Senator Bunda, by request.
- No. 2818 "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES."
- Introduced by: Senator Bunda, by request.
- No. 2819 "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER USES."
- Introduced by: Senator Bunda, by request.
- No. 2820 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS."
- Introduced by: Senator Bunda, by request.
- No. 2821 "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM."
- Introduced by: Senator Bunda, by request.
- No. 2822 "A BILL FOR AN ACT RELATING TO THE TRANSFER OF THE OFFICE OF ELECTIONS AND CAMPAIGN SPENDING COMMISSION TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES."
- Introduced by: Senator Bunda, by request.
- No. 2823 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
- Introduced by: Senator Bunda, by request.
- No. 2824 "A BILL FOR AN ACT RELATING TO PROCUREMENT"
- Introduced by: Senator Bunda, by request.
- No. 2825 "A BILL FOR AN ACT RELATING TO THE ELECTIONS APPOINTMENT AND REVIEW PANEL."
- Introduced by: Senator Bunda, by request.
- No. 2826 "A BILL FOR AN ACT RELATING TO PROCUREMENT"
- Introduced by: Senator Bunda, by request.
- No. 2827 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."
- Introduced by: Senator Bunda, by request.
- No. 2828 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING"
- Introduced by: Senator Bunda, by request.
- No. 2829 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO RISK MANAGEMENT."
- Introduced by: Senator Bunda, by request.
- No. 2830 "A BILL FOR AN ACT RELATING TO ELECTRONIC GOVERNMENT RECORDS."
- Introduced by: Senator Bunda, by request.
- No. 2831 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
- Introduced by: Senator Bunda, by request.
- No. 2832 "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS"
- Introduced by: Senator Bunda, by request.
- No. 2833 "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE"
- Introduced by: Senator Bunda, by request.
- No. 2834 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES."
- Introduced by: Senator Bunda, by request.
- No. 2835 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL."
- Introduced by: Senator Bunda, by request.
- No. 2836 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS."

Introduced by: Senator Bunda, by request.

No. 2837 "A BILL FOR AN ACT RELATING TO INTEREST."

Introduced by: Senator Bunda, by request.

No. 2838 "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS."

Introduced by: Senator Bunda, by request.

No. 2839 "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES."

Introduced by: Senator Bunda, by request.

No. 2840 "A BILL FOR AN ACT RELATING TO TOBACCO."

Introduced by: Senator Bunda, by request.

No. 2841 "A BILL FOR AN ACT RELATING TO TOBACCO."

Introduced by: Senator Bunda, by request.

No. 2842 "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES."

Introduced by: Senator Bunda, by request.

No. 2843 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII."

Introduced by: Senator Bunda, by request.

No. 2844 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Senator Bunda, by request.

No. 2845 "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE."

Introduced by: Senator Bunda, by request.

No. 2846 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 14, OF THE HAWAII CONSTITUTION."

Introduced by: Senator Bunda, by request.

No. 2847 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 5, OF THE HAWAII CONSTITUTION."

Introduced by: Senator Bunda, by request.

No. 2848 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION."

Introduced by: Senator Bunda, by request.

No. 2849 "A BILL FOR AN ACT RELATING TO CHAPTER 291E, HAWAII REVISED STATUTES."

Introduced by: Senator Bunda, by request.

No. 2850 "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL."

Introduced by: Senator Bunda, by request.

No. 2851 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII."

Introduced by: Senator Bunda, by request.

No. 2852 "A BILL FOR AN ACT RELATING TO EXAMINATION AFTER ARREST."

Introduced by: Senator Bunda, by request.

No. 2853 "A BILL FOR AN ACT RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS."

Introduced by: Senator Bunda, by request.

No. 2854 "A BILL FOR AN ACT RELATING TO TESTIMONY."

Introduced by: Senator Bunda, by request.

No. 2855 "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION."

Introduced by: Senator Bunda, by request.

No. 2856 "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT."

Introduced by: Senator Bunda, by request.

No. 2857 "A BILL FOR AN ACT RELATING TO TORT ACTIONS."

Introduced by: Senator Bunda, by request.

No. 2858 "A BILL FOR AN ACT RELATING TO TORT ACTIONS."

Introduced by: Senator Bunda, by request.

No. 2859 "A BILL FOR AN ACT RELATING TO JUVENILES."

Introduced by: Senator Bunda, by request.

No. 2860 "A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS RECORDS BY CHILD SUPPORT ENFORCEMENT AGENCIES."

Introduced by: Senator Bunda, by request.

No. 2861 "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE."

Introduced by: Senator Bunda, by request.

No. 2862 "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE."

Introduced by: Senator Bunda, by request.

No. 2863 "A BILL FOR AN ACT RELATING TO ENERGY CONVERSATION."

Introduced by: Senator Bunda, by request.

No. 2864 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY RESOURCES."

Introduced by: Senator Bunda, by request.

No. 2865 "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY AND PROTECTING CONFIDENTIALITY OF TRADE SECRETS."

Introduced by: Senator Bunda, by request.

No. 2866 "A BILL FOR AN ACT RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION."

Introduced by: Senator Bunda, by request.

No. 2867 "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM."

Introduced by: Senator Bunda, by request.

No. 2868 "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY."

Introduced by: Senator Bunda, by request.

No. 2869 "A BILL FOR AN ACT RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT."

Introduced by: Senator Bunda, by request.

No. 2870 "A BILL FOR AN ACT RELATING TO TAX CREDITS FOR FILM AND PERFORMING ARTS."

Introduced by: Senator Bunda, by request.

No. 2871 "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS."

Introduced by: Senator Bunda, by request.

No. 2872 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII STATE DISASTER REVOLVING LOAN FUND."

Introduced by: Senator Bunda, by request.

No. 2873 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Bunda, by request.

No. 2874 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF HAWAII."

Introduced by: Senator Bunda, by request.

No. 2875 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF HAWAII, RELATING TO BALANCED BUDGET REQUIREMENTS."

Introduced by: Senator Bunda, by request.

No. 2876 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Bunda, by request.

No. 2877 "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY."

Introduced by: Senator Bunda, by request.

No. 2878 "A BILL FOR AN ACT RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Bunda, by request.

No. 2879 "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Bunda, by request.

No. 2880 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."

Introduced by: Senator Bunda, by request.

No. 2881 "A BILL FOR AN ACT RELATING TO FEES."

Introduced by: Senator Bunda, by request.

No. 2882 "A BILL FOR AN ACT RELATING TO ALIEN INSURERS."

Introduced by: Senator Bunda, by request.

No. 2883 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Bunda, by request.

No. 2884 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Bunda, by request.

No. 2885 "A BILL FOR AN ACT RELATING TO THE RESOLUTION OF CONSTRUCTION DEFECT CLAIMS."

Introduced by: Senator Bunda, by request.

No. 2886 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Bunda, by request.

No. 2887 "A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT."

Introduced by: Senator Bunda, by request.

No. 2888 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Bunda, by request.

No. 2889 "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE."

Introduced by: Senator Bunda, by request.

No. 2890 "A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES ACT."

Introduced by: Senator Bunda, by request.

No. 2891 "A BILL FOR AN ACT RELATING TO AN INACTIVE LICENSE FOR PROFESSIONAL AND VOCATIONAL LICENSEES."

Introduced by: Senator Bunda, by request.

No. 2892 "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING."

Introduced by: Senator Bunda, by request.

No. 2893 "A BILL FOR AN ACT RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES."

Introduced by: Senator Bunda, by request.

No. 2894 "A BILL FOR AN ACT RELATING TO MEDICAL LICENSURE APPLICANTS WITH CANADIAN RESIDENCIES OR EXAMINATIONS."

Introduced by: Senator Bunda, by request.

No. 2895 "A BILL FOR AN ACT RELATING TO PEST CONTROL."

Introduced by: Senator Bunda, by request.

No. 2896 "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS."

Introduced by: Senator Bunda, by request.

No. 2897 "A BILL FOR AN ACT RELATING TO THE DENTAL EXAMINATION."

Introduced by: Senator Bunda, by request.

No. 2898 "A BILL FOR AN ACT RELATING TO COSMETOLOGY LICENSE RESTORATION."

Introduced by: Senator Bunda, by request.

No. 2899 "A BILL FOR AN ACT RELATING TO NURSES."

Introduced by: Senator Bunda, by request.

No. 2900 "A BILL FOR AN ACT RELATING TO BOXING."

Introduced by: Senator Bunda, by request.

No. 2901 "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS."

Introduced by: Senator Bunda, by request.

No. 2902 "A BILL FOR AN ACT RELATING TO TELEMARKETING."

Introduced by: Senator Bunda, by request.

No. 2903 "A BILL FOR AN ACT RELATING TO REGISTRATION OF MONEY TRANSMITTERS."

Introduced by: Senator Bunda, by request.

No. 2904 "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES."

Introduced by: Senator Bunda, by request.

No. 2905 "A BILL FOR AN ACT RELATING TO MEDICAL BOARD DISCIPLINARY ACTION."

Introduced by: Senator Bunda, by request.

No. 2906 "A BILL FOR AN ACT RELATING TO CERTIFICATES OF GOOD STANDING."

Introduced by: Senator Bunda, by request.

No. 2907 "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION FEES."

Introduced by: Senator Bunda, by request.

No. 2908 "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION."

Introduced by: Senator Bunda, by request.

No. 2909 "A BILL FOR AN ACT RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000."

Introduced by: Senator Bunda, by request.

No. 2910 "A BILL FOR AN ACT RELATING TO AN EXEMPTION FOR NON-FACILITIES BASED COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATIONS PROVIDERS FROM STATUTORY FINANCING REQUIREMENTS."

Introduced by: Senator Bunda, by request.

No. 2911 "A BILL FOR AN ACT RELATING TO ADVISORY COMMITTEES."

Introduced by: Senator Bunda, by request.

No. 2912 "A BILL FOR AN ACT RELATING TO CABLE TELEVISION."

Introduced by: Senator Bunda, by request.

No. 2913 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."

Introduced by: Senator Bunda, by request.

No. 2914 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE SIRENS."

Introduced by: Senator Bunda, by request.

No. 2915 "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS."

Introduced by: Senator Bunda, by request.

No. 2916 "A BILL FOR AN ACT RELATING TO VETERANS' SERVICES."

Introduced by: Senator Bunda, by request.

No. 2917 "A BILL FOR AN ACT RELATING TO TAXABLE INCOME."

Introduced by: Senator Bunda, by request.

No. 2918 "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES."

Introduced by: Senator Bunda, by request.

No. 2919 "A BILL FOR AN ACT RELATING TO THE MILITIA."

Introduced by: Senator Bunda, by request.

No. 2920 "A BILL FOR AN ACT RELATING TO THE MILITIA."

Introduced by: Senator Bunda, by request.

No. 2921 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING INCREASES."

Introduced by: Senator Bunda, by request.

No. 2922 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

Introduced by: Senator Bunda, by request.

No. 2923 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES."

Introduced by: Senator Bunda, by request.

No. 2924 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."

Introduced by: Senator Bunda, by request.

No. 2925 "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS IN THE SECOND DEGREE."

Introduced by: Senator Bunda, by request.

No. 2926 "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS."

Introduced by: Senator Bunda, by request.

No. 2927 "A BILL FOR AN ACT RELATING TO FORECLOSURES OF GOVERNMENT-ASSISTED PROPERTIES."

Introduced by: Senator Bunda, by request.

No. 2928 "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION."

Introduced by: Senator Bunda, by request.

No. 2929 "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENT."

Introduced by: Senator Bunda, by request.

No. 2930 "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES."

Introduced by: Senator Bunda, by request.

No. 2931 "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS FOR PROVIDERS OF HOME AND COMMUNITY-BASED SERVICES."

Introduced by: Senator Bunda, by request.

No. 2932 "A BILL FOR AN ACT RELATING TO DEPENDENT ADULT PROTECTIVE SERVICES."

Introduced by: Senator Bunda, by request.

No. 2933 "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES."

Introduced by: Senator Bunda, by request.

No. 2934 "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

Introduced by: Senator Bunda, by request.

No. 2935 "A BILL FOR AN ACT RELATING TO THE HAWAII RX PLUS PROGRAM."

Introduced by: Senator Bunda, by request.

No. 2936 "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS."

Introduced by: Senator Bunda, by request.

No. 2937 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Senator Bunda, by request.

No. 2938 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Senator Bunda, by request.

No. 2939 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Senator Bunda, by request.

No. 2940 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Senator Bunda, by request.

No. 2941 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM."

Introduced by: Senator Bunda, by request.

No. 2942 "A BILL FOR AN ACT RELATING TO SALARIES."

Introduced by: Senator Bunda, by request.

No. 2943 "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS."

Introduced by: Senator Bunda, by request.

No. 2944 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS OF PERSONS PROVIDING SERVICES TO MENTALLY ILL ADULTS."

Introduced by: Senator Bunda, by request.

No. 2945 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."

Introduced by: Senator Bunda, by request.

No. 2946 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR UNRELATED ADULTS LIVING IN THE SAME UNLICENSED OR UNCERTIFIED RESIDENCE AS INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES."

Introduced by: Senator Bunda, by request.

No. 2947 "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE."

Introduced by: Senator Bunda, by request.

No. 2948 "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING SERVICES."

Introduced by: Senator Bunda, by request.

No. 2949 "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM."

Introduced by: Senator Bunda, by request.

No. 2950 "A BILL FOR AN ACT RELATING TO GENERIC SUBSTITUTION OF PRESCRIPTION DRUG PRODUCTS."

Introduced by: Senator Bunda, by request.

No. 2951 "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY."

Introduced by: Senator Bunda, by request.

No. 2952 "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS."

Introduced by: Senator Bunda, by request.

No. 2953 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senator Bunda, by request.

No. 2954 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senator Bunda, by request.

No. 2955 "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS."

Introduced by: Senator Bunda, by request.

No. 2956 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

Introduced by: Senator Bunda, by request.

No. 2957 "A BILL FOR AN ACT RELATING TO HOSPITAL AND PROFESSIONAL LIABILITY RISK FINANCING."

Introduced by: Senator Bunda, by request.

No. 2958 "A BILL FOR AN ACT RELATING TO THE STATE ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES."

Introduced by: Senator Bunda, by request.

No. 2959 "A BILL FOR AN ACT RELATING TO INTERAGENCY COORDINATION."

Introduced by: Senator Bunda, by request.

No. 2960 "A BILL FOR AN ACT RELATING TO WEST NILE VIRUS."

Introduced by: Senator Bunda, by request.

No. 2961 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Bunda, by request.

No. 2962 "A BILL FOR AN ACT RELATING TO THE ELECTION OF JURY TRIALS IN HAWAII CIVIL RIGHTS COMMISSION MATTERS."

Introduced by: Senator Bunda, by request.

No. 2963 "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION."

Introduced by: Senator Bunda, by request.

No. 2964 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Senator Bunda, by request.

No. 2965 "A BILL FOR AN ACT RELATING TO HOISTING MACHINE OPERATORS."

Introduced by: Senator Bunda, by request.

No. 2966 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."

Introduced by: Senator Bunda, by request.

No. 2967 "A BILL FOR AN ACT RELATING TO THE PREPAID HEALTH CARE ACT."

Introduced by: Senator Bunda, by request.

No. 2968 "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS."

Introduced by: Senator Bunda, by request.

No. 2969 "A BILL FOR AN ACT RELATING TO RECORDATION."

Introduced by: Senator Bunda, by request.

No. 2970 "A BILL FOR AN ACT RELATING TO ANIMAL CONTROL FROM AIRCRAFT."

Introduced by: Senator Bunda, by request.

No. 2971 "A BILL FOR AN ACT RELATING TO ENFORCEMENT."

Introduced by: Senator Bunda, by request.

No. 2972 "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND."

Introduced by: Senator Bunda, by request.

No. 2973 "A BILL FOR AN ACT RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES."

Introduced by: Senator Bunda, by request.

No. 2974 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."

Introduced by: Senator Bunda, by request.

No. 2975 "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY."

Introduced by: Senator Bunda, by request.

No. 2976 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY."

Introduced by: Senator Bunda, by request.

No. 2977 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Bunda, by request.

No. 2978 "A BILL FOR AN ACT RELATING TO CHILD ABUSE."

Introduced by: Senator Bunda, by request.

No. 2979 "A BILL FOR AN ACT RELATING TO SECURITY AT HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS."

Introduced by: Senator Bunda, by request.

No. 2980 "A BILL FOR AN ACT RELATING TO CORRECTIONS OFFICERS."

Introduced by: Senator Bunda, by request.

No. 2981 "A BILL FOR AN ACT RELATING TO THE CRIMINAL OFFENDER TREATMENT ACT."

Introduced by: Senator Bunda, by request.

No. 2982 "A BILL FOR AN ACT RELATING TO DRUG PARAPHERNALIA."

Introduced by: Senator Bunda, by request.

No. 2983 "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."

Introduced by: Senator Bunda, by request.

No. 2984 "A BILL FOR AN ACT RELATING TO THE STANDARD DEDUCTION FOR INDIVIDUAL INCOME TAX."

Introduced by: Senator Bunda, by request.

No. 2985 "A BILL FOR AN ACT RELATING TO A LONG-TERM CARE TAX CREDIT."

Introduced by: Senator Bunda, by request.

No. 2986 "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING."

Introduced by: Senator Bunda, by request.

No. 2987 "A BILL FOR AN ACT RELATING TO A GENERAL EXCISE TAX EXEMPTION FOR PROFESSIONAL EMPLOYMENT ORGANIZATIONS."

Introduced by: Senator Bunda, by request.

No. 2988 "A BILL FOR AN ACT RELATING TO THE NET INCOME TAX CREDIT FOR RENEWABLE ENERGY TECHNOLOGY SYSTEMS."

Introduced by: Senator Bunda, by request.

No. 2989 "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION."

Introduced by: Senator Bunda, by request.

No. 2990 "A BILL FOR AN ACT RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION."

Introduced by: Senator Bunda, by request.

No. 2991 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX WHOLESALE RATE."

Introduced by: Senator Bunda, by request.

No. 2992 "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION."

Introduced by: Senator Bunda, by request.

No. 2993 "A BILL FOR AN ACT RELATING TO THE ETHANOL INCOME TAX CREDIT."

Introduced by: Senator Bunda, by request.

No. 2994 "A BILL FOR AN ACT RELATING TO THE USE TAX."

Introduced by: Senator Bunda, by request.

No. 2995 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING."

- Introduced by: Senator Bunda, by request.
- No. 2996 "A BILL FOR AN ACT RELATING TO TAXATION OF ALTERNATIVE FUELS."
- Introduced by: Senator Bunda, by request.
- No. 2997 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION'S ENGINEERING SCHOLARSHIP PROGRAM."
- Introduced by: Senator Bunda, by request.
- No. 2998 "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES."
- Introduced by: Senator Bunda, by request.
- No. 2999 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
- Introduced by: Senator Bunda, by request.
- No. 3000 "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL EDUCATION SPECIAL FUND."
- Introduced by: Senator Bunda, by request.
- No. 3001 "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING SPECIAL FUND."
- Introduced by: Senator Bunda, by request.
- No. 3002 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROJECT EAST INITIATIVE IN HAWAII'S PUBLIC SCHOOLS."
- Introduced by: Senators Fukunaga, Baker.
- No. 3003 "A BILL FOR AN ACT RELATING TO ALTERNATIVE ENERGY IMPROVEMENTS."
- Introduced by: Senator Fukunaga.
- No. 3004 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU."
- Introduced by: Senator Fukunaga.
- No. 3005 "A BILL FOR AN ACT RELATING TO THE HAWAII CATASTROPHIC RELIEF FUND."
- Introduced by: Senator Bunda, by request.
- No. 3006 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII IN ORDER TO CHANGE THE GOVERNANCE, INTERNAL STRUCTURE, MANAGEMENT, AND OPERATION OF AND PROVIDE TAXING POWER TO PUBLIC SCHOOLS IN HAWAII."
- Introduced by: Senator Ihara, by request.
- No. 3007 "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES."
- Introduced by: Senators Ihara, Chun Oakland, Hooser, Fukunaga.
- No. 3008 "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT."
- Introduced by: Senators Ihara, Chun Oakland, Fukunaga.
- No. 3009 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."
- Introduced by: Senators Ihara, Espero, Aduja, English, Chun Oakland.
- No. 3010 "A BILL FOR AN ACT RELATING TO CONCESSION CONTRACTS PROCURED BY BID."
- Introduced by: Senators Ihara, Espero, Aduja, Fukunaga.
- No. 3011 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Sakamoto, Tsutsui, English, Kanno, Hooser, Kokubun, Inouye, Aduja, Kawamoto, Chun Oakland, Taniguchi.
- No. 3012 "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY."
- Introduced by: Senators Sakamoto, Hooser, Kokubun, Tsutsui, English, Kanno, Inouye, Aduja, Kawamoto, Chun Oakland.
- No. 3013 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
- Introduced by: Senators Sakamoto, Kokubun, Tsutsui, Inouye, Aduja, Chun Oakland, Kanno, Kawamoto, Taniguchi.
- No. 3014 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Sakamoto, Hooser, Kokubun, Tsutsui, English, Kanno, Inouye, Aduja, Kawamoto, Chun Oakland.
- No. 3015 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
- Introduced by: Senator Sakamoto.
- No. 3016 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."
- Introduced by: Senators Kanno, Kawamoto.
- No. 3017 "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS."
- Introduced by: Senators Kanno, Inouye, Kawamoto, Taniguchi.
- No. 3018 "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS."
- Introduced by: Senators Kanno, Inouye, Kawamoto, Taniguchi.
- No. 3019 "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS."
- Introduced by: Senators Kanno, Inouye, Kawamoto.

No. 3020 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Kanno, Espero, Hooser, Sakamoto, Menor.

Respectfully submitted,

No. 3021 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Senators Ige, Aduja, Fukunaga, Chun Oakland, Hooser, English.

Clerk of the Senate

Approved:

No. 3022 "A BILL FOR AN ACT RELATING TO RESORT FACILITY TAX CREDIT."

Introduced by: Senators Ige, Aduja, Fukunaga, Chun Oakland, Hooser.

President of the Senate

No. 3023 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Senator Ige, by request.

No. 3024 "A BILL FOR AN ACT RELATING TO CAPITAL FORMATION."

Introduced by: Senators Ige, Fukunaga, Aduja, Hooser, English, Chun Oakland.

No. 3025 "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING."

Introduced by: Senators Kokubun, Inouye, Bunda, English, Hanabusa, Taniguchi, Kim, Tsutsui, Baker, Kanno, Hooser, Chun Oakland.

No. 3026 "A BILL FOR AN ACT RELATING TO TORT DAMAGES."

Introduced by: Senator Hanabusa.

No. 3027 "A BILL FOR AN ACT RELATING TO NURSES."

Introduced by: Senator Hanabusa.

No. 3028 "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION."

Introduced by: Senator Hanabusa.

No. 3029 "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

Introduced by: Senator Hanabusa.

No. 3030 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."

Introduced by: Senator Hanabusa.

No. 3031 "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE."

Introduced by: Senator Menor.

ADJOURNMENT

At 6:00 o'clock p.m., the Senate adjourned until 9:30 o'clock a.m., Wednesday, January 28, 2004.

FIFTH DAY

Wednesday, January 28, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 9:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Larry Kelly, Halawa Heights Baptist Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fourth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 81 to 132) were read by the Clerk and were placed on file:

Gov. Msg. No. 81, dated October 24, 2003, transmitting a report, Hawaii Income Patterns, Individuals – 2001, prepared by the Department of Taxation.

Gov. Msg. No. 82, dated November 11, 2003, transmitting the Report on Tax Credits Claimed by Hawaii Taxpayers, 2001, prepared by the Department of Taxation.

Gov. Msg. No. 83, dated December 17, 2003, transmitting the Annual Report of the Public Utilities Commission for Fiscal Year 2002-2003, pursuant to Section 269-5, HRS.

Gov. Msg. No. 84, dated December 17, 2003, transmitting the Report on the Hawaii Statewide Trail and Access System, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 198D-9, HRS.

Gov. Msg. No. 85, dated December 17, 2003, transmitting the Annual Report of Administratively Established Appropriations, prepared by the Department of Agriculture pursuant to Act 178, SLH 2002.

Gov. Msg. No. 86, dated December 17, 2003, transmitting the Annual Report on Geothermal and Cable Development Activities, prepared by the Department of Land and Natural Resources pursuant to Section 196D-11, HRS.

Gov. Msg. No. 87, dated December 17, 2003, transmitting the Department of Agriculture Annual Report, pursuant to Act 100, SLH 1999

Gov. Msg. No. 88, dated December 17, 2003, transmitting the Annual Report Relating to the NARS and Natural Area Partnership Program and the Financial Condition of the Natural Area Reserve Fund, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195-6.6, HRS.

Gov. Msg. No. 89, dated December 18, 2003, transmitting the Annual Report of Proceedings Under the Hawaii Omnibus Criminal Forfeiture Act for Fiscal Year 2002-2003, prepared by the Department of the Attorney General.

Gov. Msg. No. 90, dated December 18, 2003, transmitting the Annual Report of the Joint Formulary Advisory Committee on Its Activities and Recommendations with Respect to the Prescriptive Authority Formulary for Advanced Practice Registered Nurses, prepared by the Department of Commerce

and Consumer Affairs, Professional and Vocational Licensing Division, pursuant to Act 192, SLH 2002.

Gov. Msg. No. 91, dated December 18, 2003, transmitting the 2003 Annual Report of the Hawaii Real Estate Commission for Fiscal Year Ending June 30, 2003.

Gov. Msg. No. 92, dated December 18, 2003, transmitting the Department of the Attorney General 2004 Goals and Objectives.

Gov. Msg. No. 93, dated December 19, 2003, transmitting the Itemized Expenditure Report for Fiscal Year Ending June 30, 2003, prepared by the Department of Human Resources Development pursuant to Act 200, Section 72, SLH 2003.

Gov. Msg. No. 94, dated December 19, 2003, transmitting 2004 Annual Report of the Medical Claims Conciliation Panel and the Design Professional Conciliation Panel, prepared by the Department of Commerce and Consumer Affairs pursuant to Sections 672-12 and 671-20, HRS.

Gov. Msg. No. 95, dated December 19, 2003, transmitting the Public Utilities Commission's Special Fund Report for Fiscal Year Ending June 30, 2003, pursuant to Section 269-33, HRS.

Gov. Msg. No. 96, dated December 19, 2003, transmitting the Annual External Review Report, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Section 432E-13, HRS.

Gov. Msg. No. 97, dated December 19, 2003, transmitting the 2003 Report of the Insurance Commissioner, Summary of Insurance Business for the Year 2002, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Section 431:2-211, HRS.

Gov. Msg. No. 98, dated December 22, 2003, transmitting the Annual Report Relating to Agricultural Marketing, prepared by the Agribusiness Development Corporation pursuant to Act 194, SLH 2002.

Gov. Msg. No. 99, dated December 22, 2003, transmitting the Annual Report on All Moneys Deposited Into and Disbursed From the Pesticide Use Revolving Fund, prepared by the Department of Agriculture pursuant to Act 154, SLH 2000.

Gov. Msg. No. 100, dated December 22, 2003, transmitting the Executive Supplemental Budget for the Period 2003-2005, pursuant to Section 37-72, HRS, and the Variance Report for FYs 2004-2005, pursuant to Section 37-75, HRS.

Gov. Msg. No. 101, dated December 23, 2003, transmitting a Report on the Feasibility of Establishing Flyer Stops Within the Right-of-Way of Oahu's H-2 Freeway Connecting to Park-and-Ride Facilities, prepared by the Department of Transportation pursuant to H.C.R. No. 188 (2003).

Gov. Msg. No. 102, dated December 23, 2003, transmitting The Feasibility Study of Establishing a Photo Red Light Enforcement Pilot Project, prepared by the Department of Transportation pursuant to S.R. No. 26 (2003).

Gov. Msg. No. 103, dated December 23, 2003, transmitting a Report Relating to Government Operations, prepared by the Department of Transportation pursuant to Act 100, Section 7, SLH 1999.

Gov. Msg. No. 104, dated December 23, 2003, transmitting the Department of Commerce and Consumer Affairs' Interim Report of the Ad Hoc Advisory Group, pursuant to H.C.R. No. 172 (2003).

Gov. Msg. No. 105, dated December 23, 2003, transmitting the Department of Budget and Finance's Plan of Action for Implementation of Goals and Objectives, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 106, dated December 23, 2003, transmitting a Report on Airport and Harbor Emergency Security Expenditures, prepared by the Department of Transportation pursuant to Act 213, Section 11, SLH 2003.

Gov. Msg. No. 107, dated December 26, 2003, transmitting the Hawaii Correctional Industries' Annual Report for Fiscal Year Ending June 30, 2003.

Gov. Msg. No. 108, dated December 26, 2003, transmitting a Report on the Hawaii Historic Preservation Special Fund for Fiscal Year 2002-2003, prepared by the Department of Land and Natural Resources pursuant to Section 6E-3, HRS.

Gov. Msg. No. 109, dated December 26, 2003, transmitting the Department of Public Safety's Annual Report on the Status of the Federal Reimbursement Maximization Special Fund for Fiscal Year Ending June 30, 2003, pursuant to Section 353C-7, HRS.

Gov. Msg. No. 110, dated December 26, 2003, transmitting the Department of Public Safety's Report Concerning Expenditures for Substance Abuse Treatment, Mental Health Treatment, and Job Development Programs for Offenders, pursuant to Act 200, Section 56, SLH 2003.

Gov. Msg. No. 111, dated December 29, 2003, transmitting the Hawaii Community Development Authority's Annual Report for Fiscal Year Ending June 30, 2003.

Gov. Msg. No. 112, dated December 29, 2003, transmitting the Reporting Requirements of Act 200, SLH 2003, the General Appropriations Act of 2003.

Gov. Msg. No. 113, dated December 31, 2003, transmitting the Report on the State's Compliance with the Tobacco Master Settlement Agreement, prepared by the Department of the Attorney General pursuant to Act 200, 2003.

Gov. Msg. No. 114, dated January 5, 2004, transmitting a Report on the Feasibility of Establishing a Hybrid Contribution Plan, prepared by Gabriel, Roeder, Smith & Company for the Employee's Retirement System pursuant to H.C.R. No. 97 (2003).

Gov. Msg. No. 115, dated January 5, 2004, transmitting a Report on the Consideration of a Deferred Retirement Option Program, prepared by Gabriel, Roeder, Smith & Company for the Employees' Retirement System pursuant to H.C.R. No. 95 (2003).

Gov. Msg. No. 116, dated January 5, 2004, transmitting the Department of Land and Natural Resources' Report Identifying Their Goals, Objectives, and Policies to Provide a Basis for Determining Priorities and Allocating Limited Public Funds and Human Resources, pursuant to Act 100, Sections 6 and 7, SLH 1999.

Gov. Msg. No. 117, dated January 6, 2004, transmitting the Progress Report on Transfer of Agricultural Land from the

Department of Land and Natural Resources to the Department of Agriculture, prepared by the Department of Agriculture and the Department of Land and Natural Resources pursuant to Act 90, Section 1, SLH 2003.

Gov. Msg. No. 118, dated January 7, 2004, transmitting a Report Requesting the Department of Hawaiian Home Lands to Review the Sale of Leases and Submit Recommendations to the Legislature for the Adoption of Policies that are Fair to Awardees, Lease Purchasers, and to the State, pursuant to H.C.R. No. 119 (2003).

Gov. Msg. No. 119, dated January 7, 2004, transmitting a Report on Parental Preferences in Government Contracts, Programs, and Services, pursuant to Act 162, SLH 2002.

Gov. Msg. No. 120, dated January 12, 2004, transmitting the Final Report on the Recodification of Chapter 514A, Hawaii Revised Statutes, Condominium Property Regimes, prepared by the Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, Hawaii Real Estate Commission, pursuant to Act 213, Section 4, SLH 2000.

Gov. Msg. No. 121, dated January 12, 2004, transmitting the Annual Report of the Stadium Authority, Stadium Special Fund, State of Receipts, Expenditures and Transfers for the Fiscal Year ended 2003, prepared by the Department of Accounting and General Services pursuant to Section 109-3, HRS.

Gov. Msg. No. 122, dated January 13, 2004, transmitting the Department of Taxation's Goals and Objectives, Policies and Action Plan Report, prepared by the Department of Taxation.

Gov. Msg. No. 123, dated January 14, 2004, transmitting the Agricultural Water Use and Development Plan, prepared by Water Resource Associates for the Department of Agriculture pursuant to Act 11, Section 4, SLH 2003.

Gov. Msg. No. 124, dated January 15, 2004, transmitting the Special Maintenance Reports, prepared by the Department of Transportation pursuant to Act 259, SLH 2001, as amended by Act 177, Sections 8, 11, and 15, SLH 2002.

Gov. Msg. No. 125, dated January 15, 2004, transmitting a Report on Land Dispositions Made of Public Lands for Calendar Year 2003, prepared by the Department of Land and Natural Resources pursuant to Section 171-29, HRS.

Gov. Msg. No. 126, dated January 15, 2004, transmitting the Annual Report of the State Educational Facilities Improvement Special Fund for Fiscal Year 2002-2003, prepared by the Department of Accounting and General Services.

Gov. Msg. No. 127, dated January 15, 2004, transmitting the Department of Accounting and General Services' Annual Report of Claims and Lawsuits Arbitrated, Compromised, or Settled for \$10,000 or Less for Fiscal Year 2002-2003.

Gov. Msg. No. 128, dated January 15, 2004, transmitting the Department of Accounting and General Services' Annual Report on Privatization for the Period July 1, 2002 to June 30, 2003, pursuant to Act 90, SLH 2001.

Gov. Msg. No. 129, dated January 15, 2004, transmitting the Department of Accounting and General Services' Annual Report on Goals and Objectives - January 2004, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 130, dated January 16, 2004, transmitting a response by the Employees' Retirement System pursuant to H.C.R. No. 109 (2003), requesting the ERS to review its

investment practices, determine whether any investments are being made with companies based in countries that support terrorism, and rethink its investment policies regarding these companies.

Gov. Msg. No. 131, dated January 20, 2004, transmitting the Annual Report on Positions Exempted from the Civil Service, prepared by the Department of Human Resources Development pursuant to Act 253, SLH 2000.

Gov. Msg. No. 132, dated January 22, 2004, transmitting the Department of Agriculture's Annual Report on the Transfer of Revolving Fund Monies for Calendar Year Ending December 31, 2003, pursuant to Sections 155-14 and 219-4, HRS.

INTRODUCTION OF SENATE BILLS

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 3032 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A MUNICIPAL PARKING STRUCTURE AT WAILUKU, MAUI."

Introduced by: Senator Tsutsui.

No. 3033 "A BILL FOR AN ACT RELATING TO DENTAL CARE."

Introduced by: Senators Hooser, Tsutsui, Chun Oakland, English, Aduja, Kawamoto, Taniguchi, Inouye, Ige, Espero, Baker, Kim.

No. 3034 "A BILL FOR AN ACT RELATED TO CONTROLLED SUBSTANCES."

Introduced by: Senator Hooser, by request.

No. 3035 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."

Introduced by: Senator Tsutsui, by request.

No. 3036 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES."

Introduced by: Senator Chun Oakland.

No. 3037 "A BILL FOR AN ACT RELATING TO RESPITE SERVICES."

Introduced by: Senator Chun Oakland.

No. 3038 "A BILL FOR AN ACT RELATING TO PHYSICAL EDUCATION."

Introduced by: Senator Chun Oakland.

No. 3039 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE."

Introduced by: Senator Chun Oakland.

No. 3040 "A BILL FOR AN ACT RELATING TO WATER SAFETY CERTIFICATION PROGRAMS IN PUBLIC ELEMENTARY SCHOOLS."

Introduced by: Senator Chun Oakland.

No. 3041 "A BILL FOR AN ACT RELATING TO VOLUNTARY ADMISSION FOR NONEMERGENCY TREATMENT."

Introduced by: Senator Hogue.

No. 3042 "A BILL FOR AN ACT RELATING TO LOBBYIST MEMBERSHIP."

Introduced by: Senator Hogue.

No. 3043 "A BILL FOR AN ACT RELATING TO AN ALOHA AINA PATROL."

Introduced by: Senators Kim, Hanabusa, Espero, Trimble, Kawamoto, Tsutsui, Baker, Inouye, Aduja, Bunda, Ige, Chun Oakland, Taniguchi.

No. 3044 "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY."

Introduced by: Senators Hooser, Baker, English, Tsutsui, Chun Oakland, Kanno, Sakamoto, Kokubun, Fukunaga, Aduja.

No. 3045 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

Introduced by: Senators Hooser, English, Fukunaga, Aduja, Baker, Tsutsui, Chun Oakland, Kanno, Trimble, Sakamoto, Taniguchi.

No. 3046 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

Introduced by: Senator Bunda, by request.

No. 3047 "A BILL FOR AN ACT RELATING TO DRUG PARAPHERNALIA."

Introduced by: Senators Espero, Inouye, Kanno, Chun Oakland, Ihara, Fukunaga.

No. 3048 "A BILL FOR AN ACT RELATING TO THE WEED AND SEED PROGRAM."

Introduced by: Senators Espero, Kanno, Chun Oakland, Slom, Inouye, Ihara, Sakamoto, Trimble.

No. 3049 "A BILL FOR AN ACT RELATING TO CHARITABLE ANNUITIES."

Introduced by: Senators Espero, Inouye, Kanno, English, Kokubun.

No. 3050 "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS."

Introduced by: Senators Espero, Aduja, Kanno, Menor.

No. 3051 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Senators Inouye, Espero, English, Aduja.

No. 3052 "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS."

- Introduced by: Senators Inouye, English, Aduja, Espero.
- No. 3053 "A BILL FOR AN ACT RELATING TO MOLOKAI IRRIGATION SYSTEM."
- Introduced by: Senators Inouye, Aduja, Espero.
- No. 3054 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE FIRST SENATORIAL DISTRICT."
- Introduced by: Senator Inouye.
- No. 3055 "A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS."
- Introduced by: Senator Inouye, by request.
- No. 3056 "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS."
- Introduced by: Senators Hooser, Kanno, Espero, Fukunaga, Ihara.
- No. 3057 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
- Introduced by: Senators Slom, Aduja, Espero, Chun Oakland, Kawamoto, Kokubun.
- No. 3058 "A BILL FOR AN ACT RELATING TO SMALL BUSINESS."
- Introduced by: Senators Slom, Chun Oakland, Espero.
- No. 3059 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
- Introduced by: Senator Menor, by request.
- No. 3060 "A BILL FOR AN ACT RELATING TO CONTRACTORS RECOVERY FUND."
- Introduced by: Senators Menor, Chun Oakland, Aduja, Inouye, Tsutsui, Hooser, Sakamoto, Fukunaga, Ihara, Baker, English, Taniguchi.
- No. 3061 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY."
- Introduced by: Senator Menor, by request.
- No. 3062 "A BILL FOR AN ACT RELATING TO IMPACT FEES."
- Introduced by: Senators Menor, Bunda.
- No. 3063 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senator Hanabusa.
- No. 3064 "A BILL FOR AN ACT RELATING TO HAWAII TOBACCO SETTLEMENT MONEYS."
- Introduced by: Senator Hanabusa.
- No. 3065 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."
- Introduced by: Senator Hanabusa, by request.
- No. 3066 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS."
- Introduced by: Senator Hanabusa, by request.
- No. 3067 "A BILL FOR AN ACT RELATING TO SUMMONS AND CITATIONS."
- Introduced by: Senator Hanabusa.
- No. 3068 "A BILL FOR AN ACT RELATING TO STATE FUNDS."
- Introduced by: Senator Taniguchi.
- No. 3069 "A BILL FOR AN ACT RELATING TO THE STATE CAPITOL."
- Introduced by: Senator Taniguchi.
- No. 3070 "A BILL FOR AN ACT RELATING TO HAZING."
- Introduced by: Senator Taniguchi.
- No. 3071 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS FOR THE TENTH SENATORIAL DISTRICT."
- Introduced by: Senator Taniguchi.
- No. 3072 "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAX."
- Introduced by: Senators Baker, Chun Oakland, Inouye, Tsutsui.
- No. 3073 "A BILL FOR AN ACT RELATING TO HEALTH CARE INSURANCE TAX CREDIT."
- Introduced by: Senators Baker, Chun Oakland, Inouye, Tsutsui.
- No. 3074 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senators Baker, English, Hooser.
- No. 3075 "A BILL FOR AN ACT RELATING TO PROFESSIONAL LICENSING."
- Introduced by: Senators Baker, Aduja, Kanno, Espero, Ihara.
- No. 3076 "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE."
- Introduced by: Senators Baker, Chun Oakland, Ihara.
- No. 3077 "A BILL FOR AN ACT RELATING TO STATE MILITARY FORCES."
- Introduced by: Senators Kawamoto, Sakamoto.
- No. 3078 "A BILL FOR AN ACT RELATING TO HIGHWAYS."

Introduced by: Senators Kawamoto, Kim, Kanno, English, Espero, Baker, Tsutsui, Slom, Ihara, Trimble, Aduja, Bunda, Hanabusa, Sakamoto.

No. 3079 "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY."

Introduced by: Senator Kawamoto, by request.

No. 3080 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senator Kawamoto.

No. 3081 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."

Introduced by: Senators Kokubun, English, Aduja, Taniguchi, Espero, Chun Oakland, Ihara, Baker, Inouye.

No. 3082 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE GLENWOOD AND MOUNTAIN VIEW AREAS IN HAWAII COUNTY."

Introduced by: Senators Kokubun, Tsutsui, English, Aduja, Espero, Inouye, Chun Oakland, Ihara, Baker, Taniguchi.

No. 3083 "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION."

Introduced by: Senator Kanno.

No. 3084 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Senators Kanno, Chun Oakland, Aduja, Baker, Inouye, Espero, Taniguchi, Ihara, Sakamoto, English, Hanabusa.

No. 3085 "A BILL FOR AN ACT RELATING TO NURSES."

Introduced by: Senators Kanno, Baker, Inouye, Menor.

No. 3086 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY."

Introduced by: Senator Kanno.

No. 3087 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Kanno, Aduja, Kawamoto, Tsutsui, Inouye.

No. 3088 "A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING DEVELOPMENT PERMITTING."

Introduced by: Senator Fukunaga.

No. 3089 "A BILL FOR AN ACT RELATING TO CHILDREN'S PRODUCT SAFETY."

Introduced by: Senators Fukunaga, Chun Oakland.

No. 3090 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE SIXTEENTH SENATORIAL DISTRICT."

Introduced by: Senators Ige, Kawamoto, Sakamoto, Kim.

No. 3091 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION."

Introduced by: Senators Ige, Fukunaga.

No. 3092 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."

Introduced by: Senators Aduja, Espero, Hooser, Inouye, Chun Oakland, Ihara.

No. 3093 "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT."

Introduced by: Senators Aduja, Kanno, Kawamoto, Espero.

No. 3094 "A BILL FOR AN ACT RELATING TO PRIVATE NONCOMMERCIAL PIERS."

Introduced by: Senators Aduja, Espero, Menor, Inouye, Kanno, Sakamoto.

No. 3095 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Senator Aduja.

No. 3096 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Senator Aduja.

ORDER OF THE DAY

FIRST READING

On motion by Senator Kawamoto, seconded by Senator Hogue and carried unanimously, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2679 "A BILL FOR AN ACT RELATING TO NOISE."

No. 2680 "A BILL FOR AN ACT RELATING TO SALARY PERIODS."

No. 2681 "A BILL FOR AN ACT RELATING TO TEACHERS."

No. 2682 "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY."

No. 2683 "A BILL FOR AN ACT RELATING TO PRIMARY HEALTH CARE."

No. 2684 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

- No. 2685 "A BILL FOR AN ACT RELATING TO VICE PRINCIPALS."
- No. 2686 "A BILL FOR AN ACT RELATING TO TECHNOLOGY."
- No. 2687 "A BILL FOR AN ACT RELATING TO SMALL BUSINESSES."
- No. 2688 "A BILL FOR AN ACT RELATING TO INSURANCE."
- No. 2689 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2690 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."
- No. 2691 "A BILL FOR AN ACT RELATING TO THE VEHICLE."
- No. 2692 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 22ND SENATORIAL DISTRICT."
- No. 2693 "A BILL FOR AN ACT RELATING TO FLOODS."
- No. 2694 "A BILL FOR AN ACT RELATING TO LIBRARIES."
- No. 2695 "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS."
- No. 2696 "A BILL FOR AN ACT RELATING TO HARBORS."
- No. 2697 "A BILL FOR AN ACT RELATING TO COMPANION PETS."
- No. 2698 "A BILL FOR AN ACT RELATING TO STATE PARKS."
- No. 2699 "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT ANIMALS."
- No. 2700 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HIGHWAY TRANSPORTATION STUDY."
- No. 2701 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PERMANENT ADMINISTRATIVE BUILDINGS, WORKING CAFETERIAS, AND LIBRARIES FOR ALL PRIMARY AND SECONDARY PUBLIC SCHOOLS."
- No. 2702 "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX."
- No. 2703 "A BILL FOR AN ACT RELATING TO COMMERCIAL ELECTRONIC MAIL."
- No. 2704 "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES."
- No. 2705 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."
- No. 2706 "A BILL FOR AN ACT GARNISHMENT ORDERS; EMPLOYER REIMBURSEMENT."
- No. 2707 "A BILL FOR AN ACT RELATING TO PERSONAL INCOME TAX."
- No. 2708 "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE."
- No. 2709 "A BILL FOR AN ACT RELATING TO HOME INVASION."
- No. 2710 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE FOURTEENTH SENATORIAL DISTRICT."
- No. 2711 "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY."
- No. 2712 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO NA LEI WILI AREA HEALTH EDUCATION CENTER'S 'GROW OUR OWN HEALERS' PROGRAM."
- No. 2713 "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING RESIDENTS."
- No. 2714 "A BILL FOR AN ACT RELATING TO DRUGS AND INTOXICATING COMPOUNDS."
- No. 2715 "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE."
- No. 2716 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2717 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII."
- No. 2718 "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE LEGISLATIVE SERVICE AGENCIES."
- No. 2719 "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE OFFICE OF THE AUDITOR."
- No. 2720 "A BILL FOR AN ACT RELATING TO TORT LIABILITY."
- No. 2721 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."
- No. 2722 "A BILL FOR AN ACT RELATING TO EMPLOYMENT RECORDS."
- No. 2723 "A BILL FOR AN ACT RELATING TO SHORTAGE CATEGORIES."
- No. 2724 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING."
- No. 2725 "A BILL FOR AN ACT RELATING TO UNADJUDICATED FINES."
- No. 2726 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- No. 2727 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

- No. 2728 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING PROJECTS."
- No. 2729 "A BILL FOR AN ACT RELATING TO COUNTY TAXES."
- No. 2730 "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY."
- No. 2731 "A BILL FOR AN ACT RELATING TO THE AUDITOR."
- No. 2732 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
- No. 2733 "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS."
- No. 2734 "A BILL FOR AN ACT RELATING TO INTERSTATE ADULT OFFENDER SUPERVISION."
- No. 2735 "A BILL FOR AN ACT RELATING TO FEES FOR ADMINISTRATIVE COSTS IN TRAFFIC CASES."
- No. 2736 "A BILL FOR AN ACT RELATING TO COLLECTIONS ON DELINQUENT COURT-ORDERED PAYMENTS."
- No. 2737 "A BILL FOR AN ACT RELATING TO THE USE OF CREDIT AND DEBIT CARDS."
- No. 2738 "A BILL FOR AN ACT RELATING TO GUARDIANSHIP AND PROTECTIVE PROCEEDINGS."
- No. 2739 "A BILL FOR AN ACT RELATING TO DISQUALIFICATION OF JUDGES."
- No. 2740 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."
- No. 2741 "A BILL FOR AN ACT RELATING TO APPELLATE COURT COSTS."
- No. 2742 "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION."
- No. 2743 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."
- No. 2744 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."
- No. 2745 "A BILL FOR AN ACT RELATING TO CHAPTER 291E, HAWAII REVISED STATUTES."
- No. 2746 "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT."
- No. 2747 "A BILL FOR AN ACT RELATING TO CHAPTER 291E."
- No. 2748 "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS."
- No. 2749 "A BILL FOR AN ACT RELATING TO SPEEDING."
- No. 2750 "A BILL FOR AN ACT RELATING TO CHAPTER 707, HAWAII REVISED STATUTES."
- No. 2751 "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT."
- No. 2752 "A BILL FOR AN ACT RELATING TO PROMOTION OF CONTROLLED SUBSTANCES."
- No. 2753 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES."
- No. 2754 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2755 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2756 "A BILL FOR AN ACT RELATING TO THE ELECTION OF THE STATE BOARD OF EDUCATION."
- No. 2757 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2758 "A BILL FOR AN ACT RELATING TO CEDED LANDS."
- No. 2759 "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXES ON KULEANA LAND."
- No. 2760 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS."
- No. 2761 "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT ANIMALS."
- No. 2762 "A BILL FOR AN ACT RELATING TO MISUSE OF 911."
- No. 2763 "A BILL FOR AN ACT RELATING TO JUDICIAL SALARIES."
- No. 2764 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE."
- No. 2765 "A BILL FOR AN ACT RELATING TO CAMPAIGN SOLICITATIONS IN STATE OFFICES OR BUILDINGS."
- No. 2766 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING."
- No. 2767 "A BILL FOR AN ACT RELATING TO UNADJUDICATED FINES."
- No. 2768 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- No. 2769 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
- No. 2770 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING PROJECTS."
- No. 2771 "A BILL FOR AN ACT RELATING TO COUNTY TAXES."
- No. 2772 "A BILL FOR AN ACT RELATING TO THE IMPOUNDMENT OF VEHICLES."

- No. 2773 "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS."
- No. 2774 "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS."
- No. 2775 "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS."
- No. 2776 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- No. 2777 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LICENSE PLATES."
- No. 2778 "A BILL FOR AN ACT RELATING TO ILLEGAL DRUGS."
- No. 2779 "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES."
- No. 2780 "A BILL FOR AN ACT RELATING TO FIRE FIGHTER LIABILITY."
- No. 2781 "A BILL FOR AN ACT RELATING TO MISUSE OF 911."
- No. 2782 "A BILL FOR AN ACT RELATING TO THE FUNDING OF A HABITAT CONSERVATION PLAN."
- No. 2783 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE THE TELECOMMUNICATIONS SYSTEM OF THE HAWAII COUNTY POLICE DEPARTMENT."
- No. 2784 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PAAUILO RENDERING PLANT, HAMAKUA, BIG ISLAND."
- No. 2785 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HONOMALINO IRRIGATION SYSTEM IN THE BIG ISLAND."
- No. 2786 "A BILL FOR AN ACT RELATING TO FIREARMS."
- No. 2787 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSIST MAUI COUNTY ON INDIGENOUS HAWAIIAN ARCHITECTURE."
- No. 2788 "A BILL FOR AN ACT RELATING TO TAX."
- No. 2789 "A BILL FOR AN ACT RELATING TO TEACHER SALARIES."
- No. 2790 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL."
- No. 2791 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC."
- No. 2792 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR MOLOKAI GENERAL HOSPITAL."
- No. 2793 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2794 "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE."
- No. 2795 "A BILL FOR AN ACT RELATING TO THE HAWAII FILM ENHANCEMENT REBATE PROGRAM."
- No. 2796 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CONVERSION OF CESSPOOLS AT ALL PUBLIC SCHOOLS AND STATE AND COUNTY PARKS TO SEPTIC TANKS BY 2005."
- No. 2797 "A BILL FOR AN ACT RELATING TO SOLID WASTE."
- No. 2798 "A BILL FOR AN ACT RELATING TO TORT."
- No. 2799 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."
- No. 2800 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTEENTH AND TWENTY-SECOND SENATORIAL DISTRICTS."
- No. 2801 "A BILL FOR AN ACT RELATING TO FAIRNESS IN COLLECTIVE BARGAINING."
- No. 2802 "A BILL FOR AN ACT RELATING TO FAIRNESS IN COLLECTIVE BARGAINING FOR EMPLOYEES IN LAW ENFORCEMENT, HEALTH, AND SAFETY CLASSIFICATIONS."
- No. 2803 "A BILL FOR AN ACT RELATING TO BINDING ARBITRATION."
- No. 2804 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2805 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2806 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO PUBLIC EDUCATION."
- No. 2807 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 2808 "A BILL FOR AN ACT RELATING TO PUBLIC RECORDS."
- No. 2809 "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS."
- No. 2810 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."
- No. 2811 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS."
- No. 2812 "A BILL FOR AN ACT RELATING TO NAME CHANGES."
- No. 2813 "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF LEASES AND UTILITY AND ACCESS EASEMENTS."
- No. 2814 "A BILL FOR AN ACT RELATING TO LAND USE."

- No. 2815 "A BILL FOR AN ACT RELATING TO MILK CONTROL."
- No. 2816 "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION."
- No. 2817 "A BILL FOR AN ACT RELATING TO MICROORGANISM IMPORT."
- No. 2818 "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES."
- No. 2819 "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER USES."
- No. 2820 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS."
- No. 2821 "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM."
- No. 2822 "A BILL FOR AN ACT RELATING TO THE TRANSFER OF THE OFFICE OF ELECTIONS AND CAMPAIGN SPENDING COMMISSION TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES."
- No. 2823 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
- No. 2824 "A BILL FOR AN ACT RELATING TO PROCUREMENT"
- No. 2825 "A BILL FOR AN ACT RELATING TO THE ELECTIONS APPOINTMENT AND REVIEW PANEL."
- No. 2826 "A BILL FOR AN ACT RELATING TO PROCUREMENT"
- No. 2827 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."
- No. 2828 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING"
- No. 2829 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO RISK MANAGEMENT."
- No. 2830 "A BILL FOR AN ACT RELATING TO ELECTRONIC GOVERNMENT RECORDS."
- No. 2831 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
- No. 2832 "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS"
- No. 2833 "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE"
- No. 2834 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES."
- No. 2835 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL."
- No. 2836 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS."
- No. 2837 "A BILL FOR AN ACT RELATING TO INTEREST."
- No. 2838 "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS."
- No. 2839 "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES."
- No. 2840 "A BILL FOR AN ACT RELATING TO TOBACCO."
- No. 2841 "A BILL FOR AN ACT RELATING TO TOBACCO."
- No. 2842 "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES."
- No. 2843 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII."
- No. 2844 "A BILL FOR AN ACT RELATING TO CRIME."
- No. 2845 "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE."
- No. 2846 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 14, OF THE HAWAII CONSTITUTION."
- No. 2847 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 5, OF THE HAWAII CONSTITUTION."
- No. 2848 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION."
- No. 2849 "A BILL FOR AN ACT RELATING TO CHAPTER 291E, HAWAII REVISED STATUTES."
- No. 2850 "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL."
- No. 2851 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII."
- No. 2852 "A BILL FOR AN ACT RELATING TO EXAMINATION AFTER ARREST."
- No. 2853 "A BILL FOR AN ACT RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS."
- No. 2854 "A BILL FOR AN ACT RELATING TO TESTIMONY."
- No. 2855 "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION."
- No. 2856 "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT."
- No. 2857 "A BILL FOR AN ACT RELATING TO TORT ACTIONS."
- No. 2858 "A BILL FOR AN ACT RELATING TO TORT ACTIONS."

No. 2859 "A BILL FOR AN ACT RELATING TO JUVENILES."

No. 2860 "A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS RECORDS BY CHILD SUPPORT ENFORCEMENT AGENCIES."

No. 2861 "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE."

No. 2862 "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE."

No. 2863 "A BILL FOR AN ACT RELATING TO ENERGY CONVERSATION."

No. 2864 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY RESOURCES."

No. 2865 "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY AND PROTECTING CONFIDENTIALITY OF TRADE SECRETS."

No. 2866 "A BILL FOR AN ACT RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION."

No. 2867 "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM."

No. 2868 "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY."

No. 2869 "A BILL FOR AN ACT RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT."

No. 2870 "A BILL FOR AN ACT RELATING TO TAX CREDITS FOR FILM AND PERFORMING ARTS."

No. 2871 "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS."

No. 2872 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII STATE DISASTER REVOLVING LOAN FUND."

No. 2873 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

No. 2874 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF HAWAII."

No. 2875 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF HAWAII, RELATING TO BALANCED BUDGET REQUIREMENTS."

No. 2876 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

No. 2877 "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY."

No. 2878 "A BILL FOR AN ACT RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM."

No. 2879 "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM."

No. 2880 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."

No. 2881 "A BILL FOR AN ACT RELATING TO FEES."

No. 2882 "A BILL FOR AN ACT RELATING TO ALIEN INSURERS."

No. 2883 "A BILL FOR AN ACT RELATING TO INSURANCE."

No. 2884 "A BILL FOR AN ACT RELATING TO INSURANCE."

No. 2885 "A BILL FOR AN ACT RELATING TO THE RESOLUTION OF CONSTRUCTION DEFECT CLAIMS."

No. 2886 "A BILL FOR AN ACT RELATING TO INSURANCE."

No. 2887 "A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT."

No. 2888 "A BILL FOR AN ACT RELATING TO INSURANCE."

No. 2889 "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE."

No. 2890 "A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES ACT."

No. 2891 "A BILL FOR AN ACT RELATING TO AN INACTIVE LICENSE FOR PROFESSIONAL AND VOCATIONAL LICENSEES."

No. 2892 "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING."

No. 2893 "A BILL FOR AN ACT RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES."

No. 2894 "A BILL FOR AN ACT RELATING TO MEDICAL LICENSURE APPLICANTS WITH CANADIAN RESIDENCIES OR EXAMINATIONS."

No. 2895 "A BILL FOR AN ACT RELATING TO PEST CONTROL."

No. 2896 "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS."

No. 2897 "A BILL FOR AN ACT RELATING TO THE DENTAL EXAMINATION."

No. 2898 "A BILL FOR AN ACT RELATING TO COSMETOLOGY LICENSE RESTORATION."

No. 2899 "A BILL FOR AN ACT RELATING TO NURSES."

No. 2900 "A BILL FOR AN ACT RELATING TO BOXING."

- No. 2901 "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS."
- No. 2902 "A BILL FOR AN ACT RELATING TO TELEMARKETING."
- No. 2903 "A BILL FOR AN ACT RELATING TO REGISTRATION OF MONEY TRANSMITTERS."
- No. 2904 "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES."
- No. 2905 "A BILL FOR AN ACT RELATING TO MEDICAL BOARD DISCIPLINARY ACTION."
- No. 2906 "A BILL FOR AN ACT RELATING TO CERTIFICATES OF GOOD STANDING."
- No. 2907 "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION FEES."
- No. 2908 "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION."
- No. 2909 "A BILL FOR AN ACT RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000."
- No. 2910 "A BILL FOR AN ACT RELATING TO AN EXEMPTION FOR NON-FACILITIES BASED COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATIONS PROVIDERS FROM STATUTORY FINANCING REQUIREMENTS."
- No. 2911 "A BILL FOR AN ACT RELATING TO ADVISORY COMMITTEES."
- No. 2912 "A BILL FOR AN ACT RELATING TO CABLE TELEVISION."
- No. 2913 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."
- No. 2914 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE SIRENS."
- No. 2915 "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS."
- No. 2916 "A BILL FOR AN ACT RELATING TO VETERANS' SERVICES."
- No. 2917 "A BILL FOR AN ACT RELATING TO TAXABLE INCOME."
- No. 2918 "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES."
- No. 2919 "A BILL FOR AN ACT RELATING TO THE MILITIA."
- No. 2920 "A BILL FOR AN ACT RELATING TO THE MILITIA."
- No. 2921 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING INCREASES."
- No. 2922 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."
- No. 2923 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES."
- No. 2924 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."
- No. 2925 "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS IN THE SECOND DEGREE."
- No. 2926 "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS."
- No. 2927 "A BILL FOR AN ACT RELATING TO FORECLOSURES OF GOVERNMENT-ASSISTED PROPERTIES."
- No. 2928 "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION."
- No. 2929 "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENT."
- No. 2930 "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES."
- No. 2931 "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS FOR PROVIDERS OF HOME AND COMMUNITY-BASED SERVICES."
- No. 2932 "A BILL FOR AN ACT RELATING TO DEPENDENT ADULT PROTECTIVE SERVICES."
- No. 2933 "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES."
- No. 2934 "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."
- No. 2935 "A BILL FOR AN ACT RELATING TO THE HAWAII RX PLUS PROGRAM."
- No. 2936 "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS."
- No. 2937 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."
- No. 2938 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."
- No. 2939 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."
- No. 2940 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."
- No. 2941 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM."
- No. 2942 "A BILL FOR AN ACT RELATING TO SALARIES."

- No. 2943 "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS."
- No. 2944 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS OF PERSONS PROVIDING SERVICES TO MENTALLY ILL ADULTS."
- No. 2945 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."
- No. 2946 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR UNRELATED ADULTS LIVING IN THE SAME UNLICENSED OR UNCERTIFIED RESIDENCE AS INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES."
- No. 2947 "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE."
- No. 2948 "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING SERVICES."
- No. 2949 "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM."
- No. 2950 "A BILL FOR AN ACT RELATING TO GENERIC SUBSTITUTION OF PRESCRIPTION DRUG PRODUCTS."
- No. 2951 "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY."
- No. 2952 "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS."
- No. 2953 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION."
- No. 2954 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."
- No. 2955 "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS."
- No. 2956 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."
- No. 2957 "A BILL FOR AN ACT RELATING TO HOSPITAL AND PROFESSIONAL LIABILITY RISK FINANCING."
- No. 2958 "A BILL FOR AN ACT RELATING TO THE STATE ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES."
- No. 2959 "A BILL FOR AN ACT RELATING TO INTERAGENCY COORDINATION."
- No. 2960 "A BILL FOR AN ACT RELATING TO WEST NILE VIRUS."
- No. 2961 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
- No. 2962 "A BILL FOR AN ACT RELATING TO THE ELECTION OF JURY TRIALS IN HAWAII CIVIL RIGHTS COMMISSION MATTERS."
- No. 2963 "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION."
- No. 2964 "A BILL FOR AN ACT RELATING TO FIREWORKS."
- No. 2965 "A BILL FOR AN ACT RELATING TO HOISTING MACHINE OPERATORS."
- No. 2966 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."
- No. 2967 "A BILL FOR AN ACT RELATING TO THE PREPAID HEALTH CARE ACT."
- No. 2968 "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS."
- No. 2969 "A BILL FOR AN ACT RELATING TO RECORDATION."
- No. 2970 "A BILL FOR AN ACT RELATING TO ANIMAL CONTROL FROM AIRCRAFT."
- No. 2971 "A BILL FOR AN ACT RELATING TO ENFORCEMENT."
- No. 2972 "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND."
- No. 2973 "A BILL FOR AN ACT RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES."
- No. 2974 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."
- No. 2975 "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY."
- No. 2976 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY."
- No. 2977 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- No. 2978 "A BILL FOR AN ACT RELATING TO CHILD ABUSE."
- No. 2979 "A BILL FOR AN ACT RELATING TO SECURITY AT HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS."
- No. 2980 "A BILL FOR AN ACT RELATING TO CORRECTIONS OFFICERS."
- No. 2981 "A BILL FOR AN ACT RELATING TO THE CRIMINAL OFFENDER TREATMENT ACT."
- No. 2982 "A BILL FOR AN ACT RELATING TO DRUG PARAPHERNALIA."
- No. 2983 "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."
- No. 2984 "A BILL FOR AN ACT RELATING TO THE STANDARD DEDUCTION FOR INDIVIDUAL INCOME TAX."

- No. 2985 "A BILL FOR AN ACT RELATING TO A LONG-TERM CARE TAX CREDIT."
- No. 2986 "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING."
- No. 2987 "A BILL FOR AN ACT RELATING TO A GENERAL EXCISE TAX EXEMPTION FOR PROFESSIONAL EMPLOYMENT ORGANIZATIONS."
- No. 2988 "A BILL FOR AN ACT RELATING TO THE NET INCOME TAX CREDIT FOR RENEWABLE ENERGY TECHNOLOGY SYSTEMS."
- No. 2989 "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION."
- No. 2990 "A BILL FOR AN ACT RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION."
- No. 2991 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX WHOLESALE RATE."
- No. 2992 "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION."
- No. 2993 "A BILL FOR AN ACT RELATING TO THE ETHANOL INCOME TAX CREDIT."
- No. 2994 "A BILL FOR AN ACT RELATING TO THE USE TAX."
- No. 2995 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING."
- No. 2996 "A BILL FOR AN ACT RELATING TAXATION OF ALTERNATIVE FUELS."
- No. 2997 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION'S ENGINEERING SCHOLARSHIP PROGRAM."
- No. 2998 "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES."
- No. 2999 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
- No. 3000 "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL EDUCATION SPECIAL FUND."
- No. 3001 "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING SPECIAL FUND."
- No. 3002 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROJECT EAST INITIATIVE IN HAWAII'S PUBLIC SCHOOLS."
- No. 3003 "A BILL FOR AN ACT RELATING TO ALTERNATIVE ENERGY IMPROVEMENTS."
- No. 3004 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU."
- No. 3005 "A BILL FOR AN ACT RELATING TO THE HAWAII CATASTROPHIC RELIEF FUND."
- No. 3006 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII IN ORDER TO CHANGE THE GOVERNANCE, INTERNAL STRUCTURE, MANAGEMENT, AND OPERATION OF AND PROVIDE TAXING POWER TO PUBLIC SCHOOLS IN HAWAII."
- No. 3007 "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES."
- No. 3008 "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT."
- No. 3009 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."
- No. 3010 "A BILL FOR AN ACT RELATING TO CONCESSION CONTRACTS PROCURED BY BID."
- No. 3011 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 3012 "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY."
- No. 3013 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
- No. 3014 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 3015 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
- No. 3016 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."
- No. 3017 "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS."
- No. 3018 "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS."
- No. 3019 "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS."
- No. 3020 "A BILL FOR AN ACT RELATING TO EDUCATION."
- No. 3021 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."
- No. 3022 "A BILL FOR AN ACT RELATING TO RESORT FACILITY TAX CREDIT."
- No. 3023 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."
- No. 3024 "A BILL FOR AN ACT RELATING TO CAPITAL FORMATION."
- No. 3025 "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING."
- No. 3026 "A BILL FOR AN ACT RELATING TO TORT DAMAGES."
- No. 3027 "A BILL FOR AN ACT RELATING TO NURSES."

No. 3028 "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION."

No. 3029 "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

No. 3030 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."

No. 3031 "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE."

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Friday, January 23, 2004:

Senate Bill Referred to:

No. 2473 Committee on Health, then to the Committee on Ways and Means

No. 2504 Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs

No. 2505 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2506 Committee on Judiciary and Hawaiian Affairs

No. 2507 Committee on Water, Land, and Agriculture, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 2508 Committee on Energy and Environment, then to the Committee on Ways and Means

No. 2509 Committee on Energy and Environment, then to the Committee on Ways and Means

No. 2510 Committee on Ways and Means

No. 2511 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2512 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2513 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2514 Committee on Energy and Environment, then to the Committee on Ways and Means

No. 2515 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 2516 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2517 Committee on Education, then to the Committee on Ways and Means

No. 2518 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2519 Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs

No. 2520 Committee on Health, then to the Committee on Ways and Means

No. 2521 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2522 Committee on Ways and Means

No. 2523 Committee on Ways and Means

No. 2524 Committee on Ways and Means

No. 2525 Committee on Ways and Means

No. 2526 Committee on Ways and Means

No. 2527 Committee on Ways and Means

No. 2528 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Energy and Environment, then to the Committee on Ways and Means

No. 2529 Committee on Ways and Means

No. 2530 Committee on Commerce, Consumer Protection and Housing

No. 2531 Committee on Commerce, Consumer Protection and Housing

No. 2532 Committee on Education, then to the Committee on Ways and Means

No. 2533 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 2534 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 2535 Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 2536 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2537 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2538 Committee on Education, then to the Committee on Ways and Means

No. 2539 Committee on Tourism, then to the Committee on Ways and Means

No. 2540 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2541 Committee on Labor, then to the Committee on Ways and Means

SENATE JOURNAL - 5th DAY

102

No. 2542	Committee on Labor, then to the Committee on Ways and Means	No. 2564	Jointly to the Committee on Energy and Environment and the Committee on Economic Development, then to the Committee on Ways and Means
No. 2543	Committee on Labor, then to the Committee on Ways and Means	No. 2565	Jointly to the Committee on Judiciary and Hawaiian Affairs, the Committee on Human Services and the Committee on Education, then to the Committee on Ways and Means
No. 2544	Committee on Labor, then to the Committee on Ways and Means	No. 2566	Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
No. 2545	Committee on Labor, then to the Committee on Ways and Means	No. 2567	Jointly to the Committee on Tourism and the Committee on Economic Development, then to the Committee on Ways and Means
No. 2546	Committee on Labor, then to the Committee on Ways and Means	No. 2568	Jointly to the Committee on Tourism and the Committee on Economic Development, then to the Committee on Ways and Means
No. 2547	Committee on Labor, then to the Committee on Ways and Means	No. 2569	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
No. 2548	Committee on Labor, then to the Committee on Ways and Means	No. 2570	Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2549	Committee on Labor, then to the Committee on Ways and Means	No. 2571	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
No. 2550	Committee on Labor, then to the Committee on Ways and Means	No. 2572	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
No. 2551	Committee on Labor, then to the Committee on Ways and Means	No. 2573	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
No. 2552	Committee on Labor, then to the Committee on Ways and Means	No. 2574	Committee on Health, then to the Committee on Human Services
No. 2553	Committee on Labor, then to the Committee on Ways and Means	No. 2575	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2554	Committee on Labor, then to the Committee on Ways and Means	No. 2576	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
No. 2555	Committee on Labor, then to the Committee on Ways and Means	No. 2577	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2556	Committee on Labor, then to the Committee on Ways and Means	No. 2578	Committee on Health, then to the Committee on Ways and Means
No. 2557	Committee on Judiciary and Hawaiian Affairs	No. 2579	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
No. 2558	Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means	No. 2580	Committee on Health, then to the Committee on Ways and Means
No. 2559	Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means	No. 2581	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2560	Committee on Economic Development, then to the Committee on Judiciary and Hawaiian Affairs	No. 2582	Committee on Health, then to the Committee on Ways and Means
No. 2561	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs	No. 2583	Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing
No. 2562	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs		
No. 2563	Committee on Economic Development, then to the Committee on Ways and Means		

No. 2584	Committee on Labor, then to the Committee on Ways and Means	No. 2605	Committee on Human Services, then to the Committee on Ways and Means
No. 2585	Committee on Health, then to the Committee on Ways and Means	No. 2606	Committee on Economic Development, then to the Committee on Judiciary and Hawaiian Affairs
No. 2586	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2607	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
No. 2587	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs	No. 2608	Jointly to the Committee on Human Services and the Committee on Health
No. 2588	Jointly to the Committee on Labor and the Committee on Health, then to the Committee on Ways and Means	No. 2609	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
No. 2589	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2610	Committee on Education, then to the Committee on Ways and Means
No. 2590	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2611	Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2591	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means	No. 2612	Committee on Commerce, Consumer Protection and Housing
No. 2592	Committee on Health, then to the Committee on Ways and Means	No. 2613	Committee on Education, then to the Committee on Ways and Means
No. 2593	Committee on Labor, then to the Committee on Ways and Means	No. 2614	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2594	Committee on Judiciary and Hawaiian Affairs	No. 2615	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2595	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2616	Committee on Education, then to the Committee on Ways and Means
No. 2596	Committee on Judiciary and Hawaiian Affairs	No. 2617	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2597	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2618	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
No. 2598	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2619	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
No. 2599	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2620	Committee on Transportation, Military Affairs, and Government Operations
No. 2600	Committee on Health, then to the Committee on Ways and Means	No. 2621	Committee on Human Services, then to the Committee on Ways and Means
No. 2601	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2622	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2602	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2623	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2603	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2624	Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2604	Committee on Health, then to the Committee on Ways and Means	No. 2625	Committee on Judiciary and Hawaiian Affairs

SENATE JOURNAL - 5th DAY

104

No. 2626	Committee on Judiciary and Hawaiian Affairs	No. 2648	Jointly to the Committee on Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2627	Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs	No. 2649	Jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2628	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2650	Jointly to the Committee on Health and the Committee on Education, then to the Committee on Ways and Means
No. 2629	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 2651	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
No. 2630	Committee on Human Services, then to the Committee on Ways and Means	No. 2652	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
No. 2631	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2653	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
No. 2632	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2654	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
No. 2633	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2655	Committee on Labor, then to the Committee on Ways and Means
No. 2634	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2656	Committee on Ways and Means
No. 2635	Committee on Ways and Means	No. 2657	Committee on Education, then to the Committee on Ways and Means
No. 2636	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2658	Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2637	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2659	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
No. 2638	Committee on Judiciary and Hawaiian Affairs	No. 2660	Committee on Education, then to the Committee on Ways and Means
No. 2639	Jointly to the Committee on Labor and the Committee on Health	No. 2661	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
No. 2640	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health, then to the Committee on Ways and Means	No. 2662	Committee on Human Services, then to the Committee on Ways and Means
No. 2641	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs	No. 2663	Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means
No. 2642	Committee on Commerce, Consumer Protection and Housing	No. 2664	Committee on Judiciary and Hawaiian Affairs
No. 2643	Committee on Economic Development, then to the Committee on Transportation, Military Affairs, and Government Operations	No. 2665	Committee on Ways and Means
No. 2644	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations	No. 2666	Committee on Judiciary and Hawaiian Affairs
No. 2645	Committee on Water, Land, and Agriculture, then to the Committee on Economic Development	No. 2667	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2646	Committee on Economic Development	No. 2668	Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs
No. 2647	Committee on Judiciary and Hawaiian Affairs		

No. 2669 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

No. 2670 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2671 Committee on Education, then to the Committee on Ways and Means

No. 2672 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 2673 Committee on Judiciary and Hawaiian Affairs

No. 2674 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

No. 2675 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

No. 2676 Committee on Transportation, Military Affairs, and Government Operations

No. 2677 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2678 Committee on Commerce, Consumer Protection and Housing

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 2007 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2077 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2084 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2085 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2104 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2109 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2129 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2135 Jointly to the Committee on Water, Land, and Agriculture, the Committee on Economic Development and

the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2155 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2173 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2183 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs

No. 2187 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2198 Jointly to the Committee on Education and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2210 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2258 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2269 Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2300 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2303 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2304 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2305 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2328 Committee on Health, then to the Committee on Ways and Means

No. 2489 Jointly to the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Tourism

At 9:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:49 o'clock a.m.

At 9:50 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives, in accordance with Senate Concurrent Resolution No. 1, to receive the Superintendent of Education's state of public education address.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, was called to order at 10:03 o'clock a.m. by the Honorable Robert Bunda, President of the Senate.

At this time, Senate President Bunda welcomed and introduced the following distinguished guests to the members of the Twenty-Second Legislature:

The Honorable Neil Abercrombie, United States House of Representatives;

The Honorable Ronald T.Y. Moon, Chief Justice, Hawaii Supreme Court;

The Honorable Benjamin J. Cayetano, former Governor of the State of Hawaii;

The Honorable John Waihee, former Governor of the State of Hawaii, and Mrs. Lynne Waihee; and

The Honorable George Ariyoshi, former Governor of the State of Hawaii, and Mrs. Jean Ariyoshi.

Senate President Bunda then presented Patricia Hamamoto, Superintendent of Education, to the members of the Twenty-Second Legislature as follows:

"Speaker Say and the members of the House of Representatives, Senate colleagues, ladies and gentlemen:

"The report we are about to hear on the State of our public education system by the Superintendent of Education, Pat Hamamoto, will be a first for the Legislature, unprecedented, if you will, but so is the situation we find ourselves in. Last week in the state of Virginia, the House of Delegates voted 98 to 1 to have their state exempted from the 'No Child Left Behind Law.' Other Legislatures are considering forgoing federal money to escape these requirements and still more are implementing scores of changes to accommodate the law.

"Here at home, we have before us a slate of proposals and ideas to revamp, redesign, and reform the school system to meet these federal standards. But the real work will not be done by Legislators; the real work will ultimately be done by educators, the students, the parents who take a very personal and very active role in public education. And that's why Speaker Say and I quickly agreed to the Superintendent's request for the opportunity to speak to the Legislature as a Whole to describe where our public school stands today and where we are going.

"Today we have Hawaii's top educator before us, the person who will provide the leadership for the success of our young people in our public school system. Ladies and gentlemen, please join me in welcoming Superintendent of Education, Pat Hamamoto."

The Superintendent of Education addressed the Joint Session as follows:

"Thank you. I realize this is very formal and I am supposed to be settled but I will share with you, if you could hear my heart, it's pounding. I want to thank everyone before I begin.

"Congressman Abercrombie; President Bunda; Speaker Say; members of the Legislature; distinguished guests from our business, labor, military and education communities; fellow citizens of Hawaii – good morning.

"Good morning. Just checking. Just checking. That's comprehension. (Laughter.)

"My name is Pat Hamamoto and I am, first and foremost, a teacher, a principal, and now an educator. I believe teaching is one of our greatest callings, and I spent 12 of the happiest years of my life and what I consider to be very productive teaching in our public school system.

"I taught at Ilima Intermediate School, Highlands Intermediate School and Pearl City High School. Secondary by nature. And I was often, as a classroom teacher, very frustrated with the DOE bureaucracy. For example, my 7th graders at Ilima Intermediate had a very difficult time with math. I wanted to make math 'real' and by relating it to something that they cared about was a way I thought we could make it real. And what is more real for kids than money. So what I did is I set up a little in-house, a little classroom and I think educators can relate to this. The classroom lesson that says if you do your work and turn it in on time, and it's all acceptable, you will get a token. And of course the token was used for something and that was to buy classroom supplies like pencils, rulers, notebooks, tape. Well, I'll tell you – the lesson worked. In fact it worked so well, that at the end of the year, my closet was empty. And it should be because all of that was for them.

"Now technically, I was supposed to just give out the supplies, no strings attached, provided for them. So before I embarked on the program, because there are parameters, I asked my principal for permission. And what he said was, 'Don't tell me about it! If I don't know, I can't tell you no. Just do it.' So I learned very quickly to work around the system. But teachers shouldn't have to work around the system; the system should work for them.

"Then in our life as we proceed, I'm principal of McKinley High School, and I thought things would get easier since I was a principal within the system. Well let me tell you this story. We were renovating McKinley's historic administration building, and I think we've got people who graduated from there in here today. Well the whole campus was dug up, the entire campus, to put in new wiring for bells and other kinds of communications. So I thought since the trenches were built there, the place was all dug up, what a wonderful time to lay the PVC pipes to put in conduit pipes for technology. So off I go to make my calls and I get told, 'no'. And the reason? It was not on the blueprints. So an opportunity was there. So finally, in frustration, again I called the head of DAGS, the Department of Accounting and General Services, and asked for help. And I get the help. And today McKinley's students now have a school that is fully wired for fiber optics. But principals shouldn't have to work around a system or use personal contacts to get things done; the system should work for them.

"As Superintendent of Schools, I recognize that a lot of people consider me, and the people who work with me in our nearby DOE offices to be symbolic of the problem and unwilling to change. Well nothing could be further from the truth. We have been changing this bureaucracy since the day I became Superintendent two years ago. And before I talk to you about how we have changed and the will, we have the will and the commitment to continue this change, let me talk for a

moment about something that perhaps hasn't changed, and maybe we don't want it to change – and that's our principals, our teachers and our students, who represent the best of what we have and who we are.

“Our teachers work long hours, and pay for classroom supplies out of their own pockets. Our principals are dedicated and ‘finding ways to work around the system’ to make their schools that rich learning environment that we know will give us student success. Our students are excellent scholars, they're future scientists, they're future inventors, CEOs, perhaps future legislators and more importantly, maybe even a Governor or two. They are here. And they have come from across the state to be with us this morning, and to remind us of why we are here today, and why public education deserves every ounce of attention and support we can give it. At this time, I'm asking our principals, our teachers, and our students of the Hawaii public school system, will you please rise and receive the acknowledgement you richly deserve both on the floor and in the audience.

“Despite the many achievements of our public education system, I come before you today to report that Hawaii's public education is simply not working as it should. It is, in fact, obsolete. And in my view, this is the single biggest problem we face as a State. And Why? Because we are not properly preparing Hawaii's citizens of the future, our workforce of the future, the twenty-first century, our business and civic leaders of the future.

“Too many of our teenagers are failing basic math and English tests. They cannot qualify for journeyman apprenticeships in the building trades. They have little hope of decent-paying jobs that will allow them to raise and care for their families. We are failing them, the next generation. And that is not acceptable. I am not here to defend the status quo. I am here to tell you we must all work together, to transform public education in these islands we call home.

“I feel very fortunate to be standing here today because I have never seen so much focus on public education in the news media, from the fifth floor of this building and in these legislative chambers. That attention is our opportunity and it's an opportunity for all of us. It shows that the leaders of this State want the best possible education for the boys and girls of these islands. It shouts loud and it shouts clear that the opportunity for change is upon us, and we must embrace it! We must take it in and make lemonade out of lemons. Okay.

“In everything we do from this day forward as we go about the business of ‘reinventing’ our education system, we need to focus not on school boards or superintendents or labor unions, not on Republicans or Democrats, but on the 182,000 students in our charge. The question isn't who is right, but what is right. And I ask you today to listen this morning with open hearts and open minds, so that we can collectively make an informed decision on what is best for our children.

“Yes, the system of education governance is important. But it is a political decision, so it will be made by you. So I won't spend any of my precious time this morning debating that issue. I will tell you that I believe education reform in Hawaii is only going to happen at the most basic level – and that is at the school, in the classroom, between the teacher and the student. And that's where it's going to happen. With that, I am opposed to any additional Boards of Education that add more layers of bureaucracy between the State school board and the school. More school boards will not improve student achievement. And I will forever champion the most direct and unfettered route from the State governing Board of Education to the individual school and ultimately to that classroom and to that child. I

believe there is nothing that should stand in the way between what the policy makers will do and what goes on at the school. And we will get more into that as we move along.

“I couldn't agree more with Consultant William Ouchi, when in his book, ‘Making Schools Work’, I believe page 17, which reads ‘If you focus only on decentralization, you'll get a decentralized district, but with low student achievement.’ That is, obviously, not our goal!

“Differences over school board structure have received a lot of media and community attention, but it's encouraging to me that there is consensus on so many issues that will make more of a difference in the classroom.

“Just look at the areas where we already seem to be on the same page, for instance:

“Number one, empowering principals and school communities by providing more lump-sum budgeting or lump-sum funding directly to the schools and giving them the authority and the flexibility that they will need to decide how school funds are to be spent.

“Number two, adopting the ‘weighted student formula.’ Hawaii is known for equity in public education. Our statewide funding system has provided that. Keiki in the poorest communities are guaranteed the same level of resources as those in wealthy neighborhoods. And I think we all know that. That's not true in other states, where local property taxes finance part of education. Hawaii should be proud of having equalized resources at the school level. But not all students, as we know, are created equal. Some have physical or psychological needs that require special education. Others speak no English, others come from homes that are broken, families that may be on drugs or drug users, and may come from foster homes. The ‘Weighted Student Formula’ plan allocates money based on the unique needs of these children of each individual student. That funding then follows that student wherever he or she goes, and equalizes opportunity at the student level and that's where the resources should be. I applaud everyone, from the Board, the Legislature, and the Governor's CARE group, for their general agreement to adopt this plan. It is both the right thing to do, and I hope we do it this year, now!

“Number three, giving principals more training in finance and administration so that they can, in fact, become true CEO-educators on their own campuses. The Board of Education has now made this a priority for DOE implementation.

“Number four, providing parents a choice to send their children to any public school that has room for them. Along with that choice comes the responsibility to get your child to and from school safely. Therefore, I believe in the long run, most parents will go to the quality schools with quality programs in their own neighborhoods precisely because they are in their own neighborhoods, easy to get to, and part of the fabric of their community. The logical extension of that belief is that parents will do what they can to make their own neighborhood schools better. And I believe every single one of us in this room today or in the chambers can relate to the time we spent volunteering or spending time at our schools because our children went there.

“The new Board of Education, its leadership and members who sit behind me, are to be commended for the many hours of unselfish service they give to Hawaii's children. They have indicated by their words and their actions that they are committed to reinventing Hawaii's Public Education System. This is an endeavor that must be undertaken jointly by the

Board, which sets policy, and by the Superintendent and my team, who implement that policy. Today, I am invigorated by the leadership, by the courage that I have seen coming from this Board, as we move down this road together and I look forward to working with them in this challenging and noble pursuit.

“So you’re probably asking, what are you guys doing? Well, let me tell you, okay. The Board and the Department are calling for your help as we reinvent our schools.

“First, we must empower principals and schools in the way I spoke of earlier, and accountability must go with this power. That means requiring principals and teachers to make sure that students meet standards. And what do I mean by this? How about by the end of Grade 3, every student in Hawaii will read.

“Second, parents must know how well their child is doing. We will give parents and students user-friendly feedback – report cards that parents can easily understand and students can understand as well. With that information and feedback, parents are responsible to get their kids to school ready to learn, and students need to be responsible for their own learning. It’s a package deal. No one can do it by themselves.

“Third, we will overhaul SCBM schools – School/Community-Based Management. In its current form, it simply doesn’t work as well as it was intended or the way the framers had originally intended it to work and that was to improve student achievement. Therefore, as we empower individual schools, we must arm the School-Community Councils with shared decision-making power, and give them meaningful responsibility over spending. And what does that mean? It’s through weighted student formula, to insure that we can meet student achievement. This will mean training so that they can make these important choices. And more important, with that training, we then trust them to do the right thing. And I trust they will do the right thing, precisely because it’s our children that we are working with.

“A nameless worker in an office in Honolulu should not be telling a principal in Honoka’a or Waimea or Kau, how to spend their budget. It’s not acceptable. Therefore, under the student community councils, we envision something like a Board of Directors for each school, much like the models we see in the business world, in churches, or maybe at our non-profit or private schools. This Board would be made up of school and community members, elected by the parents of that school, the staff, teachers, principals, and even students in the older grades. They would have two main responsibilities. The first would be to develop their academic plan for success, which will get them the educational results they desire for their children. And then second, they have to decide on how best to use the budget that has been allocated to them. In other words, they are responsible for creating that plan to get to student achievement and second how do we use the resources which are ours to determine and what we want to do. That, my friends, I believe is true local school governance at its most basic and important level – every school, with parents, teachers, principals, staff and students making their own decision on their own destiny!

“Fourth, we expect quality, and we need to pay for that performance. And that means paying for quality. It’s not cheap. Principals should be put on performance contracts so we can reward the top performance and the top performers with incentives, such as pay raises, time off, paid training or sabbaticals. And its time to be able to move non-performance to another line of work. Our professionals need to know that hard work and success pay off. And I must also insert, that we must do this while respecting collective bargaining and in cooperation with our partners in organized labor.

“Fifth, as we empower principals, we need to have them on the job for 12 months and we need to pay them to be there for 12 months. CEOs in private business don’t work 10-month years. Every sector of our society works and operates on a year-round basis. You’ve got business, transportation, government, tourism, utilities do it, then principals, as CEOs of their schools, need to be on the job year round. Teachers should also be treated similarly and have the financial incentive for professional development. Teachers should be put on an 11-month contract. Before you all say wait, 10 months of teaching, plus an additional month, or 20 days of paid training, if we want quality.

“Sixth, in order to make these ideas work, we need a common public school calendar. Our current calendar, which has long summer breaks for some, reflects a different age when parents needed their children free to harvest the crops and support the family. But we’re not in an agrarian age today. Today, we are in an age of technology and information; it’s a knowledge age. And the common year-round school calendar would help facilitate all that we want to do. It would include more frequent breaks and vacation time for families and much-needed opportunities to train teachers so that we may serve your children better. And, it’s not only for the quality of life, but it’s also more efficient if we’ve got to do the many things that we are expected to do to reach our goal.

“Seventh and most important, if we are to truly reinvent our system, then we must make deep structural changes, then it is time to unshackle, to de-link the DOE from other State agencies. Our sister State agencies have so much control over the quality of life in our schools in the following ways:

“In budgeting, principals can never be sure how much will be appropriated much less when will it be released for their use and often when it comes, it comes late. It is impossible to plan for educational excellence this way. We envision a law that requires that the Department of Budget and Finance release at least 80 percent of a fiscal year’s appropriation to the schools, of course once that law is passed and it’s signed by the Governor, and early enough so that schools and school councils can implement their plans.

“In the area of hiring, in the State of Hawaii, for civil service, our personnel office, which is known as DHRD, if you don’t have a specific job description in their civil service bank, then you cannot hire a person for this position, even if you have an identified need and you have the money to do so. And this makes no sense. In fact it’s not right. As an example, when I was at McKinley, I needed a ‘techie.’ I needed somebody to keep our computer and network system alive. And I did not want a teacher. I did not want a clerk steno. But all I could hire for, for that position, was a clerk steno. Because there was no position at that time that said you could have a computer analyst and a programmer, at least for the DOE. We want the authority and we also want the resources to set up our own employment system to meet the unique needs of the education, something similar to what the State Judiciary now has on its own. And why not the Department of Education? We ask you to give us that opportunity and trust us that we will do the right thing.

“With regard to construction and repairs, the current process for school construction and repair is also obsolete – just like toilets, windows and doors in many of our public schools. The process makes our kids wait too long and our faculty and our principals way, way too long for decent basic facilities. We are at the mercy of DAGS and the Budget and Finance for capital improvement projects and to repair bathrooms. And that’s not right. Give us both the money and the authority to do capital projects, and to do the repair and maintenance that we know we need for better, safer and more efficient campuses.

“Finally, a word about centralized services: The DOE spends 1.7 billion tax dollars each year and we need to be managed. If teachers are to be free to teach, and principals free to lead educational reform in their schools then a lot of support work has to be done by somebody. Bus routes, custodial service, school lunch, textbook purchases, compliance with the law and union contracts – all of these lend themselves to the efficiency of centralization. Schools will always need a central administration to take care of these necessities, or else the educators on campuses will have to take time away to do it themselves. And I think for us that have been from that generation, we have experienced some of the de-centralization with no resources. Our pledge to you is that we will continue to aggressively look for ways of managing our needs both cost-effectively and responsibly.

“The CARE committee’s report rightly stated: ‘So long as responsibility is diffused, no one can be held accountable.’ And that’s true. So hold me, hold me accountable and expect results. But first, you must give me the tools and you must give me the space to do my job. And you must give the Board the authority it needs to do its job as well so that we can work together on this journey. While we need the help of the Legislature and Governor Lingle and her Administration to empower the schools so they can prepare our children for success, we also need to be able to do the job without interference or being told what our job is and how to do our jobs. Don’t tie our hands!

“Now let’s talk a moment about what these changes I’ve proposed could mean for the future. And without a doubt, the Department of Education’s vision along with the Board, is about that high school graduate that you see before you, whether they are a student, whether they are a graduate, legislators or teachers, the graduates you know what we stand for because we’ve been letting you know for a while now. But let me repeat in one sentence – we want someone that will be successful, be a contributing member of society, and more important, have the knowledge and skills to be successful in any job or career that they choose. And our mission in the Department of Education and it’s the mission that you have given us because you have mandated through the Constitution that we are responsible for education that our job is to prepare the workforce for the twenty-first century. I have no doubt in my mind, there is nothing fuzzy or cloudy what my mission is – that is preparing our children to be that workforce for the twenty-first century and our vision will get them there.

“With this, I see greater involvement in our public school system by every sector of the economy. Not every child, as we know, is suited or wants to attend college. And it should be, we should have choices. We could benefit greatly from smaller schools within schools dedicated to teaching our young people trades and professions they can pursue after graduation. I invite our partners in organized labor, with their fine apprenticeship programs; to expand their role, increase our partnerships so that we can prepare our youth at the high school level. I invite our business and professional communities to allow us to place more students in your businesses, because your businesses are the ‘learning labs’ for us. How do we help our kids understand what the future is if we don’t give them a look at an opportunity to experience this. You have the labs and the experiences that we want to place our children in. We want time with you.

“The private school system in the State can help us, too. Our gifted and talented teachers, and the finest that you have in the private schools, would love to have the opportunity to exchange ideas, to share best practices because it’s about raising the bar in education in Hawaii. It’s not about who is better. And I know there are other partnerships that we are currently working towards.

“We are already partnering in several ways with one of the most valuable and influential educational organizations in our State – The Kamehameha Schools. Our State Department of Education is proud of our own Hawaiian Language Immersion Program, the Kula Kaiapuni. And along with Aha Punana Leo and the other Hawaiian Language Immersion Charter schools, we will provide the best for our people. These schools are known around the world as the model for indigenous education. Our people are sought by other countries to come and to share our expertise. A partnership between the Kamehameha Schools, Aha Punana Leo and the DOE in sustaining this program seems a natural extension to improve this important and unique aspect of life in Hawaii and continue to perpetuate what we believe in is not only the Aloha spirit, but what makes us truly Hawaii.

“And think for a moment, in every one of the instances I just mentioned, when you partner with the Department of Education, you free up resources and funding and give us the flexibility so that we can use our resources in those areas that is most needy in our systems and that allows us to do our job in the manner which we know will give us results. I ask you today as you leave here to think about how you can support your neighborhood public school.

“I said at the beginning of my remarks that public education is the concern of all of us; and that one person cannot find the solutions to all the problems. Therefore I ask every one of you here today, and every one of you listening from your homes or at your places of work, to join hands with us, to link arms with us, and help us along the road as we change our destiny to be a free, first-class, quality public education system and provide that for every child in Hawaii.

“I am announcing today that on March 27, of this year, less than two months from now, the Board of Education and the Superintendent will convene a first-ever statewide Education Summit to be held in Honolulu. It will consist of representatives from every walk of life, from business and labor, public and private sectors, from the early education and pre-school community, the University System and from our distinguished private schools. I invite representatives from the Hawaiian Community to join us in this effort, teachers, principals, parents, students, graduates, and members of our military community. We will all come together, and we will come with our ideas and we will come prepared to listen to others’ ideas. And we will collectively – we will collectively – decide what we need to do to reinvent our public school system. And this summit is not about ideas, which we already have and we have put out, it’s about the nuts and bolts of getting down to making things happen now and come July 2004. And you, you Hawaii, you know how to make it work because it’s in your community and it’s in your school.

“Let me conclude by saying the initiatives I’ve proposed here and the ones that will come out of the Education Summit in March will require new thinking, it will require courage, and a willingness to take a risk, and it will require a change, that structural change in the entire government system in Hawaii, not just the Department of Education, but in the State of Hawaii and its government. I challenge you to stand with me, to take the risk and to embrace the change that is coming our way because the train has already left the station, and above all, to live with our obligation to the young people of these islands. I believe with all my heart that WE CAN do it, and WE WILL do it!

“And one last part before I say thank you and aloha, is that I truly want to thank everyone for this opportunity. And I truly, with all my heart and all the passion that’s in me, I am first and

foremost a teacher and I believe in everything we do is the only way we are going to insure that Hawaii has that kind of a future and that kind of constituency for the twenty-first century. I take my job very, very seriously and every one of us does too. We believe that we are transmitting the culture into the twenty-first century. And I thank you for this opportunity again to be able to share with you what we believe in will make a difference for our future.

“Thank you.”

Speaker Say then rose and stated:

“Thank you Superintendent Hamamoto.

“We appreciate you offering us your vision of our educational system, where we want to be, and how we can get there. I know I speak for all Legislators when I saw we look forward to working with you, our teachers, our principals, and the community to reinvent Hawaii’s public educational system.

“I hereby declare that this joint session adjourned.”

At 10:45 o’clock a.m., Speaker Say declared the Joint Session adjourned.

INTRODUCTION OF SENATE BILLS

On motion by Senator Kawamoto, seconded by Senator Hogue and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 6:00 o’clock p.m. In consequence thereof, the following bills were introduced and placed on the calendar for further action on Friday, January 30, 2004:

Senate Bill

No. 3097 “A BILL FOR AN ACT RELATING TO ELDERS.”

Introduced by: Senators Kokubun, English, Hanabusa, Baker, Aduja, Taniguchi.

No. 3098 “A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA.”

Introduced by: Senators Kokubun, English, Hanabusa, Taniguchi, Inouye, Aduja, Baker.

No. 3099 “A BILL FOR AN ACT RELATING TO CORAL REEF PROTECTION IN THE NORTHWESTERN HAWAIIAN ISLANDS.”

Introduced by: Senators Kokubun, Ihara, Baker, Espero, Taniguchi.

No. 3100 “A BILL FOR AN ACT RELATING TO OPEN MEETINGS.”

Introduced by: Senator Ihara, by request.

No. 3101 “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 5, OF THE HAWAII STATE CONSTITUTION TO ALLOW FULL PUBLIC FINANCING OF CAMPAIGNS FOR PUBLIC OFFICE.”

Introduced by: Senator Ihara.

No. 3102 “A BILL FOR AN ACT RELATING TO ETHICS.”

Introduced by: Senator Ihara.

No. 3103 “A BILL FOR AN ACT RELATING TO PUBLIC AGENCIES AND BOARDS.”

Introduced by: Senators Ihara, Espero, Chun Oakland, Baker.

No. 3104 “A BILL FOR AN ACT RELATING TO ELECTIONS.”

Introduced by: Senator Ihara.

No. 3105 “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FOURTH SENATORIAL DISTRICT.”

Introduced by: Senator Tsutsui.

No. 3106 “A BILL FOR AN ACT RELATING TO COUNTIES.”

Introduced by: Senators Tsutsui, by request, English, Chun Oakland, Espero.

No. 3107 “A BILL FOR AN ACT RELATING TO CRUISE SHIPS.”

Introduced by: Senators Tsutsui, English, Baker, Chun Oakland, Kokubun, Fukunaga, Ige, Ihara, Espero.

No. 3108 “A BILL FOR AN ACT RELATING TO STUDENTS.”

Introduced by: Senators Sakamoto, Kanno, Aduja.

No. 3109 “A BILL FOR AN ACT RELATING TO EDUCATION.”

Introduced by: Senators Sakamoto, Kanno, Aduja, Chun Oakland.

No. 3110 “A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO HIGHER EDUCATION.”

Introduced by: Senators Sakamoto, Kawamoto, Chun Oakland.

No. 3111 “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION.”

Introduced by: Senator Sakamoto.

No. 3112 “A BILL FOR AN ACT RELATING TO TEACHERS.”

Introduced by: Senator Sakamoto.

No. 3113 “A BILL FOR AN ACT RELATING TO VOTING.”

Introduced by: Senators English, Tsutsui, Baker, Kokubun, Sakamoto, Ihara, Chun Oakland, Espero.

No. 3114 “A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT.”

Introduced by: Senators English, Baker, Tsutsui, Kokubun, Sakamoto, Ige, Ihara, Chun Oakland, Espero.

No. 3115 "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AND CONSERVATION TRUST FUND."

Introduced by: Senators English, Tsutsui, Baker, Kokubun, Fukunaga, Ige, Chun Oakland, Espero.

No. 3116 "A BILL FOR AN ACT RELATING TO CRUISE SHIPS."

Introduced by: Senators English, Baker, Tsutsui, Chun Oakland, Kokubun, Fukunaga, Ige, Ihara, Espero.

No. 3117 "A BILL FOR AN ACT RELATING TO THE HANA WHARF AND SMALL BOAT HARBOR."

Introduced by: Senators English, Tsutsui, Baker, Kokubun, Ige, Ihara, Chun Oakland, Espero.

No. 3118 "A BILL FOR AN ACT RELATING TO TRANSIT SERVICES FOR ELDERLY AND DISABLED."

Introduced by: Senators Trimble, Chun Oakland, Slom, Aduja, Inouye, Hogue, Hemmings, Hooser, Kanno, Kokubun, Espero, Baker, Bunda, Menor, Ige, Sakamoto, Kawamoto, Fukunaga, Hanabusa, Ihara, English, Kim, Taniguchi.

No. 3119 "A BILL FOR AN ACT RELATING TO UNDERAGE SMOKING."

Introduced by: Senator Hogue.

No. 3120 "A BILL FOR AN ACT RELATING TO EMPLOYMENT CONTRACTS FOR BROADCAST INDUSTRY EMPLOYEES."

Introduced by: Senator Hogue.

No. 3121 "A BILL FOR AN ACT RELATING TO ATHLETIC CONTEST OFFICIALS."

Introduced by: Senators Hogue, Hemmings.

No. 3122 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES."

Introduced by: Senator Hooser, by request.

No. 3123 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIME."

Introduced by: Senator Hooser, by request.

No. 3124 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTH SENATORIAL DISTRICT."

Introduced by: Senator Hooser.

No. 3125 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Hooser, Baker, Chun Oakland, Ige, Sakamoto, Fukunaga, Kim, Kawamoto, Aduja, Inouye, Kanno, Ihara, Taniguchi.

No. 3126 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DWELLING UNIT REVOLVING FUND."

Introduced by: Senators Hooser, Baker, Ige, Sakamoto, Fukunaga, Kim, Kawamoto, Aduja, Inouye.

No. 3127 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH PRESCRIPTION DRUGS."

Introduced by: Senator Bunda.

No. 3128 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND IN PUPUKEA-PAUMALU, OAHU."

Introduced by: Senator Bunda.

No. 3129 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DETERMINE AND IMPLEMENT THE BEST MITIGATION MEASURE TO CONTROL FLOODING OF LAKE WILSON."

Introduced by: Senator Bunda.

No. 3130 "A BILL FOR AN ACT RELATING TO ZONING"

Introduced by: Senators Bunda, Chun Oakland, Hooser, Inouye, Aduja, Espero, Kawamoto, Slom, Kanno.

No. 3131 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE."

Introduced by: Senator Bunda, by request.

No. 3132 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES."

Introduced by: Senator Bunda.

No. 3133 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE THIRTEENTH SENATORIAL DISTRICT."

Introduced by: Senator Chun Oakland.

No. 3134 "A BILL FOR AN ACT RELATING TO HEALTH CARE."

Introduced by: Senator Chun Oakland.

No. 3135 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES."

Introduced by: Senator Chun Oakland.

No. 3136 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senator Chun Oakland.

No. 3137 "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY."

Introduced by: Senator Chun Oakland.

No. 3138 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."

Introduced by: Senators Ige, Kawamoto, Chun Oakland, Fukunaga.

No. 3139 "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA."

Introduced by: Senator Slom, by request.

No. 3140 "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY."

Introduced by: Senators Trimble, Slom, Hemmings, Espero, Aduja, Baker, Kim, Bunda, Sakamoto, Menor.

No. 3141 "A BILL FOR AN ACT RELATING TO LAND USE ENTITLEMENTS, RECLASSIFICATIONS, ZONING, SUBDIVISIONS, APPROVED VARIANCES AND PERMITS."

Introduced by: Senator Whalen.

No. 3142 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Whalen.

No. 3143 "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS."

Introduced by: Senator Whalen.

No. 3144 "A BILL FOR AN ACT RELATING TO ATTORNEYS."

Introduced by: Senator Whalen.

No. 3145 "A BILL FOR AN ACT RELATING TO LICENSING OF MORTGAGE BROKERS AND SOLICITORS."

Introduced by: Senator Menor, by request.

No. 3146 "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT."

Introduced by: Senator Menor, by request.

No. 3147 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TWENTY-FIRST SENATORIAL DISTRICT."

Introduced by: Senator Hanabusa.

No. 3148 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Hanabusa, Kawamoto, Fukunaga, Baker, Aduja, Inouye, Taniguchi, Sakamoto, Kokubun.

No. 3149 "A BILL FOR AN ACT RELATING TO FORFEITURES."

Introduced by: Senator Hanabusa.

No. 3150 "A BILL FOR AN ACT RELATING TO OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Senator Hanabusa.

No. 3151 "A BILL FOR AN ACT RELATING TO STATE TAX AMNESTY."

Introduced by: Senator Hanabusa.

No. 3152 "A BILL FOR AN ACT RELATED TO FEDERAL HIGHWAYS."

Introduced by: Senators Baker, Tsutsui, English, Hooser.

No. 3153 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH."

Introduced by: Senators Baker, Tsutsui, English, Hooser.

No. 3154 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF HEALTH."

Introduced by: Senators Baker, Inouye, English, Chun Oakland.

No. 3155 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Baker, Chun Oakland.

No. 3156 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

Introduced by: Senators Baker, English, Tsutsui, Kokubun, Inouye.

No. 3157 "A BILL FOR AN ACT RELATING TO INITIATIVE."

Introduced by: Senators Trimble, Slom.

No. 3158 "A BILL FOR AN ACT RELATING TO ELECTED OFFICIALS."

Introduced by: Senator Slom.

No. 3159 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Senator Menor, by request.

No. 3160 "A BILL FOR AN ACT RELATING TO TOXIC MOLD."

Introduced by: Senators English, Tsutsui, Baker, Kokubun, Slom, Chun Oakland, Espero, Kawamoto.

No. 3161 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Introduced by: Senators English, Tsutsui, Baker, Espero, Kawamoto.

No. 3162 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT."

Introduced by: Senators English, Tsutsui, Baker, Slom, Chun Oakland, Espero.

No. 3163 "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SUSTAINABLE PRACTICES."

Introduced by: Senators English, Tsutsui, Baker, Chun Oakland, Espero, Taniguchi.

No. 3164 "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SUSTAINABLE PRACTICES."

- Introduced by: Senators English, Tsutsui, Baker, Chun Oakland, Espero, Taniguchi.
- No. 3165 "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY."
- Introduced by: Senator Fukunaga.
- No. 3166 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY TAX INCENTIVES."
- Introduced by: Senators Fukunaga, by request, Ige, by request.
- No. 3167 "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES."
- Introduced by: Senator Fukunaga.
- No. 3168 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."
- Introduced by: Senators Fukunaga, Ige, Hooser, Kokubun, English, Baker, Ihara.
- No. 3169 "A BILL FOR AN ACT RELATING TO ETHANOL."
- Introduced by: Senators Fukunaga, English.
- No. 3170 "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS."
- Introduced by: Senators Fukunaga, English.
- No. 3171 "A BILL FOR AN ACT RELATING TO DISASTER RELIEF."
- Introduced by: Senators Fukunaga, Sakamoto.
- No. 3172 "A BILL FOR AN ACT RELATING TO PEST CONTROL."
- Introduced by: Senator Fukunaga.
- No. 3173 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE PUBLIC LIBRARY SYSTEM."
- Introduced by: Senators Espero, Aduja, Chun Oakland, Inouye, Sakamoto, Menor, English, Baker, Taniguchi, Kawamoto.
- No. 3174 "A BILL FOR AN ACT RELATING TO ILLEGAL SUBSTANCES."
- Introduced by: Senators Espero, Aduja.
- No. 3175 "A BILL FOR AN ACT RELATING TO FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES."
- Introduced by: Senators Espero, Kanno, Chun Oakland, Menor, Aduja, Inouye, Sakamoto, Ihara, Kokubun, Kawamoto, English, Tsutsui, Taniguchi.
- No. 3176 "A BILL FOR AN ACT RELATING TO METHAMPHETAMINE."
- Introduced by: Senators Espero, Kawamoto.
- No. 3177 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE POUHALA MARSH ECOSYSTEM RESTORATION AND COMMUNITY DEVELOPMENT PROJECT."
- Introduced by: Senators Espero, English, Kawamoto, Kanno.
- No. 3178 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTIETH SENATORIAL DISTRICT."
- Introduced by: Senator Espero.
- No. 3179 "A BILL FOR AN ACT RELATING TO GOVERNMENT."
- Introduced by: Senator Taniguchi.
- No. 3180 "A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS."
- Introduced by: Senators Bunda, Taniguchi.
- No. 3181 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
- Introduced by: Senator Taniguchi, by request.
- No. 3182 "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII."
- Introduced by: Senator Taniguchi.
- No. 3183 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."
- Introduced by: Senator Taniguchi, by request.
- No. 3184 "A BILL FOR AN ACT RELATING TO USE TAX OVERPAYMENT."
- Introduced by: Senator Kim.
- No. 3185 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."
- Introduced by: Senators Kim, Slom, Hanabusa, Hemmings, Kokubun, Kawamoto, Baker, Inouye, Aduja, Fukunaga, Bunda, Hooser.
- No. 3186 "A BILL FOR AN ACT RELATING TO UNAUTHORIZED EXPENDITURES OF PUBLIC FUNDS."
- Introduced by: Senators Kim, Slom, Aduja, Inouye, Tsutsui, Fukunaga, Ihara, Baker, Menor, Kokubun, Whalen, Kawamoto, Trimble, Bunda, Chun Oakland, Espero, Kanno.
- No. 3187 "A BILL FOR AN ACT RELATING TO HEALTH."
- Introduced by: Senators Kim, Aduja, Bunda, Tsutsui.
- No. 3188 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE EIGHTEENTH SENATORIAL DISTRICT."
- Introduced by: Senators Kawamoto, Espero, Kanno, Ige.

No. 3189 "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE."

Introduced by: Senator Kawamoto.

No. 3190 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senator Kawamoto.

No. 3191 "A BILL FOR AN ACT RELATING TO PRIVATE NONCOMMERCIAL PIERS."

Introduced by: Senator Kawamoto, by request.

No. 3192 "A BILL FOR AN ACT RELATING TO SUBMERGED LANDS."

Introduced by: Senators Kawamoto, by request, Espero, Kanno.

No. 3193 "A BILL FOR AN ACT RELATING TO CONSUMERS."

Introduced by: Senators Menor, Kim, Espero, Baker, Kanno, Tsutsui, English, Hooser, Aduja, Fukunaga, Hanabusa, Bunda, Kokubun, Taniguchi, Sakamoto, Ihara, Chun Oakland.

No. 3194 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE RX PROGRAM."

Introduced by: Senators Menor, Baker, Chun Oakland, Espero, Aduja, English, Kawamoto, Bunda, Kokubun, Taniguchi, Kim.

No. 3195 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT THE FUTURE FARMERS OF AMERICA PROGRAM IN HAWAII."

Introduced by: Senator Inouye.

No. 3196 "A BILL FOR AN ACT RELATING TO THE HOTEL PROJECT TAX CREDIT."

Introduced by: Senators Inouye, Espero, Hooser, Aduja, Chun Oakland, Slom, Ihara, Kanno.

No. 3197 "A BILL FOR AN ACT RELATING TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT."

Introduced by: Senator Inouye.

No. 3198 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Ihara, Baker, Espero, Fukunaga, Menor, Chun Oakland, Kanno, Hanabusa.

No. 3199 "A BILL FOR AN ACT RELATING TO PRIVACY OF FINANCIAL INFORMATION."

Introduced by: Senators Hooser, Ihara, Baker, Ige, Fukunaga, Kim, Kawamoto, Aduja, Inouye.

No. 3200 "A BILL FOR AN ACT RELATING TO ETHICS."

Introduced by: Senator Ihara, by request.

No. 3201 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Ihara, by request.

No. 3202 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senator Ihara, by request.

No. 3203 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HIGHWAY IMPROVEMENTS IN MAUI."

Introduced by: Senators Tsutsui, English, Baker.

No. 3204 "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS."

Introduced by: Senator Tsutsui, by request.

No. 3205 "A BILL FOR AN ACT RELATING TO CLASS SIZE REDUCTION."

Introduced by: Senators Tsutsui, Baker, English, Hooser.

No. 3206 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE THE COQUI FROG ON MAUI."

Introduced by: Senators Tsutsui, Baker, English, Hooser.

No. 3207 "A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT."

Introduced by: Senators Tsutsui, English, Baker, Hooser.

No. 3208 "A BILL FOR AN ACT RELATING TO AQUATIC LIFE."

Introduced by: Senator Bunda.

No. 3209 "A BILL FOR AN ACT RELATING TO TOBACCO SETTLEMENT."

Introduced by: Senator Bunda.

No. 3210 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Senator Bunda, by request.

No. 3211 "A BILL FOR AN ACT RELATING TO PESTICIDES."

Introduced by: Senator Bunda, by request.

No. 3212 "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN INTERNATIONAL EQUESTRIAN FACILITY."

Introduced by: Senator Bunda, by request.

No. 3213 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE WEST HAWAII VETERANS CEMETERY IN THE COUNTY OF HAWAII."

Introduced by: Senators Kokubun, Chun Oakland, Espero, Kawamoto, Menor, Fukunaga, Sakamoto.

No. 3214 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A HOMELESS SHELTER IN WEST HAWAII."

Introduced by: Senators Kokubun, Tsutsui, Kanno, Aduja, Taniguchi, Baker, Chun Oakland, Espero, English, Menor, Fukunaga.

No. 3215 "A BILL FOR AN ACT RELATING TO THE BUSINESS CORPORATION ACT."

Introduced by: Senators Kokubun, Tsutsui, Kanno, Baker, Chun Oakland, Espero, Kawamoto, English, Menor, Fukunaga, Sakamoto.

No. 3216 "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION."

Introduced by: Senators Kokubun, Sakamoto, Fukunaga, Ihara, Menor, Chun Oakland, Espero, Inouye.

No. 3217 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EXTENSION OF KEALAKAA STREET IN NORTH KONA."

Introduced by: Senators Kokubun, English, Chun Oakland, Menor.

No. 3218 "A BILL FOR AN ACT RELATING TO CONSTRUCTION AND DEMOLITION WASTE."

Introduced by: Senators Aduja, Kawamoto, Chun Oakland, Kim, Fukunaga.

No. 3219 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 13 OF THE CONSTITUTION OF THE STATE OF HAWAII TO INCREASE THE PERCENTAGE BY WHICH THE AMOUNT OF PRINCIPAL AND INTEREST PAYABLE ON GENERAL OBLIGATION BONDS MAY NOT EXCEED FOR THE PURPOSE OF FUNDING EDUCATION-RELATED CONSTRUCTION IN THE STATE."

Introduced by: Senators Aduja, Baker.

No. 3220 "A BILL FOR AN ACT RELATING TO CHALLENGES TO PERMITS, LICENSES, AND APPROVALS."

Introduced by: Senator Hanabusa.

No. 3221 "A BILL FOR AN ACT RELATING TO ELDERLY HOUSING."

Introduced by: Senator Hanabusa.

No. 3222 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Bunda.

No. 3223 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senators Kanno, Chun Oakland, Tsutsui, Inouye.

No. 3224 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE 19TH SENATORIAL DISTRICT."

Introduced by: Senator Kanno.

No. 3225 "A BILL FOR AN ACT RELATING TO ARBITRATION."

Introduced by: Senator Kanno.

No. 3226 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Kanno, Inouye.

No. 3227 "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS."

Introduced by: Senators Kanno, Aduja, Inouye, Espero.

No. 3228 "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS."

Introduced by: Senators Sakamoto, Fukunaga.

No. 3229 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIFTEENTH SENATORIAL DISTRICT."

Introduced by: Senator Sakamoto.

No. 3230 "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD CARE."

Introduced by: Senator Sakamoto.

No. 3231 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Sakamoto.

No. 3232 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Sakamoto.

No. 3233 "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES."

Introduced by: Senators Hanabusa, Aduja, Kanno, Kawamoto, Espero, Fukunaga, Taniguchi, Kokubun, Sakamoto, Kim, Inouye, Baker, English, Tsutsui, Hooser, Bunda, Chun Oakland, Menor, Ihara, Ige.

No. 3234 "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES."

Introduced by: Senators Hanabusa, Aduja, Kanno, Kawamoto, Espero, Fukunaga, Taniguchi, Kokubun, Sakamoto, Bunda, Chun Oakland, Kim, Inouye, Tsutsui, Baker, English, Hooser, Menor, Ihara, Ige.

No. 3235 "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE."

Introduced by: Senators Bunda, Kim, Tsutsui.

No. 3236 "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE."

Introduced by: Senators Bunda, Kim, Tsutsui.

No. 3237 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

Introduced by: Senators Menor, Baker, Chun Oakland, Kim, Tsutsui, English, Taniguchi, Aduja, Hooser, Espero, Fukunaga, Ige, Kokubun, Inouye, Hanabusa, Ihara, Sakamoto, Bunda, Kanno, Kawamoto.

No. 3238 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Aduja, Hooser, Kim, Tsutsui, English, Kanno, Baker, Espero, Fukunaga, Kawamoto, Inouye, Taniguchi, Hanabusa, Kokubun, Bunda, Ihara, Chun Oakland, Ige.

No. 3239 "A BILL FOR AN ACT RELATING TO TEACHERS."

Introduced by: Senators Sakamoto, Kim, Bunda.

No. 3240 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Chun Oakland, Baker, Taniguchi, Hooser, Inouye, Bunda, Aduja, Espero, Kokubun, Tsutsui, Kanno, English, Kawamoto, Kim, Fukunaga, Ige, Hanabusa, Menor, Ihara.

No. 3241 "A BILL FOR AN ACT RELATING TO TEACHERS."

Introduced by: Senators Sakamoto, Kim, Bunda.

ADJOURNMENT

At 6:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Friday, January 30, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

SIXTH DAY

Friday, January 30, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor David Monroy, Hope Chapel, Manoa, after which the Roll was called showing all Senators present with the exception of Senator Ige who was excused.

The President announced that he had read and approved the Journal of the Fifth Day.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 133, dated January 9, 2004, transmitting the Department of Taxation's Annual Report on Payments to the State by Electronic Funds Transfer, pursuant to Act 177, SLH 1997, was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 19) were read by the Clerk and were placed on file:

Dept. Com. No. 1, from the State Auditor dated May 7, 2003, transmitting a report, "Management Audit of the University of Hawaii Incentive Early Retirement Program (IER)," (Report No. 03-06).

Dept. Com. No. 2, from the State Auditor dated May 16, 2003, transmitting a report, "Follow-Up Audit of the Department of Human Services' QUEST Demonstration Project," (Report No. 03-07).

Dept. Com. No. 3, from the State Auditor dated May 19, 2003, transmitting a report, "Audit of the Department of Education's Special Education Equipment," (Report No. 03-08).

Dept. Com. No. 4, from the State Auditor dated June 19, 2003, transmitting a report, "Fiscal Accountability Audit of the Department of Education: Do Measures of Effectiveness Impact Funding Decisions?," (Report No. 03-09).

Dept. Com. No. 5, from the State Auditor dated June 30, 2003, transmitting a report, "Management and Financial Audit of the Hawai'i Tourism Authority's Major Contracts," (Report No. 03-10), pursuant to Section 23-13, HRS.

Dept. Com. No. 6, from the State Auditor dated August 5, 2003, transmitting a report, "Audit of the Department of Human Services' Electronic Benefit Transfer (EBT) Program," (Report No. 03-11).

Dept. Com. No. 7, from the State Auditor dated August 6, 2003, transmitting a report, "Follow-Up Audit of the Child Protective Services System," (Report No. 03-12).

Dept. Com. No. 8, from the State Auditor dated October 15, 2003, transmitting a report, "Review of Revolving Funds, Trust Funds, and Trust Accounts of the Departments of Accounting and General Services, Agriculture, Budget and Finance, and Land and Natural Resources," (Report No. 03-13), pursuant to 23-12, HRS.

Dept. Com. No. 9, from the State Auditor dated October 16, 2003, transmitting a report, "Study of Medical Savings Accounts," (Report No. 03-14).

Dept. Com. No. 10, from the State Auditor dated December 11, 2003, transmitting a report, "Audit of Kalaupapa Settlement Operations and Expenditures," (Report No. 03-15).

Dept. Com. No. 11, from the Hawaii Labor Relations Board, dated August 8, 2003, transmitting a corrected page from Informational Bulletin No. 41 dated April 2, 2003.

Dept. Com. No. 12, from the Department of Accounting and General Services dated August 13, 2003, transmitting a report prepared by the CPA firm of Ernst & Young in connection with certain agreed-upon procedures performed on state funds paid to two employee organizations for health and life insurance benefits for the period July 1, 1994 through June 30, 2001.

Dept. Com. No. 13, from the Department of Accounting and General Services dated August 13, 2003, transmitting a report prepared by the CPA firm of Ernst & Young in connection with certain agreed-upon procedures performed on state funds paid to eleven employee organizations for health and life insurance benefits for the period July 1, 1994 through June 30, 2001.

Dept. Com. No. 14, from the Department of Transportation dated September 19, 2003, transmitting its Annual Report for Fiscal Year Ending June 30, 2002.

Dept. Com. No. 15, from the Ombudsman dated December 29, 2003, transmitting the "Report of the Ombudsman," (Report No. 34), pursuant to Section 96-16, HRS.

Dept. Com. No. 16, from the Department of Labor and Industrial Relations dated January 2, 2004, transmitting a letter informing the Senate that the department's annual report will be forthcoming and received no later than January 9, 2004.

Dept. Com. No. 17, from the Department of Business, Economic Development and Tourism dated January 6, 2004, transmitting suggested legislation based on the report: "A Policy and Market Analysis of Gasoline Pricing and the Petroleum Industry in Hawaii," pursuant to Act 77, SLH 2002.

Dept. Com. No. 18, from the Department of Hawaiian Home Lands dated January 21, 2004, transmitting a letter informing the Senate that DHHL was unable to convene a working coalition pursuant to S.C.R. No. 54 (2003).

Dept. Com. No. 19, from the Department of Health, Environmental Health Administration, dated January 22, 2004, transmitting its Annual Indicators of Environmental Quality Report.

JUDICIARY COMMUNICATIONS

The following communications from the Judiciary (Jud. Com. Nos. 1 and 2) were read by the Clerk and were disposed of as follows:

Jud. Com. No. 1, submitting for consideration and consent, the nomination of WILLIAM A. CARDWELL to the Office of Judge, District Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was referred to the Committee on Judiciary and Hawaiian Affairs.

Jud. Com. No. 2, submitting for consideration and consent, the nomination of CHRISTINE E. KURIYAMA to the Office of Judge, District Family Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was referred to the Committee on Judiciary and Hawaiian Affairs.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 2 to 26) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 2 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO CONVENE A TASK FORCE TO REEVALUATE THE PLACEMENT OF THE OFFICE OF THE PUBLIC GUARDIAN."

Offered by: Senator Bunda, by request.

No. 3 "SENATE CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR OF THE LICENSING AND REGULATION OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS."

Offered by: Senator Bunda, by request.

No. 4 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERAGENCY TASK FORCE TO EVALUATE THE OPENING OF CHILD WELFARE FAMILY COURT PROCEEDINGS TO THE PUBLIC."

Offered by: Senator Bunda, by request.

No. 5 "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES."

Offered by: Senator Bunda, by request.

No. 6 "SENATE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK."

Offered by: Senator Bunda, by request.

No. 7 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT SPRECKELSVILLE, WAILUKU, MAUI, HAWAII, FOR MAINTENANCE OF ROCK GROIN PURPOSES."

Offered by: Senator Bunda, by request.

No. 8 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF BREAKWATER PURPOSES."

Offered by: Senator Bunda, by request.

No. 9 "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE

BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES."

Offered by: Senator Bunda, by request.

No. 10 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO EXEMPT HAWAII, ALASKA, GUAM AND PUERTO RICO FROM THE JONES ACT FOR THE HEALTH, SAFETY AND SECURITY OF ITS RESIDENTS."

Offered by: Senators Hemmings, Slom, Hogue, Trimble.

No. 11 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO REPEAL THE PASSENGER SERVICES ACT OF 1886."

Offered by: Senators Hemmings, Slom, Hogue, Trimble.

No. 12 "SENATE CONCURRENT RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR."

Offered by: Senators Kawamoto, Kanno, Aduja, Espero.

No. 13 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ENSURE THAT AT LEAST EIGHTY PER CENT OF FEDERAL EXPENDITURES REMAIN IN HAWAII, AND THE RIGHTS OF LOCAL UNION LABOR TO FAIR WAGES UNDER THE DAVIS-BACON ACT ARE NOT CIRCUMVENTED, ON THE U.S. MILITARY PRIVATIZATION CONSTRUCTION CONTRACTS FOR IMPROVEMENTS ON HAWAII MILITARY BASES."

Offered by: Senators Kawamoto, Espero, Aduja.

No. 14 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR ORAL HEALTH AND HYGIENE PROCEDURES."

Offered by: Senators Baker, English.

No. 15 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR SMOKING CESSATION PROGRAMS."

Offered by: Senators Baker, English.

No. 16 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR OBESITY REDUCTION PROGRAMS FOR CHILDREN AND ADOLESCENTS."

Offered by: Senators Baker, English.

No. 17 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO INCREASE FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH."

Offered by: Senators Chun Oakland, Tsutsui, Kanno.

No. 18 "SENATE CONCURRENT RESOLUTION SUPPORTING THE COURAGEOUS LEADERSHIP OF THE UNIFIED BUDDHIST CHURCH OF VIETNAM AND THE URGENT NEED FOR RELIGIOUS FREEDOM AND RELATED HUMAN RIGHTS IN THE SOCIALIST REPUBLIC OF VIETNAM."

Offered by: Senators Chun Oakland, Fukunaga, Trimble.

No. 19 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON THE ESTABLISHMENT OF CENTRAL KITCHENS FOR THE DEPARTMENT OF EDUCATION."

Offered by: Senators Sakamoto, Hooser, Kanno, Kawamoto, Aduja.

No. 20 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO UPDATE THE 1994 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES' MASTER BUILDING PLAN FOR THE COLLEGE OF EDUCATION."

Offered by: Senators Sakamoto, Chun Oakland, Baker, Hemmings, Kim, Aduja.

No. 21 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO INVESTIGATE AND REVIEW THE ENTIRE OPERATION OF THE CAMPAIGN SPENDING COMMISSION, ITS STAFF, INCLUDING ANY AGENCY OR PERSON WHO ASSISTS THE COMMISSION IN FULFILLING THE MISSION OF THE CAMPAIGN SPENDING COMMISSION."

Offered by: Senators Bunda, Kim, Hanabusa, Kawamoto, Aduja, Tsutsui, Sakamoto.

No. 22 "SENATE CONCURRENT RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL."

Offered by: Senators Slom, Hemmings, Kim, Sakamoto, Aduja.

No. 23 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND REQUIRE AS PART OF THE CURRICULUM AN ELEMENTARY SCHOOL-LEVEL PHYSICAL EDUCATION PROGRAM."

Offered by: Senator Kanno.

No. 24 "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON STATE AND COUNTY COMPLIANCE WITH APPLICABLE SOLID WASTE MANAGEMENT LAWS, RULES, AND REGULATIONS."

Offered by: Senators Aduja, Chun Oakland, Hooser, Baker, Kanno, Trimble, Espero, Sakamoto, Kokubun, Tsutsui, Kawamoto.

No. 25 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF TRANSPORTATION'S CONTRACTS FOR SOLID WASTE DISPOSAL AND RECYCLING."

Offered by: Senators Aduja, Espero, Menor, English.

No. 26 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE STATE FILM OFFICE, THE UNIVERSITY OF HAWAII, OTHER STATE AGENCIES, AND OTHER INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH AN ANNUAL INTERNATIONAL ANIMATION FILM FESTIVAL."

Offered by: Senators Espero, Fukunaga.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 5 to 13) were read by the Clerk and were deferred:

Senate Resolution

No. 5 "SENATE RESOLUTION REQUESTING THE LEGISLATURE TO CONVENE A TASK FORCE TO REEVALUATE THE PLACEMENT OF THE OFFICE OF THE PUBLIC GUARDIAN."

Offered by: Senator Bunda, by request.

No. 6 "SENATE RESOLUTION REQUESTING CONGRESS TO EXEMPT HAWAII, ALASKA, GUAM, AND PUERTO RICO FROM THE JONES ACT FOR THE HEALTH, SAFETY, AND SECURITY OF ITS RESIDENTS."

Offered by: Senators Hemmings, Slom, Hogue, Trimble.

No. 7 "SENATE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO REPEAL THE PASSENGER SERVICES ACT OF 1886."

Offered by: Senators Hemmings, Slom, Hogue, Trimble.

No. 8 "SENATE RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR."

Offered by: Senators Kawamoto, Kanno, Aduja, Espero.

No. 9 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON THE ESTABLISHMENT OF CENTRAL KITCHENS FOR THE DEPARTMENT OF EDUCATION."

Offered by: Senators Sakamoto, Hooser, Kanno, Aduja, Kawamoto.

No. 10 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO UPDATE THE 1994 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES' MASTER BUILDING PLAN FOR THE COLLEGE OF EDUCATION."

Offered by: Senators Sakamoto, Chun Oakland, Baker, Hemmings, Kim, Aduja.

No. 11 "SENATE RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL."

Offered by: Senators Slom, Hemmings, Kim, Trimble, Sakamoto, Aduja.

No. 12 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND REQUIRE AS PART OF THE CURRICULUM AN ELEMENTARY SCHOOL-LEVEL PHYSICAL EDUCATION PROGRAM."

Offered by: Senator Kanno.

No. 13 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE STATE FILM OFFICE, THE UNIVERSITY OF HAWAII, OTHER STATE AGENCIES, AND OTHER INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH AN ANNUAL INTERNATIONAL ANIMATION FILM FESTIVAL."

Offered by: Senators Espero, Fukunaga.

ORDER OF THE DAY

FIRST READING

On motion by Senator Kawamoto, seconded by Senator Hogue and carried unanimously, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 3097 "A BILL FOR AN ACT RELATING TO ELDERS."

No. 3098 "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA."

No. 3099 "A BILL FOR AN ACT RELATING TO CORAL REEF PROTECTION IN THE NORTHWESTERN HAWAIIAN ISLANDS."

No. 3100 "A BILL FOR AN ACT RELATING TO OPEN MEETINGS."

No. 3101 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 5, OF THE HAWAII STATE CONSTITUTION TO ALLOW FULL PUBLIC FINANCING OF CAMPAIGNS FOR PUBLIC OFFICE."

No. 3102 "A BILL FOR AN ACT RELATING TO ETHICS."

No. 3103 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCIES AND BOARDS."

No. 3104 "A BILL FOR AN ACT RELATING TO ELECTIONS."

No. 3105 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FOURTH SENATORIAL DISTRICT."

No. 3106 "A BILL FOR AN ACT RELATING TO COUNTIES."

No. 3107 "A BILL FOR AN ACT RELATING TO CRUISE SHIPS."

No. 3108 "A BILL FOR AN ACT RELATING TO STUDENTS."

No. 3109 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3110 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO HIGHER EDUCATION."

No. 3111 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

No. 3112 "A BILL FOR AN ACT RELATING TO TEACHERS."

No. 3113 "A BILL FOR AN ACT RELATING TO VOTING."

No. 3114 "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT."

No. 3115 "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AND CONSERVATION TRUST FUND."

No. 3116 "A BILL FOR AN ACT RELATING TO CRUISE SHIPS."

No. 3117 "A BILL FOR AN ACT RELATING TO THE HANA WHARF AND SMALL BOAT HARBOR."

No. 3118 "A BILL FOR AN ACT RELATING TO TRANSIT SERVICES FOR ELDERLY AND DISABLED."

No. 3119 "A BILL FOR AN ACT RELATING TO UNDERAGE SMOKING."

No. 3120 "A BILL FOR AN ACT RELATING TO EMPLOYMENT CONTRACTS FOR BROADCAST INDUSTRY EMPLOYEES."

No. 3121 "A BILL FOR AN ACT RELATING TO ATHLETIC CONTEST OFFICIALS."

No. 3122 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES."

No. 3123 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIME."

No. 3124 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTH SENATORIAL DISTRICT."

No. 3125 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3126 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DWELLING UNIT REVOLVING FUND."

No. 3127 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH PRESCRIPTION DRUGS."

No. 3128 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND IN PUPUKEA-PAUMALU, OAHU."

No. 3129 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DETERMINE AND IMPLEMENT THE BEST MITIGATION MEASURE TO CONTROL FLOODING OF LAKE WILSON."

No. 3130 "A BILL FOR AN ACT RELATING TO ZONING"

No. 3131 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE."

No. 3132 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES."

No. 3133 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE THIRTEENTH SENATORIAL DISTRICT."

No. 3134 "A BILL FOR AN ACT RELATING TO HEALTH CARE."

No. 3135 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES."

No. 3136 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

No. 3137 "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY."

No. 3138 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."

No. 3139 "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA."

No. 3140 "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY."

No. 3141 "A BILL FOR AN ACT RELATING TO LAND USE ENTITLEMENTS, RECLASSIFICATIONS, ZONING, SUBDIVISIONS, APPROVED VARIANCES AND PERMITS."

No. 3142 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3143 "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS."

No. 3144 "A BILL FOR AN ACT RELATING TO ATTORNEYS."

No. 3145 "A BILL FOR AN ACT RELATING TO LICENSING OF MORTGAGE BROKERS AND SOLICITORS."

No. 3146 "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT."

No. 3147 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TWENTY-FIRST SENATORIAL DISTRICT."

No. 3148 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3149 "A BILL FOR AN ACT RELATING TO FORFEITURES."

No. 3150 "A BILL FOR AN ACT RELATING TO OFFICE OF HAWAIIAN AFFAIRS."

No. 3151 "A BILL FOR AN ACT RELATING TO STATE TAX AMNESTY."

No. 3152 "A BILL FOR AN ACT RELATED TO FEDERAL HIGHWAYS."

No. 3153 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH."

No. 3154 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF HEALTH."

No. 3155 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

No. 3156 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

No. 3157 "A BILL FOR AN ACT RELATING TO INITIATIVE."

No. 3158 "A BILL FOR AN ACT RELATING TO ELECTED OFFICIALS."

No. 3159 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

No. 3160 "A BILL FOR AN ACT RELATING TO TOXIC MOLD."

No. 3161 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

No. 3162 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT."

No. 3163 "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SUSTAINABLE PRACTICES."

No. 3164 "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SUSTAINABLE PRACTICES."

No. 3165 "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY."

No. 3166 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY TAX INCENTIVES."

No. 3167 "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES."

No. 3168 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

No. 3169 "A BILL FOR AN ACT RELATING TO ETHANOL."

No. 3170 "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS."

No. 3171 "A BILL FOR AN ACT RELATING TO DISASTER RELIEF."

No. 3172 "A BILL FOR AN ACT RELATING TO PEST CONTROL."

No. 3173 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE PUBLIC LIBRARY SYSTEM."

- No. 3174 "A BILL FOR AN ACT RELATING TO ILLEGAL SUBSTANCES."
- No. 3175 "A BILL FOR AN ACT RELATING TO FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES."
- No. 3176 "A BILL FOR AN ACT RELATING TO METHAMPHETAMINE."
- No. 3177 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE POUHALA MARSH ECOSYSTEM RESTORATION AND COMMUNITY DEVELOPMENT PROJECT."
- No. 3178 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTIETH SENATORIAL DISTRICT."
- No. 3179 "A BILL FOR AN ACT RELATING TO GOVERNMENT."
- No. 3180 "A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS."
- No. 3181 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
- No. 3182 "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII."
- No. 3183 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."
- No. 3184 "A BILL FOR AN ACT RELATING TO USE TAX OVERPAYMENT."
- No. 3185 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."
- No. 3186 "A BILL FOR AN ACT RELATING TO UNAUTHORIZED EXPENDITURES OF PUBLIC FUNDS."
- No. 3187 "A BILL FOR AN ACT RELATING TO HEALTH."
- No. 3188 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE EIGHTEENTH SENATORIAL DISTRICT."
- No. 3189 "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE."
- No. 3190 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."
- No. 3191 "A BILL FOR AN ACT RELATING TO PRIVATE NONCOMMERCIAL PIERS."
- No. 3192 "A BILL FOR AN ACT RELATING TO SUBMERGED LANDS."
- No. 3193 "A BILL FOR AN ACT RELATING TO CONSUMERS."
- No. 3194 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE RX PROGRAM."
- No. 3195 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT THE FUTURE FARMERS OF AMERICA PROGRAM IN HAWAII."
- No. 3196 "A BILL FOR AN ACT RELATING TO THE HOTEL PROJECT TAX CREDIT."
- No. 3197 "A BILL FOR AN ACT RELATING TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT."
- No. 3198 "A BILL FOR AN ACT RELATING TO ELECTIONS."
- No. 3199 "A BILL FOR AN ACT RELATING TO PRIVACY OF FINANCIAL INFORMATION."
- No. 3200 "A BILL FOR AN ACT RELATING TO ETHICS."
- No. 3201 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
- No. 3202 "A BILL FOR AN ACT RELATING TO HEALTH."
- No. 3203 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HIGHWAY IMPROVEMENTS IN MAUI."
- No. 3204 "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS."
- No. 3205 "A BILL FOR AN ACT RELATING TO CLASS SIZE REDUCTION."
- No. 3206 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE THE COQUI FROG ON MAUI."
- No. 3207 "A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT."
- No. 3208 "A BILL FOR AN ACT RELATING TO AQUATIC LIFE."
- No. 3209 "A BILL FOR AN ACT RELATING TO TOBACCO SETTLEMENT."
- No. 3210 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- No. 3211 "A BILL FOR AN ACT RELATING TO PESTICIDES."
- No. 3212 "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN INTERNATIONAL EQUESTRIAN FACILITY."
- No. 3213 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE WEST HAWAII VETERANS CEMETERY IN THE COUNTY OF HAWAII."
- No. 3214 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A HOMELESS SHELTER IN WEST HAWAII."
- No. 3215 "A BILL FOR AN ACT RELATING TO THE BUSINESS CORPORATION ACT."

No. 3216 "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION."

No. 3217 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EXTENSION OF KEALAKAA STREET IN NORTH KONA."

No. 3218 "A BILL FOR AN ACT RELATING TO CONSTRUCTION AND DEMOLITION WASTE."

No. 3219 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 13 OF THE CONSTITUTION OF THE STATE OF HAWAII TO INCREASE THE PERCENTAGE BY WHICH THE AMOUNT OF PRINCIPAL AND INTEREST PAYABLE ON GENERAL OBLIGATION BONDS MAY NOT EXCEED FOR THE PURPOSE OF FUNDING EDUCATION-RELATED CONSTRUCTION IN THE STATE."

No. 3220 "A BILL FOR AN ACT RELATING TO CHALLENGES TO PERMITS, LICENSES, AND APPROVALS."

No. 3221 "A BILL FOR AN ACT RELATING TO ELDERLY HOUSING."

No. 3222 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

No. 3223 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

No. 3224 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE 19TH SENATORIAL DISTRICT."

No. 3225 "A BILL FOR AN ACT RELATING TO ARBITRATION."

No. 3226 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

No. 3227 "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS."

No. 3228 "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS."

No. 3229 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIFTEENTH SENATORIAL DISTRICT."

No. 3230 "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD CARE."

No. 3231 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3232 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

No. 3233 "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES."

No. 3234 "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES."

No. 3235 "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE."

No. 3236 "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE."

No. 3237 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

No. 3238 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3239 "A BILL FOR AN ACT RELATING TO TEACHERS."

No. 3240 "A BILL FOR AN ACT RELATING TO EDUCATION."

No. 3241 "A BILL FOR AN ACT RELATING TO TEACHERS."

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 2043 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2053 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2084 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2085 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2107 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology

No. 2214 Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2264 Jointly to the Committee on Education and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2275 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2280 Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2286 Jointly to the Committee on Economic Development, the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2338 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military

Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2351 Jointly to the Committee on Health and the Committee on Labor, then to the Committee on Ways and Means

No. 2352 Jointly to the Committee on Labor and the Committee on Health, then to the Committee on Ways and Means

No. 2354 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2369 Jointly to the Committee on Education and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2370 Jointly to the Committee on Education and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2378 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs

No. 2382 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2410 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2418 Jointly to the Committee on Energy and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2441 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2454 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2475 Jointly to the Committee on Education and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2478 Jointly to the Committee on Education, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2488 Jointly to the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2504 Jointly to the Committee on Energy and Environment and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2505 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2583 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 2601 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2602 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2603 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2606 Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs

No. 2608 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means

No. 2629 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2639 Jointly to the Committee on Labor and the Committee on Health, then to the Committee on Ways and Means

No. 2642 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2644 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2678 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 1 to 3) were read by the Clerk and were placed on file:

Misc. Com No. 1, from the County of Kauai, Department of Water, dated December 4, 2003, transmitting its proposed CIP projects request for state aid for the 2004 Legislative Session.

Misc. Com No. 2, from the Good Beginnings Alliance dated December 31, 2003, transmitting its 2003 Annual Report and the School Readiness Task Force Report.

Misc. Com No. 3, from the Friends of Foster Kids dated January 2, 2004, transmitting its report on exploring the possibilities of replacing the services of Casey Family Programs as they exit our state, pursuant to S.C.R. No. 93 (2003).

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

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

“In our deliberations we must remember that a bureaucracy is organic. It is a living organism. Whether it is animal or vegetable is up to us, but once we create it, it has a very predictable set of behavioral patterns. Its desire to grow and reproduce is only surpassed by its will to survive. Whether the bureaucracy is akin to mushrooms sprouting from a dung heap, or a giant African termite colony, or Bessie the cow that yields sweet milk and thick cream depends upon the reward structure that we establish. The current reward structure rewards only failure with greater allocation of our scarce resources.

“I stopped applauding the day before yesterday, when it became apparent that this bureaucracy, while delivering new and impassioned words, was defending itself as it has done for a generation. I have looked in this bureaucracy for close to 30 years. Let me assure you that when people resort to blaming the Department of Accounting and General Services, when they place their failure on Budget and Finance or the Attorney General’s Office, they are merely acknowledging the failure to understand what it takes to collaborate. The term collaboration to them means holding a meeting, and at the end of the meeting the staff agencies acknowledging the error of their ways and agreeing with me.

“I have over 20 years of experience working directly with Budget and Finance, DAGS, and the Attorney General’s Office. These are staffed by individuals who are not only highly qualified professionals, but individuals who are every bit as dedicated as those in the Department of Education. I’ve never met a bureaucrat who could not give a reasoned explanation as to why he failed. The larger the failure, the more elaborate the explanation. They want you to accept why they or, in fact, anyone could not have succeeded. We need to cut through the rhetoric. It matters not which excuse is given, ignore the noise.

“Our job is to seek out and recognize those individuals that succeed in spite of the system and to listen to their ideas on how to produce even better results. The answer is not more power or more money swallowed up by a system of governments. The solution is understanding the nature of the bureaucracy we have before us so that we can create a reward system that will transform this bureaucracy into something that produces the desirable results, which of course must be measurable. Our deliberation must be thoughtful and reflect fully the diversity of this august body.

“Mr. President, I find that my ability to carefully consider the ideas and expressions of my colleagues is being unnecessarily constrained by a sound system that is more appropriate for a karaoke bar than a Senate Chamber. I now understand the necessity for the frequent and weekly recesses of the Majority. This is what they need to do to be able to hear the thoughts of their colleagues rendered unintelligible by our sound system. This system interferes with the voters’ rights to unfettered representation.

“Mr. President, I request I, too, be allowed to join you, not to speak, but to be able to hear the thoughts of my colleagues, so that I may be able to more dutifully exercise the responsibility of my office.

“Thank you for your consideration of my request for more reasoned accommodation from my colleagues, as well as myself. Thank you.”

President Bunda responded as follows:

“Senator Trimble, you can be rest assured that we are now taking care of the problem and I’ve heard you loud and clear this time around. But, if a problem persists, you can be assured that we’ll take care of it.”

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

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

“I’m glad to hear the words of the Senator from Downtown and Waikiki talking about dealing with some of the challenges we have as state government, and certainly different parts of it – Department of Accounting and General Services, DHRD, B&F, Education, etc. I think one of our goals here is to reduce the barriers, in part from ‘eating our own young’ within state government and in part dealing better with some of the problems, with whatever department. And certainly with the Department of Education, the goal is to enable them to deal with less bureaucracy as opposed to more bureaucracy.

“On the part of the good Senator is not part of our Education Committee, but our Education Committee is holding a hearing at 1:30 in room 212 today, and he can come and sit in on that conversation to help improve our educational system, some measures will likely move forward, others will not, but we welcome him and others to room 212 at 1:30.

“Thank you.”

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

“Mr. President, I’d like to rise for a point of personal privilege.

“I would like to comment, Mr. President, on the statements made by one Senator about another earlier this week.

“It is my humble opinion that the words were an unwarranted attack that was in appropriate for this Chamber. Specifically, the good Senator from Kailua was extremely critical of the Senator from Kaneohe to Kahuku for exercising her right to sponsor legislation last year.

“Allow me to paint this picture – a young attorney, a mother of two, a community leader, comes to the Capitol filled with enthusiasm, eagerness and energy, one which would be expected from a first term Senator who has gone through two tough elections. She rolls up her sleeves, gets to work for her district and the State.

“The Rules of the Senate allow Senators to become sponsors of bills after they have been decked. The Rules were approved by the Hawaii Senate. All Senators are given the opportunity to take advantage of this Rule. The Rule does not cap or limit the number of bills a Senator may sponsor.

“The Senator from Kaneohe to Kahuku spends hours reading and reviewing these bills. Because of her diligence, her hard work, and her commitment to the job, she asked to co-sponsor approximately 140 bills. Good for her! What’s wrong with this, Mr. President?

“I can stand here today and mention of the top of my head 100 issues which I would like this Legislature to address. I may not personally look into all of these 100 issues, because I know my colleagues are working on similar legislation and bills. That is why, for the sake of efficiency, the option of co-sponsoring bills is available to me and all of my colleagues. For some of us

in here, maybe the thought of reviewing over 100 bills is mind boggling, something foreign or difficult, but the Senator from Kaneohe to Kahuku is a lawyer with the skill and training and the energy to take on a task of this magnitude. Energy and enthusiasm in this legislative body should not be discouraged or attacked.

“No law was broken. No action was inappropriate and no Rule was abused. Everything the Senator did was in compliance with the Senate Rules as adopted.

“I have great respect for the Senate Minority Leader, but I strongly disagree with the path he has taken here. Debate the issues and criticize us for our positions, but don’t stand up on the Floor and grumble because we are doing our jobs. And when a colleague of mind is unfairly attacked and tarnished on the Floor, I will speak my mind and rebut all rhetoric, all propaganda and grandstanding.

“As a side note, the Senator from Kaneohe to Kahuku has done more for the Windward side in the last six months, in terms of dealing with illegal dumping, solid waste disposal, and the ice epidemic, than any other Legislature in the past ten years. I am proud and honored to serve with her.

“Thank you, Mr. President, for the opportunity to share my thoughts.”

ADJOURNMENT

At 11:54 o’clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Monday, February 2, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

SEVENTH DAY

Monday, February 2, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Seaward Grant, C.S., First Church of Christ Scientists, after which the Roll was called showing all Senators present with the exception of Senators Ige and Menor who were excused.

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

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Monday, January 26, 2004, and Wednesday, January 28, 2004:

- | | |
|-------------|--|
| Senate Bill | Referred to: |
| No. 2679 | Committee on Judiciary and Hawaiian Affairs |
| No. 2680 | Committee on Labor, then to the Committee on Ways and Means |
| No. 2681 | Committee on Education, then to the Committee on Ways and Means |
| No. 2682 | Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing |
| No. 2683 | Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means |
| No. 2684 | Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means |
| No. 2685 | Committee on Education, then to the Committee on Ways and Means |
| No. 2686 | Committee on Health, then to the Committee on Ways and Means |
| No. 2687 | Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means |
| No. 2688 | Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing |
| No. 2689 | Committee on Education, then to the Committee on Ways and Means |
| No. 2690 | Committee on Health, then to the Committee on Ways and Means |
| No. 2691 | Jointly to the Committee on Transportation, Military Affairs, and Government Operations |

- | | |
|----------|---|
| | and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means |
| No. 2692 | Committee on Ways and Means |
| No. 2693 | Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means |
| No. 2694 | Committee on Education, then to the Committee on Ways and Means |
| No. 2695 | Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means |
| No. 2696 | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism, then to the Committee on Ways and Means |
| No. 2697 | Committee on Commerce, Consumer Protection and Housing |
| No. 2698 | Jointly to the Committee on Economic Development and the Committee on Tourism, then to the Committee on Ways and Means |
| No. 2699 | Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 2700 | Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means |
| No. 2701 | Committee on Education, then to the Committee on Ways and Means |
| No. 2702 | Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means |
| No. 2703 | Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 2704 | Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 2705 | Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means |
| No. 2706 | Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 2707 | Committee on Ways and Means |
| No. 2708 | Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 2709 | Committee on Judiciary and Hawaiian Affairs |
| No. 2710 | Committee on Ways and Means |

No. 2711	Jointly to the Committee on Tourism and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2731	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2712	Committee on Health, then to the Committee on Ways and Means	No. 2732	Committee on Transportation, Military Affairs, and Government Operations
No. 2713	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs	No. 2733	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2714	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2734	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2715	Committee on Judiciary and Hawaiian Affairs	No. 2735	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2716	Committee on Education	No. 2736	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2717	Committee on Education, then to the Committee on Ways and Means	No. 2737	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2718	Committee on Labor, then to the Committee on Ways and Means	No. 2738	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2719	Committee on Labor, then to the Committee on Ways and Means	No. 2739	Committee on Judiciary and Hawaiian Affairs
No. 2720	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2740	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2721	Committee on Health, then to the Committee on Ways and Means	No. 2741	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2722	Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs	No. 2742	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2723	Committee on Labor, then to the Committee on Ways and Means	No. 2743	Committee on Judiciary and Hawaiian Affairs
No. 2724	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2744	Committee on Judiciary and Hawaiian Affairs
No. 2725	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2745	Committee on Judiciary and Hawaiian Affairs
No. 2726	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing	No. 2746	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2727	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing	No. 2747	Committee on Judiciary and Hawaiian Affairs
No. 2728	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing	No. 2748	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2729	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism, then to the Committee on Ways and Means	No. 2749	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2730	Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs	No. 2750	Committee on Judiciary and Hawaiian Affairs
		No. 2751	Committee on Judiciary and Hawaiian Affairs
		No. 2752	Committee on Judiciary and Hawaiian Affairs
		No. 2753	Committee on Judiciary and Hawaiian Affairs

No. 2754	Committee on Education, then to the Committee on Ways and Means	No. 2774	Committee on Labor, then to the Committee on Ways and Means
No. 2755	Committee on Education, then to the Committee on Ways and Means	No. 2775	Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs
No. 2756	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs	No. 2776	Committee on Labor, then to the Committee on Ways and Means
No. 2757	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs	No. 2777	Committee on Transportation, Military Affairs, and Government Operations
No. 2758	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2778	Committee on Judiciary and Hawaiian Affairs
No. 2759	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations	No. 2779	Jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs
No. 2760	Committee on Judiciary and Hawaiian Affairs	No. 2780	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2761	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2781	Committee on Judiciary and Hawaiian Affairs
No. 2762	Committee on Judiciary and Hawaiian Affairs	No. 2782	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Energy and Environment
No. 2763	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2783	Jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2764	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2784	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2765	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2785	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2766	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2786	Committee on Judiciary and Hawaiian Affairs
No. 2767	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2787	Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
No. 2768	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2788	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2769	Committee on Commerce, Consumer Protection and Housing	No. 2789	Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means
No. 2770	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing	No. 2790	Committee on Education, then to the Committee on Ways and Means
No. 2771	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism, then to the Committee on Ways and Means	No. 2791	Committee on Education, then to the Committee on Ways and Means
No. 2772	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2792	Committee on Health, then to the Committee on Ways and Means
No. 2773	Committee on Labor, then to the Committee on Ways and Means	No. 2793	Committee on Education, then to the Committee on Ways and Means
		No. 2794	Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs

SENATE JOURNAL - 7th DAY

130

No. 2795	Jointly to the Committee on Science, Arts, and Technology and the Committee on Economic Development, then to the Committee on Ways and Means	No. 2816	Committee on Water, Land, and Agriculture
No. 2796	Jointly to the Committee on Energy and Environment, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2817	Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
No. 2797	Committee on Energy and Environment	No. 2818	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2798	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs	No. 2819	Committee on Water, Land, and Agriculture
No. 2799	Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2820	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2800	Committee on Ways and Means	No. 2821	Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
No. 2801	Committee on Labor, then to the Committee on Ways and Means	No. 2822	Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2802	Committee on Labor, then to the Committee on Ways and Means	No. 2823	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2803	Committee on Labor, then to the Committee on Ways and Means	No. 2824	Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2804	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs	No. 2825	Committee on Judiciary and Hawaiian Affairs
No. 2805	Committee on Education, then to the Committee on Ways and Means	No. 2826	Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2806	Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2827	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2807	Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2828	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2808	Committee on Judiciary and Hawaiian Affairs	No. 2829	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2809	Committee on Judiciary and Hawaiian Affairs	No. 2830	Jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2810	Committee on Judiciary and Hawaiian Affairs	No. 2831	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2811	Committee on Judiciary and Hawaiian Affairs	No. 2832	Committee on Judiciary and Hawaiian Affairs
No. 2812	Committee on Ways and Means	No. 2833	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2813	Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs	No. 2834	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2814	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations		
No. 2815	Committee on Water, Land, and Agriculture		

No. 2835	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2858	Committee on Judiciary and Hawaiian Affairs
No. 2836	Committee on Judiciary and Hawaiian Affairs	No. 2859	Committee on Judiciary and Hawaiian Affairs
No. 2837	Committee on Judiciary and Hawaiian Affairs	No. 2860	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
No. 2838	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs	No. 2861	Committee on Judiciary and Hawaiian Affairs
No. 2839	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs	No. 2862	Committee on Judiciary and Hawaiian Affairs
No. 2840	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2863	Committee on Energy and Environment
No. 2841	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2864	Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2842	Committee on Judiciary and Hawaiian Affairs	No. 2865	Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs
No. 2843	Committee on Judiciary and Hawaiian Affairs	No. 2866	Jointly to the Committee on Science, Arts, and Technology and the Committee on Economic Development, then to the Committee on Ways and Means
No. 2844	Committee on Judiciary and Hawaiian Affairs	No. 2867	Committee on Economic Development, then to the Committee on Ways and Means
No. 2845	Committee on Judiciary and Hawaiian Affairs	No. 2868	Committee on Tourism
No. 2846	Committee on Judiciary and Hawaiian Affairs	No. 2869	Committee on Economic Development
No. 2847	Committee on Judiciary and Hawaiian Affairs	No. 2870	Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
No. 2848	Committee on Judiciary and Hawaiian Affairs	No. 2871	Jointly to the Committee on Science, Arts, and Technology and the Committee on Economic Development, then to the Committee on Ways and Means
No. 2849	Committee on Judiciary and Hawaiian Affairs	No. 2872	Committee on Ways and Means
No. 2850	Committee on Judiciary and Hawaiian Affairs	No. 2873	Committee on Labor, then to the Committee on Ways and Means
No. 2851	Committee on Judiciary and Hawaiian Affairs	No. 2874	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2852	Committee on Judiciary and Hawaiian Affairs	No. 2875	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2853	Committee on Judiciary and Hawaiian Affairs	No. 2876	Committee on Labor, then to the Committee on Ways and Means
No. 2854	Committee on Judiciary and Hawaiian Affairs	No. 2877	Committee on Ways and Means
No. 2855	Committee on Judiciary and Hawaiian Affairs	No. 2878	Committee on Labor, then to the Committee on Ways and Means
No. 2856	Committee on Judiciary and Hawaiian Affairs	No. 2879	Committee on Labor, then to the Committee on Ways and Means
No. 2857	Committee on Judiciary and Hawaiian Affairs	No. 2880	Committee on Health, then to the Committee on Ways and Means

SENATE JOURNAL - 7th DAY

132

No. 2881	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2902	Committee on Science, Arts, and Technology, then to the Committee on Commerce, Consumer Protection and Housing
No. 2882	Committee on Commerce, Consumer Protection and Housing	No. 2903	Committee on Economic Development, then to the Committee on Commerce, Consumer Protection and Housing
No. 2883	Committee on Commerce, Consumer Protection and Housing	No. 2904	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2884	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs	No. 2905	Committee on Commerce, Consumer Protection and Housing
No. 2885	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs	No. 2906	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2886	Committee on Commerce, Consumer Protection and Housing	No. 2907	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2887	Committee on Commerce, Consumer Protection and Housing	No. 2908	Committee on Commerce, Consumer Protection and Housing
No. 2888	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2909	Committee on Commerce, Consumer Protection and Housing
No. 2889	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2910	Committee on Commerce, Consumer Protection and Housing
No. 2890	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2911	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2891	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2912	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2892	Committee on Commerce, Consumer Protection and Housing	No. 2913	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 2893	Committee on Commerce, Consumer Protection and Housing	No. 2914	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2894	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2915	Committee on Judiciary and Hawaiian Affairs
No. 2895	Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing	No. 2916	Committee on Transportation, Military Affairs, and Government Operations
No. 2896	Committee on Commerce, Consumer Protection and Housing	No. 2917	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2897	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2918	Committee on Transportation, Military Affairs, and Government Operations
No. 2898	Committee on Commerce, Consumer Protection and Housing	No. 2919	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2899	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 2920	Committee on Transportation, Military Affairs, and Government Operations
No. 2900	Committee on Economic Development, then to the Committee on Commerce, Consumer Protection and Housing	No. 2921	Committee on Labor, then to the Committee on Ways and Means
No. 2901	Committee on Commerce, Consumer Protection and Housing		

No. 2922	Committee on Judiciary and Hawaiian Affairs	No. 2944	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2923	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2945	Committee on Health, then to the Committee on Ways and Means
No. 2924	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs	No. 2946	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2925	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs	No. 2947	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2926	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2948	Jointly to the Committee on Health and the Committee on Human Services
No. 2927	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 2949	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 2928	Committee on Commerce, Consumer Protection and Housing	No. 2950	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
No. 2929	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means	No. 2951	Committee on Commerce, Consumer Protection and Housing
No. 2930	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means	No. 2952	Jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2931	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2953	Jointly to the Committee on Health and the Committee on Labor, then to the Committee on Ways and Means
No. 2932	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2954	Jointly to the Committee on Labor and the Committee on Health, then to the Committee on Ways and Means
No. 2933	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2955	Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
No. 2934	Committee on Human Services, then to the Committee on Ways and Means	No. 2956	Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2935	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health	No. 2957	Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2936	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means	No. 2958	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2937	Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs	No. 2959	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 2938	Committee on Labor	No. 2960	Jointly to the Committee on Health and the Committee on Energy and Environment
No. 2939	Committee on Labor	No. 2961	Jointly to the Committee on Labor and the Committee on Commerce, Consumer Protection and Housing
No. 2940	Committee on Labor	No. 2962	Committee on Judiciary and Hawaiian Affairs
No. 2941	Committee on Labor, then to the Committee on Ways and Means	No. 2963	Committee on Judiciary and Hawaiian Affairs
No. 2942	Committee on Labor, then to the Committee on Ways and Means		
No. 2943	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs		

No. 2964	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 2985	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
No. 2965	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 2986	Committee on Ways and Means
No. 2966	Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs	No. 2987	Committee on Labor, then to the Committee on Ways and Means
No. 2967	Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs	No. 2988	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 2968	Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs	No. 2989	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2969	Committee on Water, Land, and Agriculture	No. 2990	Committee on Ways and Means
No. 2970	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations	No. 2991	Committee on Ways and Means
No. 2971	Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs	No. 2992	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2972	Committee on Science, Arts, and Technology, then to the Committee on Ways and Means	No. 2993	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 2973	Jointly to the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture	No. 2994	Committee on Ways and Means
No. 2974	Committee on Judiciary and Hawaiian Affairs	No. 2995	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2975	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Labor, then to the Committee on Ways and Means	No. 2996	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 2976	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2997	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, then to the Committee on Ways and Means
No. 2977	Jointly to the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2998	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2978	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 2999	Committee on Education, then to the Committee on Ways and Means
No. 2979	Jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 3000	Committee on Education, then to the Committee on Ways and Means
No. 2980	Jointly to the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 3001	Committee on Education, then to the Committee on Ways and Means
No. 2981	Committee on Judiciary and Hawaiian Affairs	No. 3002	Jointly to the Committee on Science, Arts, and Technology and the Committee on Education, then to the Committee on Ways and Means
No. 2982	Committee on Judiciary and Hawaiian Affairs	No. 3003	Jointly to the Committee on Energy and Environment and the Committee on Economic Development, then to the Committee on Transportation, Military Affairs, and Government Operations
No. 2983	Committee on Ways and Means	No. 3004	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 2984	Committee on Ways and Means	No. 3005	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 3006	Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 3026	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
No. 3007	Committee on Judiciary and Hawaiian Affairs	No. 3027	Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing
No. 3008	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor	No. 3028	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 3009	Committee on Judiciary and Hawaiian Affairs	No. 3029	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 3010	Committee on Transportation, Military Affairs, and Government Operations	No. 3030	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 3011	Committee on Education, then to the Committee on Ways and Means	No. 3031	Committee on Commerce, Consumer Protection and Housing
No. 3012	Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 3032	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 3013	Committee on Education, then to the Committee on Ways and Means	No. 3033	Committee on Judiciary and Hawaiian Affairs
No. 3014	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 3034	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 3015	Committee on Transportation, Military Affairs, and Government Operations	No. 3035	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 3016	Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 3036	Committee on Human Services, then to the Committee on Ways and Means
No. 3017	Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs	No. 3037	Committee on Human Services, then to the Committee on Ways and Means
No. 3018	Committee on Labor, then to the Committee on Ways and Means	No. 3038	Committee on Education, then to the Committee on Ways and Means
No. 3019	Committee on Labor, then to the Committee on Ways and Means	No. 3039	Committee on Education, then to the Committee on Ways and Means
No. 3020	Committee on Education, then to the Committee on Ways and Means	No. 3040	Committee on Education, then to the Committee on Ways and Means
No. 3021	Jointly to the Committee on Science, Arts, and Technology and the Committee on Education, then to the Committee on Ways and Means	No. 3041	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 3022	Jointly to the Committee on Science, Arts, and Technology and the Committee on Tourism, then to the Committee on Ways and Means	No. 3042	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 3023	Committee on Commerce, Consumer Protection and Housing	No. 3043	Jointly to the Committee on Tourism and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 3024	Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means	No. 3044	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 3025	Jointly to the Committee on Economic Development and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means		

No. 3045	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing	No. 3065	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 3046	Committee on Ways and Means	No. 3066	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 3047	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 3067	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 3048	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 3068	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
No. 3049	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 3069	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 3050	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 3070	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs
No. 3051	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 3071	Committee on Ways and Means
No. 3052	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 3072	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 3053	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 3073	Committee on Labor, then to the Committee on Ways and Means
No. 3054	Committee on Ways and Means	No. 3074	Committee on Education, then to the Committee on Ways and Means
No. 3055	Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs	No. 3075	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
No. 3056	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 3076	Committee on Judiciary and Hawaiian Affairs
No. 3057	Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 3077	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 3058	Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 3078	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 3059	Committee on Commerce, Consumer Protection and Housing	No. 3079	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
No. 3060	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 3080	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism, then to the Committee on Ways and Means
No. 3061	Committee on Commerce, Consumer Protection and Housing	No. 3081	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 3062	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations	No. 3082	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 3063	Committee on Education, then to the Committee on Ways and Means	No. 3083	Committee on Education, then to the Committee on Ways and Means
No. 3064	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs	No. 3084	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
		No. 3085	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
		No. 3086	Committee on Education, then to the Committee on Ways and Means

No. 3087	Committee on Education, then to the Committee on Ways and Means	No. 3107	Jointly to the Committee on Tourism, the Committee on Economic Development and the Committee on Energy and Environment, then to the Committee on Ways and Means
No. 3088	Jointly to the Committee on Water, Land, and Agriculture, the Committee on Science, Arts, and Technology and the Committee on Energy and Environment	No. 3108	Committee on Education, then to the Committee on Ways and Means
No. 3089	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs	No. 3109	Committee on Education, then to the Committee on Ways and Means
No. 3090	Committee on Ways and Means	No. 3110	Committee on Education, then to the Committee on Ways and Means
No. 3091	Committee on Science, Arts, and Technology, then to the Committee on Ways and Means	No. 3111	Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing
No. 3092	Committee on Energy and Environment, then to the Committee on Ways and Means	No. 3112	Committee on Education, then to the Committee on Ways and Means
No. 3093	Committee on Energy and Environment, then to the Committee on Ways and Means	No. 3113	Committee on Judiciary and Hawaiian Affairs
No. 3094	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 3114	Committee on Health
No. 3095	Committee on Education, then to the Committee on Ways and Means	No. 3115	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 3096	Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 3116	Jointly to the Committee on Tourism, the Committee on Economic Development and the Committee on Energy and Environment, then to the Committee on Ways and Means
No. 3097	Jointly to the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 3117	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 3098	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 3118	Jointly to the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 3099	Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs	No. 3119	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
No. 3100	Committee on Judiciary and Hawaiian Affairs	No. 3120	Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs
No. 3101	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 3121	Committee on Judiciary and Hawaiian Affairs
No. 3102	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 3122	Committee on Human Services, then to the Committee on Ways and Means
No. 3103	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 3123	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
No. 3104	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 3124	Committee on Ways and Means
No. 3105	Committee on Ways and Means	No. 3125	Committee on Education
No. 3106	Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 3126	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
		No. 3127	Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

SENATE JOURNAL - 7th DAY

138

- | | |
|--|--|
| <p>No. 3128 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means</p> <p>No. 3129 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means</p> <p>No. 3130 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs</p> <p>No. 3131 Committee on Human Services, then to the Committee on Ways and Means</p> <p>No. 3132 Committee on Human Services, then to the Committee on Ways and Means</p> <p>No. 3133 Committee on Ways and Means</p> <p>No. 3134 Committee on Human Services, then to the Committee on Ways and Means</p> <p>No. 3135 Committee on Health, then to the Committee on Ways and Means</p> <p>No. 3136 Committee on Human Services, then to the Committee on Commerce, Consumer Protection and Housing</p> <p>No. 3137 Committee on Judiciary and Hawaiian Affairs</p> <p>No. 3138 Committee on Energy and Environment</p> <p>No. 3139 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means</p> <p>No. 3140 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means</p> <p>No. 3141 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs</p> <p>No. 3142 Committee on Education, then to the Committee on Ways and Means</p> <p>No. 3143 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means</p> <p>No. 3144 Committee on Judiciary and Hawaiian Affairs</p> <p>No. 3145 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs</p> <p>No. 3146 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs</p> <p>No. 3147 Committee on Ways and Means</p> <p>No. 3148 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means</p> | <p>No. 3149 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means</p> <p>No. 3150 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means</p> <p>No. 3151 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means</p> <p>No. 3152 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means</p> <p>No. 3153 Jointly to the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means</p> <p>No. 3154 Committee on Health</p> <p>No. 3155 Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means</p> <p>No. 3156 Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means</p> <p>No. 3157 Committee on Judiciary and Hawaiian Affairs</p> <p>No. 3158 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means</p> <p>No. 3159 Committee on Commerce, Consumer Protection and Housing</p> <p>No. 3160 Jointly to the Committee on Energy and Environment and the Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing</p> <p>No. 3161 Jointly to the Committee on Science, Arts, and Technology, the Committee on Economic Development and the Committee on Tourism, then to the Committee on Water, Land, and Agriculture</p> <p>No. 3162 Committee on Energy and Environment, then to the Committee on Ways and Means</p> <p>No. 3163 Jointly to the Committee on Science, Arts, and Technology and the Committee on Energy and Environment</p> <p>No. 3164 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means</p> <p>No. 3165 Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means</p> <p>No. 3166 Jointly to the Committee on Science, Arts, and Technology and the Committee on Economic Development, then to the Committee on Ways and Means</p> <p>No. 3167 Jointly to the Committee on Human Services and the Committee on Transportation, Military Affairs,</p> |
|--|--|

and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs	No. 3188	Committee on Ways and Means
No. 3168 Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs	No. 3189	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 3169 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means	No. 3190	Committee on Commerce, Consumer Protection and Housing
No. 3170 Committee on Economic Development, then to the Committee on Ways and Means	No. 3191	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 3171 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 3192	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 3172 Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing	No. 3193	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 3173 Committee on Education, then to the Committee on Ways and Means	No. 3194	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 3174 Committee on Judiciary and Hawaiian Affairs	No. 3195	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 3175 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 3196	Jointly to the Committee on Tourism and the Committee on Economic Development, then to the Committee on Ways and Means
No. 3176 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs	No. 3197	Jointly to the Committee on Tourism and the Committee on Economic Development, then to the Committee on Ways and Means
No. 3177 Committee on Energy and Environment, then to the Committee on Ways and Means	No. 3198	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 3178 Committee on Ways and Means	No. 3199	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
No. 3179 Committee on Ways and Means	No. 3200	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 3180 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means	No. 3201	Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing
No. 3181 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs	No. 3202	Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
No. 3182 Committee on Ways and Means	No. 3203	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 3183 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means	No. 3204	Committee on Commerce, Consumer Protection and Housing
No. 3184 Committee on Ways and Means	No. 3205	Committee on Education, then to the Committee on Ways and Means
No. 3185 Committee on Judiciary and Hawaiian Affairs	No. 3206	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 3186 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means	No. 3207	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 3187 Jointly to the Committee on Energy and Environment and the Committee on Health, then to the Committee on Ways and Means	No. 3208	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 3209 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs

No. 3210 Committee on Science, Arts, and Technology, then to the Committee on Water, Land, and Agriculture

No. 3211 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

No. 3212 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 3213 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 3214 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 3215 Committee on Commerce, Consumer Protection and Housing

No. 3216 Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 3217 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 3218 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 3219 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 3220 Committee on Judiciary and Hawaiian Affairs

No. 3221 Committee on Commerce, Consumer Protection and Housing

No. 3222 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 3223 Jointly to the Committee on Education and the Committee on Human Services, then to the Committee on Ways and Means

No. 3224 Committee on Ways and Means

No. 3225 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs

No. 3226 Committee on Labor, then to the Committee on Ways and Means

No. 3227 Committee on Labor, then to the Committee on Ways and Means

No. 3228 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 3229 Committee on Ways and Means

No. 3230 Jointly to the Committee on Human Services and the Committee on Education, then to the Committee on Ways and Means

No. 3231 Committee on Education, then to the Committee on Ways and Means

No. 3232 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 3233 Committee on Judiciary and Hawaiian Affairs

No. 3234 Committee on Ways and Means

No. 3235 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means

No. 3236 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means

No. 3237 Committee on Commerce, Consumer Protection and Housing

No. 3238 Committee on Education, then to the Committee on Ways and Means

No. 3239 Committee on Education, then to the Committee on Ways and Means

No. 3240 Jointly to the Committee on Education and the Committee on Ways and Means

No. 3241 Jointly to the Committee on Education and the Committee on Ways and Means

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2116	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2221	Jointly to the Committee on Health and the Committee on Human Services
No. 2258	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
No. 2280	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 2335	Committee on Energy and Environment, then to the Committee on Ways and Means
No. 2359	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 2384 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

Respectfully submitted,

No. 2448 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

Clerk of the Senate

No. 2506 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

Approved:

No. 2528 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

President of the Senate

No. 2571 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 2573 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 2609 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 2641 Jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2651 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 2661 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means

No. 2672 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means

Senator Baker rose on point of personal privilege as follows:

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

“Mr. President, colleagues, over the weekend we heard with great sadness and concern that a Hawaii Air Ambulance, on a mission of mercy to the Big Island, had been lost. And while we continue to pray with the families and others that this aircraft and its occupants will be found, we still share that concern today. I wanted to at least let the members of the paramedic community, the folks at Hawaii Air Ambulance and the families of the pilot and paramedics Mandy Shiraki and Daniel Villiaros know that the thoughts, prayers, and concerns of the Senate are with them and our best hopes that the airplane will be found and with it survivors, because we all have come to rely on the services of our emergency medical personnel who will jump in a plane, jump on an ambulance and go to the scene at any hour of the day or night when they’re called. We appreciate them and we honor them.

“Thank you Mr. President.”

ADJOURNMENT

At 11:47 o’clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Tuesday, February 3, 2004.

EIGHTH DAY

Tuesday, February 3, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:39 o'clock a.m. with the President in the Chair.

Respectfully submitted,

The Divine Blessing was invoked by the Reverend Mike Young, First Unitarian Church of Honolulu, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga and Hanabusa who were excused.

Clerk of the Senate

Approved:

The President announced that he had read and approved the Journal of the Seventh Day.

President of the Senate

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

- | Senate Bill | Referred to: |
|-------------|---|
| No. 2036 | Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Water, Land, and Agriculture, then to the Committee on Commerce, Consumer Protection and Housing |
| No. 3033 | Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means |
| No. 3212 | Jointly to the Committee on Water, Land, and Agriculture and the Committee on Tourism, then to the Committee on Ways and Means |
| No. 3233 | Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Health |
| No. 3237 | Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health |

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

“Mr. President, I request that today the Senate adjourn on a rising vote and observe a moment of silence for the victims of the Hawaii Air Ambulance crash. These fine men were on a mission of mercy serving their community. So we would like to remember pilot Ron Laubacher and paramedics Daniel Villiaros and Mandy Shiraki.

“Thank you.”

The Chair so ordered.

ADJOURNMENT

At 11:46 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 4, 2004, on a rising vote, observing a moment of silence in memory of Ron Laubacher, Mandy Shiraki and J. Daniel Villiaros who lost their lives in the Hawaii Air Ambulance crash.

NINTH DAY

Wednesday, February 4, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor David Monroy, Hope Chapel, Manoa, after which the Roll was called showing all Senators present with the exception of Senator Ige who was excused.

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

HOUSE COMMUNICATION

Hse. Com. No. 4, transmitting H.B. No. 2585, H.D. 1, which passed Third Reading in the House of Representatives on February 3, 2004, was read by the Clerk and was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2585, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed First Reading by title and was referred to the Committee on Ways and Means.

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 3020	Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means
No. 3024	Jointly to the Committee on Science, Arts, and Technology and the Committee on Economic Development, then to the Committee on Ways and Means

ADJOURNMENT

At 11:47 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 5, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

TENTH DAY

Thursday, February 5, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Dr. Tom Fujita, Nuuanu Congregational Church, after which the Roll was called showing all Senators present with the exception of Senator Inouye who was excused.

The President announced that he had read and approved the Journal of the Ninth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 134 to 141) were read by the Clerk and were placed on file:

Gov. Msg. No. 134, dated January 21, 2004, transmitting a Report on the Efforts to Increase the Number of High-Skilled Jobs in Targeted Industry Clusters, prepared by the Department of Business, Economic Development and Tourism pursuant to Act 148, SLH 2003.

Gov. Msg. No. 135, dated January 22, 2004, transmitting a report prepared by the Department of Health, pursuant to Act 185, SLH 2003, requiring the Department of Health and the Hawaii Real Estate Commission to conduct a study on the impact and feasibility of allowing condominium and cooperative housing corporation projects to become licensed assisted living facilities.

Gov. Msg. No. 136, dated January 23, 2004, transmitting a Report on the Development of Public Health Strategies to Address the Hepatitis C Problem in Hawaii, prepared by the Department of Health pursuant to S.C.R. No. 16 (2003).

Gov. Msg. No. 137, dated January 27, 2004, transmitting a Report on the Statewide Comprehensive Strategic Plan for Services and Supports for Individuals with Developmental Disabilities or Mental Retardation, prepared by the Department of Health pursuant to S.C.R. No. 151 (1999).

Gov. Msg. No. 138, dated January 27, 2004, transmitting a Report Establishing the Primary Health Care Incentive Program and the Primary Care Roundtable, prepared by the Department of Health pursuant to Act 41, SLH 1992.

Gov. Msg. No. 139, dated January 29, 2004, transmitting a Report Relating to the Drinking Water Treatment Revolving Loan Fund of the Department of Health, prepared by the Department of Health, Environmental Health Administration, Environmental Management Division, Safe Drinking Water Branch, Wastewater Branch, pursuant to Section 340E-33, HRS.

Gov. Msg. No. 140, dated January 30, 2004, transmitting a Report on Substance Abuse Treatment for Offenders, prepared by the Department of Health, Alcohol and Drug Abuse Division, pursuant to Act 200, Section 27, SLH 2003.

Gov. Msg. No. 141, dated January 30, 2004, transmitting the Annual Report of the Hawaii Advisory Commission on Drug Abuse and Controlled Substances pursuant to Section 329-3, HRS.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 20 and 21) were read by the Clerk and were placed on file:

Dept. Com. No. 20, from the State Auditor dated January 28, 2004, transmitting a report "Audit of the Department of Health's Administration of A Statewide Solid Waste Program and Assessment of Related Land Use Policies," (Report No. 04-01).

Dept. Com. No. 21, from the Department of Human Services dated January 29, 2004, transmitting a report summarizing the work of the statewide interagency Task Force in developing a plan for coordination and expansion of services provided through Healthy Start to young children and their families, pursuant to S.C.R. No. 13 (2003).

STANDING COMMITTEE REPORT

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2001) recommending that H.B. No. 2585, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2585, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 6, 2004, with Senator Hemmings voting "No."

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2293	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2348	Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means
No. 2683	Committee on Health, then to the Committee on Ways and Means
No. 2684	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2698	Jointly to the Committee on Economic Development, the Committee on Water, Land, and Agriculture and the Committee on Tourism, then to the Committee on Ways and Means
No. 2702	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

- No. 2703 Jointly to the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2714 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2731 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2746 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2749 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2757 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2758 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
- No. 2779 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2795 Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
- No. 2817 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
- No. 2825 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs
- No. 2839 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2869 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 2870 Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
- No. 2884 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2887 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2928 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2931 Jointly to the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2936 Committee on Human Services, then to the Committee on Ways and Means
- No. 2948 Committee on Health, then to the Committee on Ways and Means
- No. 2953 Committee on Health, then to the Committee on Ways and Means
- No. 2956 Committee on Health, then to the Committee on Ways and Means
- No. 2959 Jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2985 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
- No. 3002 Jointly to the Committee on Science, Arts, and Technology and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 3014 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 3022 Jointly to the Committee on Science, Arts, and Technology, the Committee on Economic Development and the Committee on Tourism, then to the Committee on Ways and Means
- No. 3025 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 3026 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
- No. 3061 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
- No. 3073 Jointly to the Committee on Labor and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 3099 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 3111 Jointly to the Committee on Labor and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 3114 Committee on Health, then to the Committee on Ways and Means
- No. 3130 Jointly to the Committee on Transportation, Military Affairs, and Government Operations

and the Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 3131 Committee on Health, then to the Committee on Ways and Means

No. 3138 Committee on Energy and Environment, then to the Committee on Ways and Means

No. 3155 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 3156 Committee on Health, then to the Committee on Ways and Means

No. 3159 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 3167 Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 3169 Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 3170 Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 3183 Committee on Health, then to the Committee on Ways and Means

No. 3235 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 3236 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 4 to 7) were read by the Clerk and were placed on file:

Misc. Com. No. 4, from the City and County of Honolulu Police Department dated December 17, 2003, transmitting its 2003 Annual Report, pursuant to 52D-3.5, HRS.

Misc. Com. No. 5, from the County of Hawaii Police Department dated December 10, 2003, transmitting the 2003 Annual Misconduct Report, pursuant to Section 92F-14, HRS.

Misc. Com. No. 6, from the County of Maui Police Department dated December 31, 2003, transmitting its Standard of Conduct Report for 2003.

Misc. Com. No. 7, from the County of Maui Police Department dated January 5, 2004, transmitting its summary of incidents and violations which resulted in the suspension or discharge of Police Officers for 2003, pursuant to Act 242, SLH 1995.

Senator Kanno, Chair of the Committee on Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 2145.

Senator Kanno noted:

“Mr. President, this bill provides for an annual adjustment to the state minimum wage.”

The Chair then granted the waiver.

ADJOURNMENT

At 11:54 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:00 o'clock a.m., Friday, February 6, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

ELEVENTH DAY

Friday, February 6, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:08 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Deacon Walter Yoshimitsu, St. John Vianney Church, Kailua, after which the Roll was called showing all Senators present with the exception of Senators Inouye and Kim who were excused.

The President announced that he had read and approved the Journal of the Tenth Day.

At 11:15 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:25 o'clock a.m.

ORDER OF THE DAY

THIRD READING

H.B. No. 2585, H.D. 1:

Senator Taniguchi moved that H.B. No. 2585, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Mr. President, I rise to speak in support of H.B. No. 2585, H.D. 1, our legislative appropriations bill.

"Mr. President, both the Senate and the House, are holding the line on spending. Our legislative budgets remain flat with no increase from last year's budget. I also want to note that our attached agencies – the Legislative Reference Bureau, the State Ethics Commission, and the Ombudsman – have not increased their respective budgets.

"H.B. No. 2585 increases the auditor's budget by a little over \$3 million to allow the auditor to conduct the annual audits, audits of departments in accordance with Act 4 of the 2003 Special Session.

"Mr. President, our Auditor, Marion Higa, has been recognized for her in-depth, incisive, and sometimes scathing audits of departments and agencies. Even Governor Lingle has recognized the work of our auditor.

"Mr. President, I can assure you that Ms. Higa will apply the same high levels of professionalism and excellence to the audit of the departments as she has done with her past audits.

"I ask that all members vote 'aye.' Thank you, Mr. President."

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

"Mr. President, I rise in opposition to H.B. No. 2585.

"We had a very lively discussion and a good discussion yesterday in the Ways and Means Committee, but not all the committee members were there and not the rest of our

colleagues. So, let me tell you why I stand in opposition to this bill.

"First of all, we certainly reinforce our support for the Office of the Legislature Auditor and for the work that has been done and will be done in the future. I don't think that's an issue, the support. However, there were some troubling questions that were raised yesterday and not answered or not answered in a position that would, I think, assure a fiscally sound legislative body.

"First and foremost, as I pointed out yesterday, and it has been not just for this bill but for other bills, there was no total amount given in the bill. So, one had to add up all of the separate appropriations to come up with a figure, and colleagues should know that the total amount of this bill is \$23 million. That means that the cost of running this Legislature is \$23 million – the Legislature and the allied agencies that the Chairman of Ways and Means talked about. Of that \$23 million, while the appropriations are not increasing, the Chairman did point out the issue about an additional \$3 million for the Office of the Legislative Auditor, and that's where I think one of the problems was created because we heard testimony from Mr. Saito, the Chief Financial Officer, the Comptroller for the State of Hawaii, the head of DAGS, and we looked at the figures for doing the audits of the various agencies, which are now going to be taken over by the auditor, and we're not rearguing Act 4. What we are looking at, though, is why the cost would be 25 percent more than the actual figures that had been presented prior to that?

"In questioning the auditor, her answer was that she was estimating the cost of inflation. And when it was pointed out that, in fact, we have had very little inflation in the state and that we're not expecting any, in fact, the real issue for a lot of people has been the threat of deflation in the state, her estimate of the inflationary and other costs in producing the documents came to about 12 percent above what the actual costs have been and were projected by DAGS. So, that left another 13 percent. The answer was that that money would not be lost but would be deposited in the revolving special fund of the legislative auditor.

"Now, Mr. President and colleagues, as you know, I have been railing against special funds from the moment that I entered this body eight years ago. And I think for good reason, because what happens is, whenever we create special funds, whenever we pump money into those special funds, a year or two or three to five years later, the Legislature in its wisdom, empties those funds and the funds go into the general fund for other purposes.

"So, I have a problem with the figures – why they are so inflated, number one; why we need to build up an additional balance at this time, number two. There certainly are other methods and other agencies that could use the funding at this time. The estimate, by the way, of the additional \$3 million was a faulty estimate. It was based on a figure that allegedly came from the executive in the executive budget of \$6 million. That budget figure never appeared from the executive. In fact, it came from the Legislature and was reduced significantly in actual terms by the executive branch.

"The other point that came up yesterday was, if we're looking at the agency's amounts, then really we should look at the other amounts too, as part of that overall \$23 million, but we found out that the legislative auditor, in fact, does not audit the Legislature. So, those monies that go into the expenditures for the Legislature, while they may have remained flat, they still

represent a significant amount of money, and perhaps we should be turning our attention to looking more closely at our own expenditures.

“And finally, Mr. President, we’ve now completed, or will complete today, 11 days of the 60-day Legislative Session, and it’s always interesting to me that the first bill that we always rush through is the bill to pay for ourselves. We’re told that we have an ice epidemic; we’re told that we have an educational crisis, but the first bill that we always rush through to send to the Governor, and even have special times for the Session and even get the committee report in record speed, is the bill for more expenditures by the Legislature.

“So, while that is prompt, we also had questions about the promptness of whether or not these financial audits are going to take place. For these and other reasons, I’m compelled to vote ‘no’ on this budget.

“Thank you, Mr. President.”

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

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

“As an aside, I want to thank the Majority for having a short recess to discuss this issue behind close doors. I would hope that you can have the discussion out here, but that’s just my personal opinion.

“I had trouble with this particular request from the legislative auditor because she’s asking for a 25 percent increase and I’m not sure that she has actually backed up her claims. One of the things that the legislative auditor should be employing every single department to do is to practice fiscal responsibility, and yet I’m not sure that the answers that were given for a 25 percent increase really stand muster. And certainly the auditor’s office has been having difficulty just getting her work done on time and turning in some of the reports in on a timely manner.

“Also, there’s a matter that doesn’t really seem to make a whole heck of a lot of sense to me, and that is that when the auditor’s department in past sent some of these different audits out to independent CPA firms, one of the things that these independent CPA firms would do is to compile the financial statements. They would spend part of their time during the process, maybe as much as half or two-thirds of the time, in the compilation process. Okay, that’s the preparation of the financial statements, the gathering, all of that stuff and then the rest of it would be done in audit services. So, for example, if it went out to, say, Price Waterhouse, and I used to work for Price Waterhouse as a young CPA, and say the entire bill for Price Waterhouse was \$100,000, about \$50,000 of that would be compilation and \$50,000 of that would be audit service. But what the legislative auditor is saying is that she and her office don’t do compilation, that she will be asking the different departments to do the compilation and she wants to charge as much as Price Waterhouse charged for the outside independent audit.

“So, essentially, what is happening here is that the departments are doing the compilation, then the legislative auditor is doing the audit services and yet the legislative auditor is charging the different departments the full cost. So, we’re suggesting that the cost is much less than this, because she and her office are only doing audit services and so that full cost should not be as high as she is actually charging the

departments. So if that’s the case, why is there an extra 25 percent added on?

“So for these reasons, I will be voting ‘no.’ Thank you, Mr. President.”

Senator Hemmings rose to speak against the measure and stated:

“Mr. President, I rise to speak against H.B. No. 2585, H.D. 1.

“Mr. President, I’d like to agree with the good Senator from Manoa, the Chairman of the Ways and Means Committee, that this Legislature is run cost effectively and efficiently. I think we ask all our people, who don’t have the protection in the instances of civil service or labor unions, to work extra long and extra hard hours and they do produce great work. I think we do have a very efficient branch of government here and I compliment the Majority Party for having it that way. But, that’s not always true in every instance. We joined you in lauding the efforts of the legislative auditor in the past and we all agree that she’s done an excellent job of ferreting out some of the problems we face in government so we can address them.

“This latest move, though, to remove some of the audit functions from the executive branch of government to the legislative branch of government, is a policy change. It’s not her initiative. It’s the initiative of this Legislature, and we find fault with it. It seems to be more political than necessary. In many instances, it does pose a problem for the executive branch of government. For instance, in the Comprehensive Annual Financial Reporting Requirements, what they call a CAFRR, they have to be on time and be fairly well done. Otherwise, it jeopardizes our Chief Financial Comptroller who happens to be the head of DAGS. It doesn’t jeopardize the Department of the Legislative Auditor.

“With that in mind, we have discovered in our investigations, in a very, very healthy hearing yesterday, it was democracy at its best, where differing opinions were aired openly and honestly and we had a wonderful debate. And once again, I would like to congratulate the Chairman of the Ways and Means Committee for allowing it to proceed. There is some information that was brought forth that shows that possibly this added responsibility and the added cost which won’t entirely justify being given to the legislative auditor, should be questioned. For instance, we know, as a matter of record, which was acknowledged in questioning, that the legislative auditor does about 12 to 15 audits a year and has been late in reporting back for them to this Legislature. Of them, two of them have still not been reported to us, and they do have an impact on us being able to do our job. There were hearings the other day on mental health parity in the House of Representatives, but there was no audit that we requested so we could make informed decisions on that debate.

“So the facts are undeniable that the legislative auditor is late. And that poses a problem for something like CAFRR. You might ask why? Well, the legislative auditor in her wonderful work she’s done in years past, has done an excellent job of holding departments feet to the fire on employment practices. She’s singled out the Quest Program and also the Office of Hawaiian Affairs for high employee turnover. National statistics on employee turnover in all agencies of government say that they average between 7 and 10 percent. In the last 10 months in the legislative offices of the legislative auditor, there has been close to 50 percent turnover. This is problematic and may result in untimely submission of reports that we need to stay legal and protect our bond rating and get our job done.

“So, I will suggest that before we give this office additional responsibility and an additional \$3 million that we take a serious look at how that office is functioning. I might suggest that it might be time to audit the auditor and do a management audit of the auditor to give her assistance in ferreting out the problems that she’s facing retaining her employees and submitting her reports on time.

“For this reason and for fiscal responsibility and accountability, I, too, will be voting ‘no’ against this legislation.

“Thank you, Mr. President.”

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

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

“Mr. President, today the Judiciary and Hawaiian Affairs Committee had an informational briefing on a report by the auditor. And for the first time, something struck me, and I think that’s part of the problem that we’re faced with here. It struck me that if you look at the cover of her reports, it says ‘The Auditor.’ You hear all of our discussions and we say ‘the legislative auditor.’ As a result of that, what it seems to be, as the good Senator from Maunawili is talking about, is that somehow we’re doing a policy change.

“Mr. President, that’s the farthest thing from the truth. In fact, we, as a body, should look historically at what has happened here, because as we are going to engage in this Session, the discussion of most constitutional amendments that I remember (of course I haven’t been here that long, but), we should realize at that point what we are doing.

“The concept is the auditor. An auditor is found from the beginning of the Organic Act. The changes to the Organic Act was to incorporate the Supreme Audit Institution’s and U.S. Accounting Office’s principles of post audit for government entities. We have seen discussions from that time to 1950, the constitutional convention, 1968 constitutional convention. The one thing that has not changed, Mr. President, is the fact that you find the office or the description of the auditor in Article VII, Section 10 of our Constitution presently, and that is not Article III, which is the Legislature, and neither is it Article V, which is the executive branch. It is a separate branch. And the reason why is because we’ve always felt, or the people of this State, actually correctly, have felt that we need an auditor.

“So, now we look as this issue of funding. The funding of the audit.

“Mr. President, I didn’t know this, but I think that maybe many of my colleagues don’t know this as well, so let me read part of the Standing Committee Report of the 1978 Constitutional Convention. They said then:

‘Your committee also reviewed the issue of auditing in the executive branch and, as suggested by House Resolution 595, H.D. 1, 1978 Regular Session, which was directed to your Committee, considered whether all post-audits should be consolidated under the constitutionally established auditor.’

And that, if you look at all of her reports, she makes it very clear, she’s giving this report pursuant to Article VII, Section 10.

‘While executive auditing would appear to be self-auditing, an anomalous situation which the original 1950 Constitution attempted to correct, executive auditing persists because it

pre-dates the establishment of the office of the auditor. Nothing appears to have been done to correct the situation, and the result is that auditing in the executive branch continues even though the legislative auditor is constitutionally assigned to perform that function.

‘Your Committee considered including language in the Constitution which would clarify that the duty of the auditor to certify to the accuracy of financial statements shall be exclusive. However, your Committee finds that it is already the duty of the auditor to certify to the accuracy of all financial statements. The problem is that the legislature has not clarified the statutes or made the necessary funding arrangements so that the function of certifying to financial statements can be discharged by the auditor without duplication of the function by the executive branch.’

Mr. President, if there’s a duplication of function, it is the executive branch, not the auditor. And you notice I didn’t reference her as the legislative auditor.

‘Therefore, your Committee views the issue at this time as one for legislative rather than constitutional remedy. It is the intent of your Committee that the legislature will proceed to amend the statutes and make the necessary funding arrangements so that the function of conducting financial audits leading to certifications will be discharged by the auditor. It is also your Committee’s intent that the assignment to the auditor of the function of financial audits requiring certification does not preclude the executive branch from conducting audits of its accounting and internal control systems, management reviews and analyses, program and performance evaluations, and other examinations and studies necessary for the efficient conduct of executive operations.’

“So, Mr. President, what we have done here, albeit rather late, is to fulfill the role of the people of the State of Hawaii. This is the intent for the office of the auditor – that it shall be the final say. And, Mr. President, we hear about, well, you know, they cost us more. Mr. President, she has a different mandate than an internal audit of the executive branch functions. She has to actually, and this goes back, Mr. President, to the 1950 Constitutional Convention, which says ‘the auditor is one of the important elements in financial management. It is his (and I’m happy to say that subsequently they kind of made it neutral, they took out the his) it is his responsibility to analyze appropriations, authorizations, and expenditures to determine whether payments comply with the legal requirements and to ascertain whether all revenues have been properly accounted for. It is also the responsibility of the auditor to submit recommendations covering means and methods for improving financial management.’ It also goes on to point out to all these different legislative constitutional histories that I’ve reviewed, that one of the things that the auditor is to do is to ensure that we have complied with the constitution and the laws of this State.

“These are wide responsibilities, more than simply financial management or financial auditing of an internal manner, which is what the executive branch does. It can go ahead and audit itself, but because we, over the years, have said and called her the ‘legislative auditor,’ I believe it’s given people the sense that what we’re dealing with here is some kind of audit that the Legislature is doing. We’ve all been wrong. We kind of owe her an apology, Mr. President.

“She is the auditor of the State of Hawaii, created by the constitution, enacted by the people of this State. They have entrusted her with the responsibility of making sure all branches of government perform as it should, and to say and to give her clear mandates as to what she is to do. She does more than to

say whether the money is there or isn't there. For those who may have overheard or participated in the Judiciary and Hawaiian Affairs hearing today, you saw that, because she made recommendations which the Department of Hawaiian Home Lands said we are enacting. We are moving forward and implementing all of her recommendations because that is part of her responsibility, which the people of the State of Hawaii have entrusted to her as a function of our constitution.

"So my fellow colleagues, as we look and we start to debate constitutional amendments, let's remember this, because if there's any entity that probably should be blamed for the confusion that we have today, it is us. We didn't do this sooner, and now it may be late, but, it's time for us to actually do it. Let's note, it saddened me when Governor Cayetano vetoed the bill, because I felt that it was a necessary step that the Legislature should have taken back then and that was a function of Felix and those of us who participated in it. But now we have made and remedied that problem by passing the bill last year. But even back in 1978, it said the problem now is the second part, the money.

"Mr. President, I ask that my colleagues join me in fulfilling our responsibility as set forth in the Committee Reports of the 1978 Constitutional Convention and follow what the will of the people is, which is that she shall do it and she shall have the sufficient funds to do it.

"Thank you, Mr. President."

Senator Hemmings rose in rebuttal and said:

"Mr. President, I rise in rebuttal.

"Mr. President, I am most appreciative of the well researched anarchist brief to this proposed legislation, and I wish to congratulate the very erudite and articulate Chair of the Judiciary Committee for pointing out that for over 25 years the Majority Party, who has had all the power, has failed to comply with simple constitutional intent concerning the auditor. As I stated in my opening remarks, I do not fault the auditor for the policy change. I fault the people in charge of the Legislature for that problem.

"I also would like the record to note that this was said last year and it's possibly something we should take into consideration, with all the constitutional amendment proposals and the judgements we get from the Supreme Court on our constitution, that it may be once again time for this state to convene a constitutional convention. I will tell you in our research that a number of states' audit functions are conducted in many different ways, not through the legislative process or the legislature, but are conducted in the executive branch of government, and some states there are even independent auditors that are elected by the people. So there may be better ways to do this process and free it up from the political machinations that we both indulge in.

"The third point that I think bares rebuttal, even though it was not mentioned in the very erudite briefing of the previous speaker, it doesn't address the problems the auditor personally is having in the audit process of timeliness with late audits and employment practice issues.

"For these reasons, I will continue to urge this body to take a deep breath and let's do what's right and hold this proposal off until we can do it the right way.

"Thank you, Mr. President."

Senator Aduja rose to speak in support of the measure and said.

"Mr. President, I rise in support of H.B. No. 2585, H.D. 1, and to speak of the need of checks and balances and accountability in government.

"The work of the auditor has been both praised and criticized over the years by members of both political parties. This is true as well of the recent audit of the Department of Health with respect to its administration of the statewide solid waste program.

"Mr. President, in my humble opinion, this report merits our highest praise. As Chair of the Joint Legislative Task Force on Waste Management and Recycling, I can personally attest to the audit's thoroughness and accuracy. The audit's findings validated the findings of the task force. The task force conducted numerous landfill site visits on Oahu, Maui, Molokai, Kauai and the Big Island in the past November and December. Just as the auditor's report indicated, and I quote, 'the Department of Health is not carrying out its solid waste management responsibilities for public health and environmental protection.' It further on continues and says, 'prior audits,' Mr. President, 'pointed out management problems that continue to exist. For example, the department is still not properly monitoring, inspecting, or enforcing solid waste regulations, particularly for landfills.'

"The quality of the work that the auditor, Marion Higa, and her able staff have done, and continue to do, deserves our applause and even criticism by members of both political parties. But, more importantly, Mr. President, no measure should be taken to suppress either. Yet, I sense the executive branch seeks to impair the auditor's ability to discharge her duties and responsibilities, especially with reference to administrative officers and agencies. Instead, the executive branch indicates a desire to audit itself. I find this at once absurd and unacceptable.

"We, as Legislators, are the policymakers of this State. In our best judgement, we created the Office of the Auditor to ensure accountability in the management of the policies we make to assure us a desirable level of checks and balances in government. We created the Office of the Auditor to search for and identify instances of waste, fraud, abuse, malfeasance, misfeasance, and nonfeasance within the executive branch as may be directed by the Legislature.

"Our Governor, who had in her campaign praised the work of the auditor, now appears to be singing to a different tune. Her new lyrics indicate the end of her high-profile 'New Beginning,' and the words now appear to be 'to do more with less.'

"In this case, we are not separated by political partisanship. We are separated by the constitutional division of the legislative, administrative, and judicial branches of government. In creating the office, the Legislators intended for it to serve those of us who seek the truth, which in the end is going to be our ultimate salvation.

"To the auditor's most recent critics, I have three thoughts for you: (1) dissent is healthy; (2) better late than never; and (3) the truth will prevail.

"Colleagues, Mr. President, please join me in support of H.B. No. 2585, H.D. 1. Thank you very much."

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

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

“Mr. President, in the past, members from both sides of the aisle have repeatedly attested to the integrity and the proficiency of the Office of the Auditor and the auditor herself. In fact, the Governor, in her campaign, said, ‘I will authorize a complete independent audit of the state’s finances in cooperation with the state auditor, Marion Higa.’ Sections 7 and 8 of H.B. No. 2585, H.D. 1, simply appropriates funding for that. So it leads me to ask, What’s changed? What’s changed in the last 12 months that have made some very critical of the auditor and her office?”

“Mr. President, this leads me to my second question. Is there something to hide? I believe there’s nothing to hide. I believe that our state departments and their directors are doing a wonderful job. And if an audit is performed, I believe it’s a great opportunity for these departments to improve their efficiency. If they are truly to move forward with making government work better, an accurate financial accountability and openness is key. With a complete audit of the state’s finances, we’ll be ready to identify weaknesses and mismanagement, ultimately giving the public a better understanding of where state revenues come from and how they are used.

“And, Mr. President, if the Majority Party has failed over the past 25 years, as referenced by the Minority Leader, then I will ask him to join us today and do what is right and support this measure.

“Thank you, Mr. President.”

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

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

“I, for one, have not changed my opinion of the legislative auditor. I worked for the executive branch of government for many years. She turned out many good reports. I read them faithfully. That’s not to say that the reports in some sense were not geared to gain the headlines in the newspaper, because you need publicity to gain public support to take corrective action that this body must do to improve government.

“Friday, last, I had a few words about bureaucracy. And since you weren’t at yesterday’s meeting, let me tell you what I saw. On one hand, I saw the executive branch which felt threatened. On the other hand, I saw a bureaucrat who was seeking to extend the character of the office, the power of the office, which would ultimately lead to a greater and widespread recognition in compensation. As a follower of bureaucracy, I think this should be brought to your attention – that when we undergo policy changes that will lead to an increase in government with no meaningful improvement, then it is appropriate to say no.

“The strength of the legislative auditor is in making management audits. If we, at this time, expand the scope of the office, the danger is that we will get less focus from that office in reports that we need to do our job properly. The second thing is the timing of this change. Previous speakers have eluded to problems in management, problems in turnover, and is this the appropriate time to double or triple the budget? I think it is not.

“All I ask is be thoughtful in coming to your conclusion. I do regret that I am voting ‘no’ today.”

Senator Slom rose and said:

“Mr. President, just a few follow up comments that are necessary.

“Again, let me reiterate my total support for the office of the legislative auditor and for the individual, but it’s like any other office and any other individual. The reason we have audits and the reason we scrutinize operations is to make sure that everything is being done the way it should be. And let’s make no mistake – our issue on our side of the aisle today is with the funding itself, and specifically with the timeliness of reporting, not with the office, not with the constitutional background.

“Two of the previous speakers from the Majority Party said the same thing, which is totally incorrect. They said that the executive branch audits itself. That is not true, they know it’s not true. The executive branch has always sent out audits. The audits are done by independent recognized auditors using recognized CPA standards. As a matter of fact, the audits, the CAFRR of the State of Hawaii has been awarded for 14 consecutive years, mostly over Democratic administrations, top awards for their reporting and for their independent accuracy.

“The other point that I would make again is that we are really questioning this 25 percent increase, which was not documented yesterday. There were no specifics as to why an increase of this magnitude was being sought. Now, if we could all get together and say, wait a minute, if you’re not challenging the office and you’re not challenging the functions, all you’re challenging is the money, if the Majority Party were to say let’s amend this bill and reduce the \$3 million request to \$1 million, I think that you would have our support on this bill. But that has not been suggested. You want to hold on to that 25 percent increase, which has not been directed.

“Finally, on this question of state auditor versus legislative auditor, it’s true that there are mixed definitions that are given. Even the speakers today referred to the office as the legislative auditor. But let’s remember, it is the Legislature that appoints and confirms this auditor, it is the Legislature that funds this auditor, and finally, it is the Legislature, not the executive branch, not the public, that directs what studies and what audits this legislative auditor will make.

“And that, Mr. President, is the issue. So if there will be an amendment offered to reduce this amount to a more reasonable \$1 million, I will sign on and support it gladly.

“Thank you.”

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

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

“You know, Mr. President, this discussion has been very healthy and I appreciate it. But I just have to come back to this one particular point – it’s a separation of powers issue, separation of government issue. The previous speaker said, well, the executive doesn’t audit itself. You know, it’s true. What they do is they hire someone. That’s what the auditor does as well, is hire someone else to do the audit.

“Yesterday in the Committee, their whole debate was that, well, why is the auditor hiring someone else to do the job. So, you can’t have it both ways. And I’m glad that they agree with us, that, yes, you hire a firm to do it. But ultimately, the one who is a client is the one that bothers me. And in the executive branch when the executive is the client that hires someone to do an audit on themselves, I’m very uneasy with that. I don’t care who’s in control of the executive. What I care about is the

independence of the branches and the idea of checks and balances in our system.

“So, the debate is healthy. I think this is healthy and I also agree with something that the previous speaker said, except in the opposite direction. What he said is, that we should amend this bill. We should amend this bill, I don’t agree we should decrease the money. I think we should give the auditor more money because then she can audit more departments, and she can audit more executive functions. Because that is where we have not been, well, frankly, we have not been living up to the constitutional mandate. So, I agree, we should amend the bill. We should give them more money to do more audits so that we can get better accounting for the citizens of the people of Hawaii.

“Thank you, Mr. President.”

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

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

“You have to feel a bit flabbergasted at the opposition to the state auditor who has been one of the most popular figures in our state government over the past many years.

“Mr. President, as Legislator, one of our primary responsibilities is approval of our state budget. Each year we vote to allocate millions, hundreds of millions, billions of dollars, billions of hard earned public dollars to various state agencies in order that they may provide the services expected and needed in our community. Once that critical budget vote is taken, those funds are then transferred to the responsibility of the executive branch. The Governor then, together with the various leaders of the various departments, is responsible for implementing the programs and spending that money wisely and efficiently.

“The office of the state auditor plays a key role, a valuable role in ensuring that government and all the various agencies involved are held accountable – accountable for the money given to them to do their job. It is the office of the state auditor that we count on to root out and expose waste, fraud and corruption. It is the office of the state auditor whose job it is to evaluate the various programs and agencies in state government to make recommendations as to how they might become more efficient.

“I agree with my colleague from Maui. I would like to support and strengthen the office of the state auditor, her office and give her additional tools and resources for which to do her job – increasing efficiency and accountability in government and making sure tax dollars are spent wisely. This should concern all of us. After all, this not our money we are spending, this is the people’s money, hard-earned money earned at honest jobs, many times by people working two or three jobs. We owe it to them to support the state auditor in her efforts to make sure that money is properly accounted for and spent wisely.

“Some of you in this chamber opposed to this measure seek rather to muzzle the activity of the state auditor and to restrict the office’s ability to audit the books of various state agencies. Why? Why would individuals who just 18 months ago, the greatest, and certainly the loudest cheerleaders of them all for the auditor’s office, why are they now less than enthusiastic, even, in fact, in opposition to supporting the increased auditing and thus the potential for increase accountability of government operations? Why? Why, is the question I’m asking? Why are those who would normally be proponents of increasing efficiency and accountability, known far and wide for their

inspired rhetoric on the Floor of this Chamber emphasizing and reemphasizing and emphasizing again the importance of weeding out waste and corruption and the importance of increasing accountability and efficiency, why are they now attempting to tie the hands and the purse strings of the state auditor’s office? Why do they now want to limit the auditor’s ability to do her job properly? What has changed?

“The performance record and ability of the state auditor certainly has not changed. Her reputation for hard hitting, direct, and to the point audit reports is well known statewide, and that has not changed. Her office certainly cannot be accused of favoring Democrats. She has more than proved her independence during the past years of auditing the recent Democratic Governor and his departments.

“So, what has changed? What is so different today that would cause this radical change of opinion with regards to the office of the auditor? If we were honest and open with ourselves about this matter, we will admit that the only thing that has changed, the only thing of significant that has changed is that we have a new Governor and new department heads. Perhaps those that were so full of glee when the departments under the former Governor received critical audits, are somewhat less than enthusiastic about the same possibility occurring today. Perhaps it was fear, perhaps it was lack in trust that stands in the way of supporting the auditor in managing these financial audits.

“Mr. President, colleagues, I will ask you today to vote in support of the measure now before us. I ask that you cast your vote in support of keeping the state auditor’s office strong, strong and viable. I ask that you vote in support of giving the state auditor’s office the tools and resources it needs to continue its fine work in holding our state government accountable to the people of this State.

“Thank you.”

Senator Whalen rose and said:

“Mr. President, I call for the question.”

At this time, Senator Whalen called for the previous question, seconded by Senator Tsutsui.

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

The Senate reconvened at 12:11 o’clock p.m.

The motion for the previous question was then put by the Chair and carried.

Senator Ihara rose and inquired:

“Mr. President, what is the vote on that? It takes two-thirds vote, I believe . . .”

The President interjected:

“It’s three-fifths, 15 votes.”

Senator Ihara continued to inquire:

“Were there 15 votes?”

The President replied: “Yes.”

Senator Ihara questioned: “How do you know?”

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

The Senate reconvened at 12:14 o'clock p.m.

The President then stated:

"To answer Senator Ihara's question, I did hear three noes, and the rest yes."

The motion was put by the Chair and carried, H.B. No. 2585, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 2 (Inouye, Kim).

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

- | Senate Bill | Referred to: |
|-------------|--|
| No. 2137 | Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means |
| No. 2178 | Jointly to the Committee on Energy and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means |
| No. 2822 | Jointly to the Committee on Labor, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means |
| No. 2836 | Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 2912 | Jointly to the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means |
| No. 2935 | Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health, then to the Committee on Ways and Means |
| No. 2961 | Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means |
| No. 2994 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means |
| No. 3064 | Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 3177 | Jointly to the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means |

No. 3209 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

At this time, Senator Aduja rose and said:

"Mr. President, I do have some comments that I'd like to make in rebuttal to the Senator from Waimanalo's comments. Therefore, Mr. President, may I have your permission to insert such comments into the Journal?"

"Thank you, Mr. President."

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

"Mr. President, I rise to offer a rebuttal to statements made by the good Senator from Waimanalo.

"Mr. President, criticisms about the auditor being late in submitting four out of fifteen audit responses are misplaced. These late audits involve management audits as requested by the Legislature typically through joint concurrent resolutions, such as the recently completed audit on solid waste management.

"Such audits are not financial audits that are subject to Act 4, which require a Comprehensive Annual Financial Report ('CAFR') necessitating federally mandated due dates and other stringent guidelines.

"The issue before us in House Bill 2585, House Draft 1, is to provide adequate funding to the auditor to enable her office to contract with private firms to conduct CAFR audits—just as DAGS did. In these instances, the auditor can require her contractors to get such audits done in a timely manner—just as DAGS did.

"Mr. President, DAGS has been performing these financial audits of state departments and agencies for many years. Transferring the responsibility of conducting CAFR audits from DAGS to the auditor is definitely not a criticism of the performance or efficiency of DAGS.

"Mr. President, this transfer, however, brings the State government's practices in line with our Constitutional requirements. Having audits conducted by a neutral party which, while part of the legislative branch of government, is Constitutionally mandated to report to both the Governor and the Legislature.

"Mr. President, if the auditor is able to perform such duties just as DAGS did, then why not leave the audits with DAGS? It is because the Constitution provides that audits are to be performed by the auditor, and not by DAGS.

"As such, I, again, fully encourage this honorable body to support House Bill 2585, House Draft 1, and to give the auditor sufficient funds so that she can perform her core functions as mandated by our Constitution."

ADJOURNMENT

At 12:20 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 9, 2004.

TWELFTH DAY

Monday, February 9, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Seaward Grant, C.S., First Church of Christ Scientist, after which the Roll was called showing all Senators present with the exception of Senators Ige and Inouye who were excused.

The President announced that he had read and approved the Journal of the Eleventh Day.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2002) recommending that S.B. No. 2005 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2005, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 11, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2003) recommending that S.B. No. 2385, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2385, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIV/AIDS PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Friday, January 30, 2004:

Senate Concurrent Resolution	Referred to:
No. 2	Committee on Judiciary and Hawaiian Affairs
No. 3	Committee on Commerce, Consumer Protection and Housing
No. 4	Jointly to the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs
No. 5	Committee on Water, Land, and Agriculture
No. 6	Committee on Water, Land, and Agriculture

No. 7	Committee on Water, Land, and Agriculture
No. 8	Committee on Water, Land, and Agriculture
No. 9	Committee on Water, Land, and Agriculture
No. 10	Committee on Transportation, Military Affairs, and Government Operations
No. 11	Committee on Transportation, Military Affairs, and Government Operations
No. 12	Committee on Transportation, Military Affairs, and Government Operations
No. 13	Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations
No. 14	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health
No. 15	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health
No. 16	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health
No. 17	Committee on Health
No. 18	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology
No. 19	Committee on Education
No. 20	Committee on Education
No. 21	Committee on Judiciary and Hawaiian Affairs
No. 22	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology
No. 23	Committee on Education
No. 24	Jointly to the Committee on Health and the Committee on Energy and Environment
No. 25	Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations
No. 26	Jointly to the Committee on Economic Development and the Committee on Education

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Friday, January 30, 2004:

Senate
Resolution Referred to:

No. 5 Committee on Judiciary and Hawaiian
Affairs

No. 6 Committee on Transportation, Military
Affairs, and Government Operations

No. 7 Committee on Transportation, Military
Affairs, and Government Operations

No. 8 Committee on Transportation, Military
Affairs, and Government Operations

No. 9 Committee on Education

No. 10 Committee on Education

No. 11 Jointly to the Committee on
Transportation, Military Affairs, and Government Operations
and the Committee on Science, Arts, and Technology

No. 12 Committee on Education

No. 13 Jointly to the Committee on Economic
Development and the Committee on Education

ADJOURNMENT

At 11:49 o'clock a.m., on motion by Senator Kawamoto,
seconded by Senator Hogue and carried, the Senate adjourned
until 11:30 o'clock a.m., Tuesday, February 10, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

THIRTEENTH DAY

Tuesday, February 10, 2004

SENATE RESOLUTIONS

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Captain Dwayne Patterson, Salvation Army, Kaneohe, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

The President announced that he had read and approved the Journal of the Twelfth Day.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 142, informing the Senate that on February 10, 2004, the Lt. Governor signed into law House Bill No. 2585 as Act 1, entitled: "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," was read by the Clerk and was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 27 to 30) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 27 "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR FEDERAL LEGISLATION AUTHORIZING THE IMPORTATION OF PRESCRIPTION DRUGS."

Offered by: Senators Tsutsui, English, Baker, Hooser.

No. 28 "SENATE CONCURRENT RESOLUTION DESIGNATING MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII."

Offered by: Senators Kim, Fukunaga, Chun Oakland, Trimble, Hooser, Hanabusa, Tsutsui, Baker, Inouye, Ige, Espero, Aduja, Kokubun, Bunda.

No. 29 "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL TRADE COMMISSION TO INVESTIGATE AND TAKE ACTION AGAINST THE USE OF UNSOLICITED PORNOGRAPHIC POPUP ADVERTISEMENTS."

Offered by: Senators Kim, Chun Oakland, Trimble, Hanabusa, Tsutsui, Baker, Espero, Inouye, Aduja, Kokubun, Sakamoto, Bunda, Ige, English.

No. 30 "SENATE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA."

Offered by: Senators Kim, English, Trimble, Kawamoto, Hanabusa, Kokubun, Hooser, Inouye, Sakamoto, Espero, Aduja, Ige, Tsutsui, Hemmings, Taniguchi.

The following resolutions (S.R. Nos. 14 to 18) were read by the Clerk and were deferred:

Senate Resolution

No. 14 "SENATE RESOLUTION REQUESTING THE STATE OF HAWAII RECOGNIZE FEBRUARY 6 AS 'RONALD REAGAN DAY.'"

Offered by: Senators Slom, Hemmings, Hogue, Trimble, Whalen, Inouye.

No. 15 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ENSURE THAT AT LEAST EIGHTY PER CENT OF FEDERAL EXPENDITURES REMAIN IN HAWAII, AND THE RIGHTS OF LOCAL UNION LABOR TO FAIR WAGES UNDER THE DAVIS-BACON ACT ARE NOT CIRCUMVENTED, ON THE U.S. MILITARY PRIVATIZATION CONSTRUCTION CONTRACTS FOR IMPROVEMENTS ON HAWAII MILITARY BASES."

Offered by: Senator Kawamoto.

No. 16 "SENATE RESOLUTION DESIGNATING MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII."

Offered by: Senators Kim, Fukunaga, Chun Oakland, Trimble, Hooser, Hanabusa, Kawamoto, Tsutsui, Baker, Inouye, Bunda, Ige, Espero, Aduja, Kokubun.

No. 17 "SENATE RESOLUTION URGING THE FEDERAL TRADE COMMISSION TO INVESTIGATE AND TAKE ACTION AGAINST THE USE OF UNSOLICITED PORNOGRAPHIC POPUP ADVERTISEMENTS."

Offered by: Senators Kim, Chun Oakland, Trimble, Tsutsui, Espero, Inouye, Aduja, Sakamoto, Kokubun, Baker, Taniguchi, Hanabusa, Bunda, Ige, English.

No. 18 "SENATE RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA."

Offered by: Senators Kim, English, Trimble, Kawamoto, Hanabusa, Kokubun, Hooser, Inouye, Sakamoto, Espero, Aduja, Ige, Tsutsui, Hemmings, Taniguchi.

STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2004) recommending that S.B. No. 2278 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2278, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS

OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 12, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2005) recommending that S.B. No. 2439 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2439, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ARBITRATION ACT," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 12, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2006) recommending that S.B. No. 2443, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2443, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' LIENS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 12, 2004.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2007) recommending that S.B. No. 2394, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2394, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 12, 2004.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2008) recommending that S.B. No. 2396 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2396, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2009) recommending that S.B. No. 2589 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2589, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2010)

recommending that S.B. No. 2327 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2327, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the majority of the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2011) recommending that S.B. No. 2149 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2149, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2012) recommending that S.B. No. 2164 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2164, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2013) recommending that S.B. No. 2166 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2166, entitled: "A BILL FOR AN ACT RELATING TO THE EDUCATION OF FOSTER YOUTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2014) recommending that S.B. No. 2168, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2168, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIB SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2015) recommending that S.B. No. 2224 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2016) recommending that S.B. No. 2226 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2226, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2017) recommending that S.B. No. 2227, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2227, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2018) recommending that S.B. No. 2301 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2301, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2019) recommending that S.B. No. 2223, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2020) recommending that S.B. No. 2581, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2581, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEEDLE EXCHANGE PROGRAM," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2021) recommending that S.B. No. 245, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 245, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO TRANSPORTATION," passed Second Reading and was recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2074 Affairs	Committee on Judiciary and Hawaiian
No. 2451 Affairs	Committee on Judiciary and Hawaiian
No. 2822	Jointly to the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2827 Affairs	Committee on Judiciary and Hawaiian
No. 2828 Affairs	Committee on Judiciary and Hawaiian
No. 3030 Affairs	Committee on Judiciary and Hawaiian
No. 3088	Jointly to the Committee on Water, Land, and Agriculture, the Committee on Science, Arts, and Technology and the Committee on Energy and Environment, then to the Committee on Ways and Means
No. 3101	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 3163	Jointly to the Committee on Science, Arts, and Technology and the Committee on Energy and Environment, then to the Committee on Ways and Means
No. 3164	Committee on Energy and Environment, then to the Committee on Ways and Means

ADJOURNMENT

At 11:45 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 11, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FOURTEENTH DAY

Wednesday, February 11, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Steve Zurcher, Nanaikapono Protestant Church, after which the Roll was called showing all Senators present with the exception of Senators English, Hanabusa and Hogue who were excused.

The President announced that he had read and approved the Journal of the Thirteenth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 143 to 147) were read by the Clerk and were placed on file:

Gov. Msg. No. 143, dated January 27, 2004, transmitting the 2003 Hawaii Data Disc containing the 2001-2002 State of Hawaii Data Book; Hawaii Census and Population; and the DBEDT Statistical Report Series, prepared by the Department of Business, Economic Development and Tourism.

Gov. Msg. No. 144, dated January 27, 2004, transmitting the Annual Report on the Implementation of the State Plan from the Hawaii State Council on Mental Health, prepared by the Department of Health pursuant to Section 334-10, HRS, and the Department of Health's Annual Report, pursuant to Hawaii Administrative Rules, Title 11, Department of Health, Chapter 175, 11-175-03.

Gov. Msg. No. 145, dated January 30, 2004, transmitting a Report on the Environmental Response Law and Hawaii Community Right to Know Act Financial and Environmental Site Information, prepared by the Department of Health, pursuant to Chapters 128D and 128E, HRS; and a Report on the Revenues and Expenditures of the Environmental Response Revolving Fund for Fiscal Year 2003, pursuant to Act 200, SLH 2003.

Gov. Msg. No. 146, dated February 6, 2004, transmitting the Department of Labor and Industrial Relations' Annual Report for Fiscal Year Ending June 30, 2003, pursuant to Section 371-7, HRS.

Gov. Msg. No. 147, dated January 14, 2004, transmitting the Hawaii Coastal Zone Management Program Annual Report for Fiscal Year Ending June 30, 2003, prepared by the Department of Business, Economic Development and Tourism, Office of Planning, pursuant to Section 205A-3, HRS.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 22 and 23) were read by the Clerk and were placed on file:

Dept. Com. No. 22, from the State Auditor dated February 9, 2004, transmitting a report, "Management Audit of the Public Utilities Commission and the Division of Consumer Advocacy," (Report No. 04-02).

Dept. Com. No. 23, from the Hawaii Health Systems Corporation dated January 23, 2004, transmitting the Annual Report on the Program of All-Inclusive Care for the Elderly (PACE) for the Fiscal Year Ending June 30, 2003, pursuant to Act 338, SLH 1997.

HOUSE COMMUNICATION

Hse. Com. No. 5, transmitting H.B. No. 1819, which passed Third Reading in the House of Representatives on February 10, 2004, was read by the Clerk and was placed on file.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, H.B. No. 1819, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2022) recommending that S.B. No. 2156, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2156, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2023) recommending that S.B. No. 2302, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2302, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FILIPINO CENTENNIAL CELEBRATION COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

S.B. No. 2005:

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, S.B. No. 2005, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Hanabusa, Hogue).

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 8, from the County of Kauai Police Department dated February 3, 2004, transmitting its Report on Misconduct and Disciplinary Action Regarding Police Officers, pursuant to Act 242, SLH 1995, was read by the Clerk and was placed on file.

Senator Sakamoto, Chair of the Committee on Education, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 2056.

Senator Sakamoto noted:

"Mr. President, this bill designates the auditor as the authorized representative of the Department of Education and Health for purposes of accessing student records."

The Chair then granted the waiver.

ADJOURNMENT

At 11:53 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 12, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FIFTEENTH DAY

Thursday, February 12, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Gisele Ferreira, Hope Chapel, Manoa, after which the Roll was called showing all Senators present with the exception of Senator Ige who was excused.

The President announced that he had read and approved the Journal of the Fourteenth Day.

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2024) recommending that S.B. No. 2528, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2528, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2025) recommending that S.B. No. 2144 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2144, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A YOUTH SUMMIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2026) recommending that S.B. No. 2860 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2860, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS RECORDS BY CHILD SUPPORT ENFORCEMENT AGENCIES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2027) recommending that S.B. No. 2932 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2932, entitled: "A BILL FOR AN ACT RELATING TO DEPENDENT ADULT PROTECTIVE SERVICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2028)

recommending that S.B. No. 2933 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2933, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2029) recommending that S.B. No. 2934 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2934, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2030) recommending that S.B. No. 2580, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2580, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2031) recommending that the Senate consent to the nomination of PATRICK W. BORDER to the office of Judge, 16th Division, Circuit Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2031 and Gov. Msg. No. 1 was deferred until Friday, February 13, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2032) recommending that the Senate consent to the nomination of CRAIG H. NAKAMURA to the office of Associate Judge, Intermediate Court of Appeals, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 2.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2032 and Gov. Msg. No. 2 was deferred until Friday, February 13, 2004.

ORDER OF THE DAY

THIRD READING

S.B. No. 2278:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2278, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS

PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ige, Ihara, Kanno).

S.B. No. 2439:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2439, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ARBITRATION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ige, Ihara, Kanno).

S.B. No. 2443, S.D. 1:

Senator Hanabusa moved that S.B. No. 2443, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose on and said:

"Mr. President, point of information.

"The bill language refers to double taxation for the purpose of federal law, and I'm just curious if there is a similar impact on state income taxes?"

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

The motion was put by the Chair and carried, S.B. No. 2443, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' LIENS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ige, Ihara).

S.B. No. 2394, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 2394, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ige, Ihara).

REFERRAL OF HOUSE BILL

**MATTER DEFERRED FROM
WEDNESDAY, FEBRUARY 11, 2004**

H.B. No. 1819 (Hse. Com. No. 5):

By unanimous consent, action on H.B. No. 1819, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Friday, February 13, 2004.

ADJOURNMENT

At 11:47 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 13, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

SIXTEENTH DAY

Friday, February 13, 2004

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

The Divine Blessing was invoked by Sister Claudia Wong, C.S.J., Sisters of St. Joseph, after which the Roll was called showing all Senators present with the exception of Senators Aduja and Ige who were excused.

The President announced that he had read and approved the Journal of the Fifteenth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 148 to 151) were read by the Clerk and were placed on file:

Gov. Msg. No. 148, dated January 16, 2004, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Months of July, August, September and October, 2003, prepared by the Department of Health pursuant to Act 200, Section 30, SLH 2003.

Gov. Msg. No. 149, dated January 30, 2004, transmitting a report prepared by the Department of Public Safety pursuant to Act 200, Section 57, SLH 2003, concerning expenditures for mainland prison contracts for Fiscal Year Ending June 30, 2003.

Gov. Msg. No. 150, dated January 30, 2004, transmitting the Annual Financial Report for the Domestic Violence Prevention Special Fund, prepared by the Department of Health, Health Resources Administration, Family Health Services Division, Maternal and Child Health Branch, pursuant to Section 321-1.3, HRS.

Gov. Msg. No. 151, dated January 30, 2004, transmitting a Report on the Implementation of the State Plan for Substance Abuse, prepared by the Department of Health, Alcohol and Drug Abuse Division, pursuant to Section 321-195, HRS.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 24 and 25) were read by the Clerk and were placed on file:

Dept. Com. No. 24, from the University of Hawaii dated February 6, 2004, transmitting a Report on Convening a Task Force to Determine Whether Hawaii Should Enact a Three Strikes Law, prepared by the University of Hawaii pursuant to S.C.R. No. 86 (2003).

Dept. Com. No. 25, from the State Auditor dated February 11, 2004, transmitting a report, "Audit of Selected Procurement, Human Resource, and Fiscal Issues of the Hawaii Health Systems Corporation," (Report No. 04-03).

HOUSE COMMUNICATION

Hse. Com. No. 6, transmitting H.B. No. 2340, which passed Third Reading in the House of Representatives on February 12, 2004, was read by the Clerk and was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2340, entitled: "A BILL FOR AN

ACT RELATING TO MILK CONTROL," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2033) recommending that S.B. No. 1000, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1000, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 17, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2034) recommending that S.B. No. 2003, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2003, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER RESTRAINT DEVICES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 17, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2035) recommending that S.B. No. 2015 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2015, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 17, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2036) recommending that S.B. No. 2021, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2021, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STREET ROD VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 17, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2037) recommending that S.B. No. 2022 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2022, entitled: "A BILL FOR AN ACT RELATING TO DUNE BUGGIES," passed Second Reading

and was placed on the calendar for Third Reading on Tuesday, February 17, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2038) recommending that S.B. No. 2034 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2034, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC PROCUREMENT CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 17, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2039) recommending that S.B. No. 2344, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2344, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 17, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2040) recommending that S.B. No. 2540 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2540, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR UNIFORM LAWS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2041) recommending that S.B. No. 3072, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3072, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2042) recommending that S.B. No. 2016, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2016, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSE RENEWAL," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2043) recommending that S.B.

No. 2017, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2017, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2044) recommending that S.B. No. 2019, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2019, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2045) recommending that S.B. No. 2020, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2020, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2046) recommending that S.B. No. 2024, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2047) recommending that S.B. No. 2014 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2014, entitled: "A BILL FOR AN ACT RELATING TO UNADJUDICATED TRAFFIC FINES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2048) recommending that S.B. No. 2026, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2026, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2049) recommending that S.B. No. 2040 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2040, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2050) recommending that S.B. No. 2045, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2045, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the majority of the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2051) recommending that S.B. No. 2052 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2052, entitled: "A BILL FOR AN ACT RELATING TO MASS TRANSIT FUNDING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2052) recommending that S.B. No. 2076 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2076, entitled: "A BILL FOR AN ACT RELATING TO INSURERS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2053) recommending that S.B. No. 2087, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2087, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2054) recommending that S.B.

No. 2131, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2131, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF DEFENSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2055) recommending that S.B. No. 2238 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2238, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the majority of the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2056) recommending that S.B. No. 3078 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 3078, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2057) recommending that S.B. No. 2250, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2250, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2058) recommending that S.B. No. 2310 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2310, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2059) recommending that S.B. No. 2313, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2313, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL

OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE CAPITAL IMPROVEMENT PROJECTS FOR THE COUNTY OF KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2060) recommending that S.B. No. 2361 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2361, entitled: "A BILL FOR AN ACT RELATING TO THE MILITARY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2061) recommending that S.B. No. 2364 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2364, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2062) recommending that S.B. No. 2533, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2533, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2063) recommending that S.B. No. 2772, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2772, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPOUNDMENT OF VEHICLES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2064) recommending that S.B. No. 2780 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2780, entitled: "A BILL FOR AN ACT RELATING TO FIRE FIGHTER LIABILITY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2065) recommending that S.B. No. 2913, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2913, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2066) recommending that S.B. No. 2914, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2914, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE SIRENS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2067) recommending that S.B. No. 2998 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2998, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2068) recommending that S.B. No. 2495, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Economic Development.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2495, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was recommitted to the Committee on Economic Development.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2031 (Gov. Msg. No. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2031 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of PATRICK W. BORDER to the office of Judge, 16th Division, Circuit Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, seconded by Senator Chun Oakland.

Senator Hanabusa rose to speak in support of the nominee as follows:

"Mr. President, I rise in support of Gov. Msg. No. 1.

"Mr. President, colleagues, Gov. Msg. No. 1 is the appointment of Patrick Border to the 16th Division of the First Circuit of the State of Hawaii. Mr. Border has part of his educational background, basically, from the University of Nebraska, including the University of Nebraska Law School.

"Mr. Border is deemed to be highly qualified by the Hawaii Bar Association. What they have done this year, Mr. President, is use the modified version of the ABA Guidelines and reviewed the qualifications of Mr. Border based on integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, public service, just to name a few of criteria, and in addition, held an interview with Mr. Border. Based upon the feedback from the Bar Association, and I'd like to add that I was one of those that was asked to submit comments, so they were doing it very thoroughly, he was determined to be highly qualified.

"Mr. Border, Mr. President, I asked him when I first met him, how in the world did the Governor pick someone who's part of a plaintiff's law firm? For those of us who know that law firm, he is a member of the Cronin Fried Sekiya Kekina and Fairbanks firm, we may know it better as the law firm of which Sylvia Luke, the Vice Speaker of the House, is a member of as well. But when you look at Mr. Border's experience, you know why. He comes as a Judge Advocate General, officer of the U.S. Air Force, which by the way, Mr. President, thoroughly impressed our good colleague from Waipahu. He was a Deputy Prosecuting Attorney, a Deputy Attorney General, and a Deputy Corporation Counsel, before he joined the ranks of a plaintiff's law firm.

"A person who came forward and testified, who spoke very highly of him was Lawrence Grean, who has been in the prosecutor's office since 1970. He made it a point to tell the Committee that he was in the prosecutor's office since 1970 and he's watched all of them go through. He serves now as a Director of Screening and Intake and he said Mr. Border was one of the finest trial lawyers that he has ever seen. I guess back then he maybe was supervising and he said he was of impeccable moral character.

"Someone that many of us know, Bert Sakura, said that Mr. Border came with a diverse background, but over the most recent years has developed such an interest in resolution of cases. He went out on his own and became a mediator and arbitrator, and we found and had testimony in his favor in this latest venture. I think Bert Sakura summarized it very well by saying that this is a natural progression for Mr. Border. The role of a judge advocate, AG, Corp Counsel, prosecuting attorney, attorney, and now to mediation and arbitration.

"Mr. President, I concur with that, in that he will bring to the First Circuit a natural ability with the intent to resolve matters and the proper judicial temperament and will make a fine addition to the First Circuit Court of the State of Hawaii. I ask that you, along with my colleagues, join me in consenting and confirming Mr. Border to the First Circuit Court.

"Thank you very much."

Senator Slom rose in support of the nominee and said:

"Mr. President, I, too, rise in support of Gov. Msg. No. 1.

"You heard the background of the nominee and his widespread experience at the federal, state, local level and in private practice. And as the good Chair of the Judiciary

Committee mentioned, some of my colleagues may be surprised because he is a plaintiff's attorney and yet the Governor chose him.

"The Governor has once again demonstrated her wisdom and her fairness in the choices that have been made, and we in the Republican Caucus are very happy to add our words of support to this candidate and also to mention that he has been active in the community. He's active in a number of different areas, including education, and if you really get to talk to him for more than five minutes, you'll even find a sense of humor.

"So, we, too, join with our colleagues and urge his swift confirmation. Thank you, Mr. President."

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

Ayes, 23. Noes, none. Excused, 2 (Aduja, Ige).

At this time, Senator Hanabusa introduced Judge Border to the members of the Senate.

Stand. Com. Rep. No. 2032 (Gov. Msg. No. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2032 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of CRAIG H. NAKAMURA to the office of Associate Judge, Intermediate Court of Appeals, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, seconded by Senator Chun Oakland.

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

"Mr. President, I rise to speak in favor of Gov. Msg. No. 2.

"Mr. President, Craig Nakamura has been nominated to the Intermediate Court of Appeals as Associate Justice. His credentials are impeccable. He graduated from the University of Hawaii, Phi Beta Kappa, and Harvard Law School, cum laude. He's also taught at the University of Hawaii Law School. The Hawaii Bar Association has deemed him highly qualified, based upon all of the criteria that I've mentioned above in Gov. Msg. No. 1.

"Mr. President, what was very interesting is it's very rare that the Attorney General of the State of Hawaii, when he comes to testify before a Committee, gets trumped by anyone. In this particular situation, he was trumped by everyone in the federal court system, beginning with Rick Clifton, all of the judges – Judges Ezra, Kay, Mollway, Gillmor – as well as all of the magistrates, which include Leslie Kobayashi and Kevin Chang. I believe that we should pay attention to what the judge emeritus, which, by the way, is a new title given to Judge Samuel King, who, only as he can say in his indomitable style, had this to say about Craig Nakamura: 'His reputation is of the highest, in spite of his Harvard education.' Only Judge King can put something like that.

"When we had the hearing, Mr. President, it was really like we had a meeting of the Cabinet. Not only did we have the Attorney General, we had Mark Recktenwald, we had John Peyton, and Kurt Kawafuchi, who, I came to learn, was actually, though part of the IRS, kind of assigned to the U.S. Attorney's Office. All of them were there to show their support.

“The other thing that we had was it looked like a reunion of what they call themselves the AUSAs. This is the Assistant United States Attorneys. Ed Kubo came forward and said that he wanted to modify his testimony. He said, ‘Craig Nakamura is not one of the best, he is “the best” that he has.’ They all testified to his judicial temperament. The Federal Public Defender came forward and said that although he is on the opposite side of Mr. Nakamura all the time, he is of the highest integrity and no one could be better selected for this job. I think the person that said a lot was Shanlyn Park, also a federal public defender, who, by the way, I don’t know, Mr. President, but she said Craig Nakamura was her teacher. She has a case with him and she felt compelled to come forward and speak on his behalf.

“One of the most moving testimonies that we received was by a friend, Curtis Tom, who had suffered a stroke and was still having difficulty getting around, but he felt compelled to come forward to support his friend because he said his friend has always been there for him.

“All of the testimony we received, Mr. President, shows a very compassionate, but a very highly intelligent and a highly motivated person. He is someone that, bar none, has one of the most impressive credentials as far as appellate work, and he is selected for the Intermediate Court of Appeals. I don’t think we can find a better legal mind or a better person suited to do appellate work for this State. What will be Ed Kubo’s loss, will be the State of Hawaii’s gain.

“I ask that you, along with all of my colleagues, join me in consenting and confirming, Mr. Craig Nakamura as Associate Judge to the Intermediate Court of Appeals.

“Thank you very much.”

Senator Slom rose to speak in favor of the nominee and said:

“Mr. President, I rise on behalf of your emerging Majority Caucus, to add our support to Gov. Msg. No. 2.

“We have met with Mr. Nakamura, also, not only the motivation and the intelligence is there, but also the energy and the passion. We heard Sister Wong this morning talk to us about the pearl and we are very fortunate today that we have two pearls that we’re confirming.

“We’re also very fortunate that this Friday the 13th is a lucky day for Hawaii because we’re getting two individuals that have the ability to make the necessary changes in our judiciary and to move the judiciary along to make sure and guarantee that justice remains blind, but not dumb, and justice also is non-partisan.

“So, on behalf of my colleagues, we urge everyone to make this a speedy confirmation of Judge Nakamura. Thank you very much, Mr. President.”

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

Ayes, 22. Noes, none. Excused, 2 (Aduja, Ige, Whalen).

At this time, Senator Hanabusa introduced Judge Nakamura and his family, to the members of the Senate.

At 12:04 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 o’clock p.m.

REFERRAL OF HOUSE BILL

MATTER DEFERRED FROM THURSDAY, FEBRUARY 12, 2004

H.B. No. 1819 (Hse. Com. No. 5):

By unanimous consent, action on H.B. No. 1819, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE,” was deferred until Tuesday, February 17, 2004.

At this time, Senator Kawamoto rose and said:

“I’d like to request that the Senate adjourn on a rising vote in memory of those that were killed this morning on the highway. Unfortunately, preliminary indications say that a couple of these cars were racing and speeding. May it reenergize us in our desire to do something about curtailing these activities.”

ADJOURNMENT

At 12:11 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Tuesday, February 17, 2004, on a rising vote, observing a moment of silence for the victims of the fatal accident on the H-1 Freeway this morning.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

SEVENTEENTH DAY

Tuesday, February 17, 2004

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

The Divine Blessing was invoked by Pastor Derald Skinner, Calvary Chapel, Pearl Harbor, after which the Roll was called showing all Senators present with the exception of Senator English who was excused.

The President announced that he had read and approved the Journal of the Sixteenth Day.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

HOUSE COMMUNICATION

Hse. Com. No. 7, transmitting H.B. No. 1797, which passed Third Reading in the House of Representatives on February 13, 2004, was read by the Clerk and was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1797, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2069) recommending that S.B. No. 2575, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2575, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2070) recommending that S.B. No. 2928 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2928, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2071) recommending that S.B. No. 3126, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3126, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DWELLING UNIT REVOLVING FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2072) recommending that S.B. No. 214, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Labor.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 214, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," passed Second Reading and was recommitted to the Committee on Labor.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2073) recommending that S.B. No. 3238, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3238, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

S.B. No. 1000, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Chun Oakland and carried, S.B. No. 1000, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

Senator Kawamoto moved that S.B. No. 2003, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Espero.

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

"Mr. President, I rise in opposition to the bill, and I'll make it very brief.

"Most people, especially on Oahu, aren't aware that on the neighbor islands we have large families with usually just one vehicle. And taking away the exemption, if you have more kids than you have seat belts, you have to either leave them at home and risk child endangerment or make two trips. The law is already there to put them in seat belts. As far as I know, they get tickets. If you don't, it's being enforced. But, to say that you have to leave kids at home or you can't go on trips and stuff because your car isn't big enough and you don't have enough seat belts in your car, I just think we're going too far in our zeal to wrap everyone in bubble wrap.

"Thank you."

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

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

“Mr. President, I realize that it’s an inconvenience, but we’re talking about safety. It’s difficult to have a mother or someone responsible for children in the back seat having to choose which child will not be restrained and the possibility of getting the effects of an accident or something that would happen to them. This is an impossible task.

“We had that exemption a long time ago when we had older cars and it was impossible to put seat belts in the back, but now we have the capability of doing it. So, therefore, Mr. President, I urge all my colleagues, in the interest of safety, to pass this bill.”

The motion was put by the Chair and carried, S.B. No. 2003, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PASSENGER RESTRAINT DEVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Hogue, Ige, Inouye, Kim, Slom, Trimble, Whalen). Excused, 1 (English).

S.B. No. 2015:

Senator Kawamoto moved that S.B. No. 2015, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senators Hogue and Tsutsui requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2015, entitled: “A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 2021, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STREET ROD VEHICLES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2022:

Senator Kawamoto moved that S.B. No. 2022, having been read throughout, pass Third Reading, seconded by Senator Espero.

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

The motion was put by the Chair and carried, S.B. No. 2022, entitled: “A BILL FOR AN ACT RELATING TO DUNE BUGGIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Inouye, Tsutsui). Excused, 1 (English).

S.B. No. 2034:

Senator Kawamoto moved that S.B. No. 2034, having been read throughout, pass Third Reading, seconded by Senator Espero.

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

“Mr. President, I rise in opposition to S.B. No. 2034.

“Mr. President, this bill relates to the Hawaii Procurement Code and attempts to exempt from the disbarment process, contractors who violate state campaign laws. For the members’ information, disbarment means that a contractor is not allowed to bid on a state contract because they have either been convicted of violating state law, including campaign spending laws, or have violated a contract with state government.

“Mr. President, I believe that a government contractor that’s fined hundreds of thousands of dollars for a large number of campaign donation violations, which has happened, should be subject to the process of disbarment. Mr. President, this means being subject to the process of disbarment does not mean that they are automatically disbarred. There is a lengthy process where there is a notification procedure. There’s a procedure for reviewing and appealing, and notice of disbarment, etc.

“With all due respect to the bill’s promoters, I believe it is unwise for the Legislature to statutorily override procurement code rules to allow the most egregious violators of state campaign laws to be exempt from this process, and therefore be allowed to get government contracts, even those that have been fined several hundreds of thousands of dollars due to violations of state campaign laws.

“Thank you.”

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

“Mr. President, I rise in favor of this bill.

“Mr. President, the concern out there is not what the law is. The concern is the vagueness, the fairness, and a clear definition of what disbarment is all about. This bill provides that capability.

“Mr. President, I urge all my colleagues in fairness and ensuring that our policies are clearly defined. Thank you.”

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

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

“Mr. President, this is a thinly veiled attempt to undo the modicum of brief reform that we enacted prior. I think with the actions that have been taken by the campaign spending commission – the indictments, the convictions – we have seen that there is a definite pattern of abuse of public contracts. And in the committee report, the committee report says, quote, ‘administrative action does not rise to the level of the serious deviation from the standards of honesty, such as would warrant debarment or suspension from bidding on government contracts,’ unquote. I strenuously disagree with that. I think the whole question is about honesty and the appearance of honesty. We’ve had too many instances already. We have instances still continuing.

“So, if anything, the contract by anyone that had been cited should be put in abeyance. This does give discretion to the office of procurement; it does not mandate that they do that. It’s interesting, however, that the state’s procurement officer testified in opposition to this bill, and so, I’ll be voting ‘no’ and urge my colleagues to do the same.

“Thank you.”

Senator Sakamoto rose in support of the measure and stated:

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

“There’s no question that we need good people administrating our rules. There’s no question that things rise to a point where certain professionals should be debarred. Our current laws includes some of those things that the Legislature has deemed wise – criminal offense, embezzlement, etc., antitrust. But it’s a different thing to say, let’s administratively do something, and if the Legislature feels that some of the previously mentioned items rise to a point that they feel they need to put that in statute, that would be a wiser move than to just say well let’s administratively take care of things that perhaps may rise to a level of debarment.

“Debarment is not a simple thing. Perhaps one would say that a business should be debarred from doing business administratively because somebody in DCCA said they’ve violated some law or some rule. I don’t think the Senator from Hawaii Kai, for his proponents, to support small business, would want an administrative action to prevent any business from operating solely administratively.

“So, I think things do rise to debarment. Let’s let the important things rise there, but let’s not administratively handle something that could really be the demise of a business, many employees and customers just based on an administrative procedure.

“Thank you, Mr. President.”

At 12:14 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:26 o’clock p.m.

Senator Kawamoto rose and said:

“Mr. President, although I believe in this bill, I also believe what the Senator from Moanalua and Aiea indicated. Also, I believe that sometimes, administratively, due process is not given to the people that are being charged.

“Mr. President, in the interest of the Body, I move that we recommit this bill.”

Senator Kawamoto then moved that S.B. No. 2034 be recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

By unanimous consent, S.B. No. 2034, entitled: “A BILL FOR AN ACT RELATING TO HAWAII PUBLIC PROCUREMENT CODE,” was recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

S.B. No. 2344, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 2344, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (English, Whalen).

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, February 10, 2004:

- | | |
|------------------------------------|---|
| Senate
Concurrent
Resolution | Referred to: |
| No. 27 | Jointly to the Committee on Commerce,
Consumer Protection and Housing and the Committee on
Health |
| No. 28 | Jointly to the Committee on Science,
Arts, and Technology and the Committee on Tourism |
| No. 29 | Jointly to the Committee on Commerce,
Consumer Protection and Housing and the Committee on
Science, Arts, and Technology |
| No. 30 | Jointly to the Committee on Economic
Development and the Committee on Transportation, Military
Affairs, and Government Operations |

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Tuesday, February 10, 2004:

- | | |
|----------------------|--|
| Senate
Resolution | Referred to: |
| No. 14 | Jointly to the Committee on Science,
Arts, and Technology and the Committee on Transportation,
Military Affairs, and Government Operations |
| No. 15 | Jointly to the Committee on Labor and
the Committee on Transportation, Military Affairs, and
Government Operations |
| No. 16 | Jointly to the Committee on Science,
Arts, and Technology and the Committee on Tourism |
| No. 17 | Jointly to the Committee on Commerce,
Consumer Protection and Housing and the Committee on
Science, Arts, and Technology |
| No. 18 | Jointly to the Committee on Economic
Development and the Committee on Transportation, Military
Affairs, and Government Operations |

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

- | | |
|-----------------|--|
| Senate Bill | Referred to: |
| No. 214, S.D. 1 | Jointly to the Committee on Labor and
the Committee on Education, then to the Committee on Ways
and Means |
| No. 2077 | Jointly to the Committee on Economic
Development and the Committee on Transportation, Military
Affairs, and Government Operations, then jointly to the
Committee on Ways and Means and the Committee on Water,
Land, and Agriculture |

No. 2884 Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Judiciary and Hawaiian Affairs and the Committee on Labor, then to the Committee on Ways and Means

REFERRAL OF HOUSE BILLS

**MATTERS DEFERRED FROM
FRIDAY, FEBRUARY 13, 2004**

The President made the following committee assignments of House bills received on Wednesday, February 11, 2004, and Friday, February 13, 2004:

House Bill Referred to:

No. 1819 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations

No. 2340 Committee on Water, Land, and Agriculture

ADJOURNMENT

At 12:29 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 18, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

EIGHTEENTH DAY

Wednesday, February 18, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:47 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Elwin Ahu, New Hope Christian Fellowship, after which the Roll was called showing all Senators present with the exception of Senators English and Menor who were excused.

The President announced that he had read and approved the Journal of the Seventeenth Day.

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

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 152, submitting for consideration and consent, the nomination of TED H.S. HONG to the office of Judge, Circuit Court of the Third Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was read by the Clerk and was referred to the Committee on Judiciary and Hawaiian Affairs.

STANDING COMMITTEE REPORTS

Senators Menor and Ige, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2074) recommending that S.B. No. 2382, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2382, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS AND SECONDHAND DEALERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2075) recommending that S.B. No. 2088, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2088, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2076) recommending that S.B. No. 2399, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2399, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY AMBULANCE SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2077) recommending that S.B. No. 2473 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2473, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MOLOKAI GENERAL HOSPITAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2078) recommending that S.B. No. 2578 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2578, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2079) recommending that S.B. No. 2585, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2585, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2080) recommending that S.B. No. 2592, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2592, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SEXUAL ASSAULT SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2081) recommending that S.B. No. 2604 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2604, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2082) recommending that S.B. No. 2721, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

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

and S.B. No. 2721, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2083) recommending that S.B. No. 2792 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2792, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR MOLOKAI GENERAL HOSPITAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2084) recommending that S.B. No. 2889 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2889, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Kawamoto and Hanabusa, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2085) recommending that S.B. No. 2746, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2746, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Hanabusa, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2086) recommending that S.B. No. 2995, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2995, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Hanabusa, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2087) recommending that S.B. No. 3186 pass Second Reading and be referred to the Committee on Ways and Means.

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

adopted and S.B. No. 3186, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED EXPENDITURES OF PUBLIC FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Menor and Hanabusa, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2088) recommending that S.B. No. 2314, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2314, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A SEXUAL ASSAULT NURSE EXAMINERS PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2089) recommending that S.B. No. 2176 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2176, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2090) recommending that S.B. No. 2917, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2917, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXABLE INCOME," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2091) recommending that S.B. No. 3213, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3213, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE WEST HAWAII VETERANS CEMETERY IN THE COUNTY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2092) recommending that S.B. No. 2136, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2136, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2093) recommending that S.B. No. 2445, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2445, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A NEW SUBSTANCE ABUSE TREATMENT FACILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2094) recommending that S.B. No. 2976 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2976, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2095) recommending that S.B. No. 3084, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3084, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the majority of the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2096) recommending that S.B. No. 2395, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2395, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Senator Ihara voting "aye, with reservations."

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2097) recommending that S.B. No. 2089 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2089, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR MAALAEA HARBOR IMPROVEMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the majority of the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2098) recommending that S.B. No. 2125 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2125, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2099) recommending that S.B. No. 2130, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2130, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the majority of the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2100) recommending that S.B. No. 2220, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2101) recommending that S.B. No. 2249 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2249, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2102) recommending that S.B. No. 2280 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2280, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2103) recommending that S.B. No. 2414, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

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

and S.B. No. 2414, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2104) recommending that S.B. No. 2416, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2416, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATIONS BONDS FOR THE AGRICULTURAL WATER DISTRIBUTION SYSTEM, UPCOUNTRY KULA, MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2105) recommending that S.B. No. 2438, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2438, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK MONITORING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2106) recommending that S.B. No. 2440 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2440, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2107) recommending that S.B. No. 2441 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2441, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2108) recommending that S.B. No. 2467, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2467, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR MANELE SMALL BOAT HARBOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2109) recommending that S.B. No. 2468 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2468, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2110) recommending that S.B. No. 2472 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2472, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2111) recommending that S.B. No. 2516, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2516, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE EXPANSION OF THE KAHUKU AGRICULTURAL PARK," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2112) recommending that S.B. No. 2521, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2521, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FEASIBILITY STUDY TO MAKE IMPROVEMENTS TO HEEIA KEA BEACH PARK," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2113) recommending that the Senate consent to the nomination of WILLIAM A. CARDWELL to the office of Judge, District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2113 and Jud. Com. No. 1 was deferred until Thursday, February 19, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2114) recommending that the Senate consent to the nomination of CHRISTINE E. KURIYAMA to the office of Judge, District Family Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the

Hawaii State Constitution, and in accordance with Jud. Com. No. 2.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2114 and Jud. Com. No. 2 was deferred until Thursday, February 19, 2004.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill Referred to:

No. 2495, S.D. 1 Committee on Economic Development, then to the Committee on Ways and Means

REFERRAL OF HOUSE BILL

MATTER DEFERRED FROM TUESDAY, FEBRUARY 17, 2004

The President made the following committee assignment of a House bill received on Tuesday, February 17, 2004:

House Bill Referred to:

No. 1797 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

Senator Kokubun, Vice Chair of the Committee on Energy and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 3160.

Senator Kokubun noted:

“Mr. President, this bill establishes standards and guidelines for toxic mold exposure, and your Committees on Energy and Environment and Health held a joint hearing on this bill yesterday afternoon.”

The Chair then granted the waiver.

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

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

“Mr. President, I was disturbed to read the lead story in the morning Advertiser – ‘Anti-crime project cash-strapped; future of weed & seed program uncertain.’

“What is most upsetting is that the Lingle Administration is not supporting Weed & Seed. The program works! For the Kalihi-Palama-Chinatown site, major felonies dropped from 3,498 in 1977 to 1,167 in 2002 – a 67 percent decline. Drug offenses dropped a whopping 89 percent from 2,196 in 1997 to 246 in 2002.

“Weed & Seed programs have brought an innovative approach to a long-standing law enforcement problem. It’s not enough to ‘weed’ out the criminal element – we also need to sow the ‘seeds’ that bring new life to a community and turn it into one that is no longer just a breeding ground for crime.

“Under Weed & Seed, career criminals and repeat drug offenders are targeted. Convicts face harsher penalties and federal prison time. When these convicts are sentenced to a federal prison, they do not under any circumstances get released

early or parole. This is one tremendous advantage over the State’s overcrowded prison system. Under Weed & Seed, a convict can be barred from re-entering a Weed & Seed site for a designated number of years. If the convict disregards this and returns to the Weed & Seed site, the convict can be immediately arrested. This is another feature of Weed & Seed that helps the law enforcement community.

“Establishing a Weed & Seed site requires the mobilization of the community. Government doesn’t decide where to initiate a site; community members must step forward and get actively involved in preparing the application.

“Weed & Seed sites have been established at Waipahu, Ewa Beach and Kalihi/Palama/Chinatown – which has been expanded to include the Ala Moana/Kaheka area and Kalihi Valley. The state has also submitted applications for two more sites – Waianae on Oahu and Pahoehoe on the Big Island.

“There are 351 sites nationwide – only 170 have received federal money. Congressman Ed Case was quoted in this morning’s article, ‘it is a very popular program. There is no question that the Bush Administration has been unable to match the funding to the demand.’

“The program has support from both political parties and from all levels of government and law enforcement. U.S. Attorney Ed Kubo said, ‘sustaining interest, activism and involvement is difficult and crucial to the program’s success.

“Darrlyn Bunda, Executive Director of the Waipahu Community Association, sums it up best. I’m quoting, ‘It always amazes me that when we have successful programs, they are not adequately funded so that they can do the work that they were intended to do. Some programs are not as far-reaching receive funding. Sometimes I wonder about the priorities.’

“In order to address the ice epidemic, Hawaii will need a multi-pronged approach that is actively supported by all levels of government and the community. However, in developing a statewide mobilization effort to eradicate Hawaii’s ice epidemic, the Lingle Administration has chosen not to use the Weed & Seed program as part of its strategy. I ask my colleagues to wholeheartedly support Weed & Seed and hopefully, the Governor’s Administration will join the rest of the community behind one of government’s most successful programs.

“Thank you.”

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

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

“I most appreciate the dissertation you just heard by the previous speaker, especially when it brings home the point that the Lingle Administration has been trying to make regarding the ice epidemic, and that simply is that rehabilitation by itself, without the hammer of incarceration and penalties and law enforcement is very ineffective. I find it quite hypocritical for the Majority Party to be politicizing this issue on the Floor without recognizing that the Lingle Administration and your House and Senate Minority supports rehabilitation where it will work, combined with the effective hammer that Weed and Seed, the drug court, provides in making rehabilitation work. But the Majority Party has chosen to advocate through 21.6 million additional dollars to the millions that are already being spent on rehabilitation, without Weed and Seed and drug court incentives to make those addicted to drugs make a hard choice.

“This hypocrisy of throwing more money at a problem, without accountability, seems to be the modus operandi of the Majority Party for the last 30 years. And if you want to get political about this issue, we’re ready. The Lingle Administration is trying to change the way we’ve done things in the State for years, and I’m damn proud of what she’s doing.

“Pouring more money into public education, for instance, has not solved the problem. Pouring more money into rehabilitation alone will not solve the problem. I’m most pleased you have brought this up. We’re ready for you.

“A slogan that I think is in the talking points of the Majority Party is that the Lingle Administration wants to do more with less, something that we in the private sector and our families have to do all the time. But that seems to fly in the face of the Majority Party’s long-standing practice of doing less with more.

“Let’s try to be balanced. We’re willing to sit here and work with you, but we’re not willing to sit here and take political abuse at the expense of the people.

“Thank you, Mr. President.”

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

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

“I just wanted to bring some good news and to reassure my colleague from Makakilo. I did not read the article in the Advertiser. I know that the Advertiser tries very hard but usually doesn’t get the stories right and I know there’s a nexus between the Majority Party and the Honolulu Advertiser. I noticed that there was nothing, no direct quotes from the Governor in that article that was mentioned.

“But let me reassure my colleagues that I did listen to the Governor on KHVH Radio this morning at approximately 7:42 a.m. when the question was asked about the Weed & Seed program, and the Governor herself responded to the question saying that, first of all, if Congressman Case or anyone else had a difficult situation with the national congress, and they are in the national congress, then they should use their expertise to in fact get funds from the federal government, but if in fact federal funds were short or were not forthcoming, that she, Governor Lingle, said that the Weed & Seed program was a community asset, was taken into consideration with other options that the Minority Leader had just mentioned, that she would be very happy to continue to support it and would find state funding for it.

“So, I think if we’re going to quote the Governor, maybe we should actually quote the Governor, and that’s what the Governor said this morning. Check the record on KHVH.

“Thank you, Mr. President.”

Senator Kanno rose again and said:

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

“I’d like to request that the former speaker follow-up, please, and inquire with the Governor if she will be sending down a governor’s message supporting the half-a-million dollar appropriation being requested for Weed & Seed. All records indicate that she is not supporting the appropriation if it displaces any of her budget. She has not included Weed & Seed in the budget.

“In regards to the comments from the Senator, I’d like to add that Weed & Seed is a proven crime reduction strategy. It

works, and I hope that the administration is not supporting any efforts to reinvent the wheel when we have a proven mechanism that has worked in our community in high crime areas. We hope that the Governor will come down with an emergency message to support their funding request and have that included in her budget, which has not been included at this time.

“Thank you.”

Senator Hemmings rose again and said:

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

“I’m very pleased to look across the aisle at the hand to cooperate on this issue, and your loyal opposition, your Minority Party, will be more than happy to consult with the Governor on finding appropriations to support Weed and Seed. Likewise, I hope that you will put in your ominous bill where you’re spending \$21.6 million on rehabilitation that you find the \$500,000 out of those funds to fund Weed and Seed and we’ll all be happy.

“Thank you.”

ADJOURNMENT

At 12:21 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Thursday, February 19, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

NINETEENTH DAY

Thursday, February 19, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:48 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Ted Robinson, Central Union Church, after which the Roll was called showing all Senators present with the exception of Senator Sakamoto who was excused.

The President announced that he had read and approved the Journal of the Eighteenth Day.

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 153 to 344) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 153, submitting for consideration and confirmation to the Board of Trustees of the Employees' Retirement System (ERS), the nomination of HENRY F. BEERMAN, term to expire January 1, 2009, was referred to the Committee on Labor.

Gov. Msg. No. 154, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Systems Corporation, the nomination of ANDREW DON MD, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 155, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Systems Corporation, the nomination of RUSSELL T. STODD MD, term to expire June 30, 2005, was referred to the Committee on Health.

Gov. Msg. No. 156, submitting for consideration and confirmation to the Land Use Commission, the nomination of KYONG-SU IM, term to expire June 30, 2007, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 157, submitting for consideration and confirmation to the Hawai'i Paroling Authority, the nomination of DANE K. ODA, term to expire June 30, 2006, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 158, submitting for consideration and confirmation to the Hawai'i Paroling Authority, the nomination of EDWARD M. SLAVISH, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 159, submitting for consideration and confirmation to the Hawai'i Paroling Authority, the nomination of ALBERT TUFONO, term to expire June 30, 2004, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 160, submitting for consideration and confirmation to the Hawai'i Paroling Authority, the nomination of ALBERT TUFONO, term to expire June 30, 2008, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 161, submitting for consideration and confirmation to the Stadium Authority, the nomination of KEVIN H.M. CHONG KEE, term to expire June 30, 2004, was referred to the Committee on Economic Development.

Gov. Msg. No. 162, submitting for consideration and confirmation to the Stadium Authority, the nomination of KEVIN H.M. CHONG KEE, term to expire June 30, 2008, was referred to the Committee on Economic Development.

Gov. Msg. No. 163, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of VERNON F.L. CHAR, term to expire June 30, 2006, was referred to the Committee on Tourism.

Gov. Msg. No. 164, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of JOHN J. TONER, term to expire June 30, 2006, was referred to the Committee on Tourism.

Gov. Msg. No. 165, submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, the nomination of JAMES J.C. HAYNES II, term to expire June 30, 2006, was referred to the Committee on Education.

Gov. Msg. No. 166, submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, the nomination of JANE B. TATIBOUET, term to expire June 30, 2007, was referred to the Committee on Education.

Gov. Msg. No. 167, submitting for consideration and confirmation to the Commission on Water Resource Management, the nomination of JAMES A. FRAZIER, term to expire June 30, 2007, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 168, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of MARK D. HUNSAKER, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 169, submitting for consideration and confirmation to the Board of Acupuncture, the nomination of RIKE WEISS, term to expire June 30, 2005, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 170, submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, the nomination of TEENA M. RASMUSSEN, term to expire June 30, 2005, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 171, submitting for consideration and confirmation to the State Board of Barbering and Cosmetology, the nomination of CHRISTOBAL J. QUINTANA, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 172, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nomination of FRANCIS G. BREWER DC, CICE, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 173, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nomination of FLORENTINA J. JOHNSON, term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 174, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of CORAL WONG PIETSCH, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 175, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of ROGER DANIEL RIZZO, term to expire June 30, 2005, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 176, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of LISA ANN S.L. WONG, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 177, submitting for consideration and confirmation to the Contractors License Board, the nomination of F.M. SCOTTY ANDERSON, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 178, submitting for consideration and confirmation to the Contractors License Board, the nomination of ERIC CARSON, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 179, submitting for consideration and confirmation to the Contractors License Board, the nomination of RONALD K. OSHIRO, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 180, submitting for consideration and confirmation to the Credit Union Advisory Board, the nomination of TIMMY L. ALBAO, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 181, submitting for consideration and confirmation to the Credit Union Advisory Board, the nomination of SHARLENE E. SUGANUMA, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 182, submitting for consideration and confirmation to the Crime Victim Compensation Commission, the nomination of LISA A. DUNN, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 183, submitting for consideration and confirmation to the Crime Victim Compensation Commission, the nomination of REBECCA S. WARD, term to expire June 30, 2005, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 184, submitting for consideration and confirmation to the Defender Council, the nomination of ALFRED B. CASTILLO JR, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 185, submitting for consideration and confirmation to the Board of Trustees of the Deferred Compensation Plan, the nomination of SANDRA YAHIRO,

term to expire June 30, 2006, was referred to the Committee on Labor.

Gov. Msg. No. 186, submitting for consideration and confirmation to the Board of Dental Examiners, the nomination of STANWOOD H. KANNA DDS, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 187, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MARGARET M. BAXTER, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 188, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of DAVID F. FRAY, term to expire June 30, 2004, was referred to the Committee on Health.

Gov. Msg. No. 189, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of DAVID F. FRAY, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 190, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of PAUL K. HIGA, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 191, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of JOHN L. NOLAND, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 192, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of DEBORAH J. RIVERS, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 193, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of HELEN SMALLEY-BOWER, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 194, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of CHARLENE N. TARR, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 195, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of PAUL S. VARGAS JR., term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 196, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of JONNA ZANE PHD, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 197, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of WILLIAM K. KOKI II, term to expire June 30, 2005, was referred to the Committee on Health.

Gov. Msg. No. 198, submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, the nomination of GARY L. BLAICH MD, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 199, submitting for consideration and confirmation to the Drug Product Selection Board, the nomination of RONALD T. TANIGUCHI, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 200, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of ARCHIE HAPAI III, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 201, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of JAMES Y.T. KAM, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 202, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of LAURA E. MILLMAN, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 203, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of CHARLENE SUMIDA, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 204, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of MARGARET TREVOR, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 205, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of DANIEL VARGAS, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 206, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of NORMAN N. AHU, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 207, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of TYRUS KAGAWA, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 208, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of ORLANDO L. MATIAS, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 209, submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nomination of JAMES P. CHUNG, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 210, submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nomination of CLIFFORD R. SMITH, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 211, submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nomination of JUNE J. TAKANO, term to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 212, submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nomination of JUNE J. TAKANO, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 213, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nomination of JENNIE A. PANG, term to expire June 30, 2006, was referred to the Committee on Health.

Gov. Msg. No. 214, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nomination of JAMES PAPAYOANOU, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 215, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nomination of ANDY SCHWARTZ MD, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 216, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nomination of CRAIG THOMAS MD, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 217, submitting for consideration and confirmation to the Environmental Council, the nomination of MICHAEL A. FAYE, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 218, submitting for consideration and confirmation to the Environmental Council, the nomination of D'ARCY KERRIGAN, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 219, submitting for consideration and confirmation to the Environmental Council, the nomination of VICTOR T. KIMURA, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 220, submitting for consideration and confirmation to the Environmental Council, the nomination of CHESTER SAITO, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 221, submitting for consideration and confirmation to the Environmental Council, the nomination of BRANT T. TANAKA, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 222, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of WILLIAM GERALD CHUNG, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 223, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of PATTY FOLEY, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 224, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of DAVID W. HEYWOOD, term to expire June 30, 2006, was referred to the Committee on Health.

Gov. Msg. No. 225, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the

nomination of CLYDE SMITH MD, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 226, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of LOIS E. WEISS, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 227, submitting for consideration and confirmation to the Health Planning Council, Kaua'i County Subarea, the nomination of STANLEY G. YATES, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 228, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of THOMAS O. BROWN, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 229, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of ROBERTA CARTWRIGHT, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 230, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of SUSAN B. HUNT, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 231, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of IRENE A. NAGAO, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 232, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of KATHLEEN E. DELAHANTY, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 233, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of PAMELA HINSDALE, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 234, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of EMMET WHITE, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 235, submitting for consideration and confirmation to the Health Planning Council, Maui County Subarea, the nomination of GLENN S. IZAWA, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 236, submitting for consideration and confirmation to the Health Planning Council, Maui County Subarea, the nomination of JOHN ORNELLAS, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 237, submitting for consideration and confirmation to the Health Planning Council, Maui County Subarea, the nomination of ELAINE J. SLAVINSKY, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 238, submitting for consideration and confirmation to the Health Planning Council, West Oahu Subarea, the nomination of JOYCE M. O'BRIEN, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 239, submitting for consideration and confirmation to the Health Planning Council, West Oahu Subarea, the nomination of INAM UR RAHMAN MD, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 240, submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, the nomination of GREGG Y. OISHI, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 241, submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, the nomination of BONNIE LEE S.L. PANG, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 242, submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, the nomination of BARBARA J. PENNIAL, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 243, submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, the nomination of SUSAN A. WADA, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 244, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of SIDNEY M. ROSEN, term to expire June 30, 2007, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 245, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of MARIE H. WEITE, term to expire June 30, 2007, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 246, submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, the nomination of JOYCE NAOMI CHINEN PHD, term to expire June 30, 2007, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 247, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Hurricane Relief Fund, the nomination of GERALD H. TAKEUCHI, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 248, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Hurricane Relief Fund, the nomination of KAY T. YAMADA, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 249, submitting for consideration and confirmation to the Statewide Council on Independent Living, the nomination of KIMBERLY M. SHIRAISHI, term to expire June 30, 2006, was referred to the Committee on Human Services.

Gov. Msg. No. 250, submitting for consideration and confirmation to the Statewide Council on Independent Living, the nomination of JOHN W. STONE, term to expire June 30, 2006, was referred to the Committee on Human Services.

Gov. Msg. No. 251, submitting for consideration and confirmation to the Kaneohe Bay Regional Council, the nomination of KEOKI A. LEONG, term to expire June 30, 2005, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 252, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of EIRAYNA K. ADAMS, term to expire June 30, 2005, was referred to the Committee on Science, Arts, and Technology.

Gov. Msg. No. 253, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of CAROLEE K. ARICAYOS, term to expire June 30, 2007, was referred to the Committee on Science, Arts, and Technology.

Gov. Msg. No. 254, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of ELAINE NICKIE HINES, term to expire June 30, 2007, was referred to the Committee on Science, Arts, and Technology.

Gov. Msg. No. 255, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of WHITNEY G.K. SMITH, term to expire June 30, 2005, was referred to the Committee on Science, Arts, and Technology.

Gov. Msg. No. 256, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of JENNIFER L. VIERNES, term to expire June 30, 2007, was referred to the Committee on Science, Arts, and Technology.

Gov. Msg. No. 257, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of BENJAMIN J. YIM, term to expire June 30, 2007, was referred to the Committee on Science, Arts, and Technology.

Gov. Msg. No. 258, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of DAVID M. SAITO MD, term to expire June 30, 2007, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 259, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of SHERREL L. HAMMAR MD, term to expire June 30, 2007, was referred to the Committee on Education.

Gov. Msg. No. 260, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of CHRISTI L. KELIPIO, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 261, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of LESLIE J. KRENK RPH, CDE, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 262, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of SUSAN REHBERG MERRILL, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 263, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of LAWRENCE O'BRIEN, term to expire June 30, 2007, was referred to the Committee on Education.

Gov. Msg. No. 264, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the

nomination of ARTHUR USHIJIMA, term to expire June 30, 2007, was referred to the Committee on Education.

Gov. Msg. No. 265, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of JOSEPH G. WEBB JR., term to expire June 30, 2007, was referred to the Committee on Education.

Gov. Msg. No. 266, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of MARY EVELYN WORRALL, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 267, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of BARBARA ARASHIRO, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 268, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of GARY L. BLAICH MD, term to expire June 30, 2004, was referred to the Committee on Health.

Gov. Msg. No. 269, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of WILLIAM S. BUD BOWLES, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 270, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of SHELLY H. OGATA, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 271, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of HALIMAH SHABAZZ, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 272, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of POE POE SUAAVA III, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 273, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of WAYNE SUNAHARA, term to expire June 30, 2004, was referred to the Committee on Health.

Gov. Msg. No. 274, submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, the nomination of JERRY W. JORDAN, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 275, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of CATHERINE A. ADAMS RN, MSN, term to expire June 30, 2006, was referred to the Committee on Education.

Gov. Msg. No. 276, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of PATTY P. CABANA, term to expire June 30, 2007, was referred to the Committee on Education.

Gov. Msg. No. 277, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of JULIE TILSON PT, DPT, NCS, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 278, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nomination of WARREN J. FERREIRA MA CPP, term to expire June 30, 2005, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 279, submitting for consideration and confirmation to the Board of Psychology, the nomination of ELAINE MARIE HEIBY, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 280, submitting for consideration and confirmation to the Radiologic Technology Board, the nomination of LORI H.O. KAMIKAWA, term to expire June 30, 2005, was referred to the Committee on Health.

Gov. Msg. No. 281, submitting for consideration and confirmation to the Radiologic Technology Board, the nomination of MICHAEL MEAGHER MD, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 282, submitting for consideration and confirmation to the Radiologic Technology Board, the nomination of STEIN ERIK RAFTO MD, term to expire June 30, 2005, was referred to the Committee on Health.

Gov. Msg. No. 283, submitting for consideration and confirmation to the Radiologic Technology Board, the nomination of DANIEL W. RICKENBACHER, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 284, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of WINNIFRED AOKI, term to expire June 30, 2007, was referred to the Committee on Human Services.

Gov. Msg. No. 285, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of SIGNE A. GODFREY, term to expire June 30, 2007, was referred to the Committee on Human Services.

Gov. Msg. No. 286, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of MALCOLM T. KOGA, term to expire June 30, 2006, was referred to the Committee on Human Services.

Gov. Msg. No. 287, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of LORNA L.U. OTA, term to expire June 30, 2006, was referred to the Committee on Human Services.

Gov. Msg. No. 288, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of JEANETTE OTSUKA CHANG, term to expire June 30, 2005, was referred to the Committee on Economic Development.

Gov. Msg. No. 289, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of JOYCE M. EDWARDS, term to expire June 30, 2005, was referred to the Committee on Economic Development.

Gov. Msg. No. 290, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of DORVIN D. LEIS, term to expire June 30, 2004, was referred to the Committee on Economic Development.

Gov. Msg. No. 291, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of EDWARD MACDOWELL, term to expire June 30, 2005, was referred to the Committee on Economic Development.

Gov. Msg. No. 292, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of BRIAN K. ZINN, term to expire June 30, 2006, was referred to the Committee on Economic Development.

Gov. Msg. No. 293, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Strategic Development Corporation, the nomination of BOB DEWITZ, term to expire June 30, 2006, was referred to the Committee on Economic Development.

Gov. Msg. No. 294, submitting for consideration and confirmation to the Board of Taxation Review, 1st Taxation District (Oahu), the nomination of DICK ISOO OSHIMA, term to expire June 30, 2007, was referred to the Committee on Ways and Means.

Gov. Msg. No. 295, submitting for consideration and confirmation to the Board of Taxation Review, 2nd Taxation District (Maui), the nomination of CAROL ANN BURDICK, term to expire June 30, 2006, was referred to the Committee on Ways and Means.

Gov. Msg. No. 296, submitting for consideration and confirmation to the Board of Taxation Review, 2nd Taxation District (Maui), the nomination of WILLIAM FRANCIS DAILEY, term to expire June 30, 2007, was referred to the Committee on Ways and Means.

Gov. Msg. No. 297, submitting for consideration and confirmation to the Hawai'i Television and Film Development Board, the nomination of BRENDA K.H. CHING, term to expire June 30, 2007, was referred to the Committee on Economic Development.

Gov. Msg. No. 298, submitting for consideration and confirmation to the Commission of Transportation, the nomination of DAVID SPROAT, term to expire June 30, 2007, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 299, submitting for consideration and confirmation to the Advisory Board on Veterans Services, the nomination of CYNTHIA LYNN STINE, term to expire June 30, 2007, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 300, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nomination of JAMIE W. FURUTANI DVM, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 301, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of MANSFIELD DACAY, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 302, submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of SHEILA LEAS, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 303, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of MARSHALL LUM, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 304, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of EASSIE M. MILLER, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 305, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of VICTOR D. MORELAND, term to expire June 30, 2004, was referred to the Committee on Health.

Gov. Msg. No. 306, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of VICTOR D. MORELAND, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 307, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of P.Y. YANG, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 308, submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, the nomination of DANIEL K. MASUNO, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 309, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education (WICHE), the nomination of ROBERTA M. RICHARDS, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 310, submitting for consideration and confirmation to the Commission on the Status of Women, the nomination of SUSAN M. PIRSCH, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 311, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nomination of TODD K. APO, term to expire June 30, 2007, was referred to the Committee on Labor.

Gov. Msg. No. 312, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nomination of MARCIA A. ARMSTRONG, term to expire June 30, 2007, was referred to the Committee on Labor.

Gov. Msg. No. 313, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nomination of MICHAEL FITZGERALD, term to expire June 30, 2007, was referred to the Committee on Labor.

Gov. Msg. No. 314, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nomination of SIGNE A. GODFREY, term to expire June 30, 2007, was referred to the Committee on Labor.

Gov. Msg. No. 315, submitting for consideration and confirmation to the Hawai'i Workforce Development Council,

the nomination of ERWIN HUDELIST, term to expire June 30, 2007, was referred to the Committee on Labor.

Gov. Msg. No. 316, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nomination of WAYNE K. KANEMOTO, term to expire June 30, 2005, was referred to the Committee on Labor.

Gov. Msg. No. 317, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nomination of STEVE B. METTER, term to expire June 30, 2007, was referred to the Committee on Labor.

Gov. Msg. No. 318, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nomination of DARNNEY L. PROUDFOOT, term to expire June 30, 2007, was referred to the Committee on Labor.

Gov. Msg. No. 319, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nomination of GREGG T. YAMANAKA, term to expire June 30, 2007, was referred to the Committee on Labor.

Gov. Msg. No. 320, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of AGNES P. CADIZ, term to expire June 30, 2004, was referred to the Committee on Education.

Gov. Msg. No. 321, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of AGNES P. CADIZ, term to expire June 30, 2008, was referred to the Committee on Education.

Gov. Msg. No. 322, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of CLEMENTIA D. CERIA PHD, MS, RN, term to expire June 30, 2006, was referred to the Committee on Education.

Gov. Msg. No. 323, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of SALLY T. ISHIKAWA, term to expire June 30, 2006, was referred to the Committee on Education.

Gov. Msg. No. 324, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of JANE K. KADOHIRO DRPH, APRN, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 325, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of BARBARA P. MATHEWS RN, MSN, CNA, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 326, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of PENNYLYNN A. ONTAI, term to expire June 30, 2007, was referred to the Committee on Education.

Gov. Msg. No. 327, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of ROSE ANN POYZER RN, BSN, term to expire June 30, 2004, was referred to the Committee on Education.

Gov. Msg. No. 328, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of ROSE ANN POYZER RN, BSN, term to expire June 30, 2008, was referred to the Committee on Education.

Gov. Msg. No. 329, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of ANA MARIA SILVA RN, CAN, BC, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 330, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of CHEN-YEN WANG PHD, term to expire June 30, 2007, was referred to the Committee on Education.

Gov. Msg. No. 331, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of JOAN PRINDIVILLE WHITE, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 332, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of AMY E. YASUNAGA RN, MSN, PHDC, term to expire June 30, 2006, was referred to the Committee on Education.

Gov. Msg. No. 333, submitting for consideration and confirmation to the Board of Examiners in Optometry, the nomination of FRANKLIN Y.P. LAU OD, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 334, submitting for consideration and confirmation to the Board of Examiners in Optometry, the nomination of JERE HU ENG LOO OD, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 335, submitting for consideration and confirmation to the Board of Examiners in Optometry, the nomination of ERNEST K. OSHIRO OD, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 336, submitting for consideration and confirmation to the Pest Control Board, the nomination of CARLTON L. AGENA RME, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 337, submitting for consideration and confirmation to the Pest Control Board, the nomination of MICHAEL MCINERNY, term to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 338, submitting for consideration and confirmation to the Pest Control Board, the nomination of ERIC M. HIGASHIHARA, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 339, submitting for consideration and confirmation to the Pest Control Board, the nomination of MICHAEL MCINERNY, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 340, submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of JO-ANNA NAKATA, term to expire June 30, 2007, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 341, submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of CYNTHIA K.L. REZENTES, term to expire June 30, 2007, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 342, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of GWEN T. CHINN, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 343, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of GILBERT PERRY HAGER MD, term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 344, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of JAMES K. HEWSON, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 8 to 11) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 8, transmitting H.B. No. 2863, H.D. 1, which passed Third Reading in the House of Representatives on February 17, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2863, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed First Reading by title and was deferred.

Hse. Com. No. 9, transmitting H.B. No. 2683, which passed Third Reading in the House of Representatives on February 18, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2683, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA," passed First Reading by title and was deferred.

Hse. Com. No. 10, transmitting H.B. No. 2685, which passed Third Reading in the House of Representatives on February 18, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2685, entitled: "A BILL FOR AN ACT RELATING TO BAIL JUMPING," passed First Reading by title and was deferred.

Hse. Com. No. 11, transmitting H.B. No. 2689, which passed Third Reading in the House of Representatives on February 18, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2689, entitled: "A BILL FOR AN ACT RELATING TO STALKING," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 31 to 36) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 31 "SENATE CONCURRENT RESOLUTION URGING THE STATE AND COUNTIES TO ADHERE TO PRIORITIZATION AND TECHNIQUES RELATING TO SOLID AND HAZARDOUS WASTE DISPOSAL AS REQUIRED BY THE HAWAII REVISED STATUTES."

Offered by: Senator Chun Oakland.

No. 32 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ALLOW CERTAIN REMNANT LAND TO BE USED BY THE HOMELESS FOR AGRICULTURAL PURPOSES."

Offered by: Senator Chun Oakland.

No. 33 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO INITIATE STATE RELATIONS WITH THE STATE OF RABAT-SALÉ-ZEMMOUR-ZAËR, KINGDOM OF MOROCCO."

Offered by: Senator Chun Oakland.

No. 34 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HEALTH TO SET UP WORKSHOPS FOR HAIR STYLISTS TO EDUCATE THEIR CUSTOMERS ON HEALTH ISSUES."

Offered by: Senator Chun Oakland.

No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ESTABLISH A PROGRAM TO SET UP A STATE SPONSORED POST OFFICE BOX FOR VICTIMS OF SEXUAL ASSAULT, DOMESTIC ABUSE, AND STALKING."

Offered by: Senator Chun Oakland.

No. 36 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS."

Offered by: Senator Inouye.

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2115) recommending that S.B. No. 2536, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2536, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2116) recommending that S.B. No. 2537, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2537, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE ALA WAI WATERSHED ASSOCIATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2117) recommending that S.B. No. 2617, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2617, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CLEAN-UP OF KAPALAMA CANAL IN THE CITY AND COUNTY OF HONOLULU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2118) recommending that S.B. No. 2622, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2622, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR KEEHI BOAT HARBOR IMPROVEMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2119) recommending that S.B. No. 2645, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2645, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL PARKS," passed Second Reading and was referred to the Committee on Economic Development.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2120) recommending that S.B. No. 2693 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2693, entitled: "A BILL FOR AN ACT RELATING TO FLOODS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2121) recommending that S.B. No. 2820 pass Second Reading and be referred to the Committee on Ways and Means.

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

and S.B. No. 2820, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2122) recommending that S.B. No. 2004, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2004, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VETERANS CEMETERIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2123) recommending that S.B. No. 2124, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2124, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY LEFT IN A DANGEROUS CONDITION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2124) recommending that S.B. No. 2404, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2404, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2125) recommending that S.B. No. 2430 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2430, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2126) recommending that S.B. No. 2506, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2506, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY

RIGHTS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2127) recommending that S.B. No. 2599, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2599, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEGLIGENT HOMICIDE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2128) recommending that S.B. No. 3032, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3032, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A MUNICIPAL PARKING STRUCTURE AT WAILUKU, MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kim and Kawamoto, for the Committee on Tourism and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2129) recommending that S.B. No. 3043 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3043, entitled: "A BILL FOR AN ACT RELATING TO AN ALOHA AINA PATROL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2130) recommending that S.B. No. 3050, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3050, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2131) recommending that S.B. No. 3061 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3061, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2132) recommending that S.B. No. 3080, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3080, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2133) recommending that S.B. No. 3214, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3214, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A HOMELESS SHELTER IN WEST HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2134) recommending that S.B. No. 2630, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2630, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CUSTODY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Ige, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2135) recommending that S.B. No. 2043 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2043, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE AVIATION MUSEUM OF THE PACIFIC," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Inouye, for the Committee on Labor and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2136) recommending that S.B. No. 2002 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2002, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2137) recommending that S.B. No. 2033, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2033, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY," passed Second Reading and was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2138) recommending that S.B. No. 2145, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2145, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM WAGES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2139) recommending that S.B. No. 2550 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2550, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2140) recommending that S.B. No. 2553, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2553, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2141) recommending that S.B. No. 2554 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2554, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2142) recommending that S.B. No. 2878, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2878, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL TAX LIMIT ON

COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2143) recommending that S.B. No. 2879, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2879, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2144) recommending that S.B. No. 2921 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2921, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING INCREASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2145) recommending that S.B. No. 2941 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2941, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Hanabusa, for the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2146) recommending that S.B. No. 2980 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2980, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS OFFICERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2147) recommending that S.B. No. 3018, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2148) recommending

that S.B. No. 3019 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 3019, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2149) recommending that S.B. No. 53, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 53, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AMBULANCE SERVICE IN THE KIHEI/WAILEA REGION OF MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2150) recommending that S.B. No. 2097 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2097, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2151) recommending that S.B. No. 2098, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2098, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE KULAMALU LONG-TERM CARE FACILITY IN KULA, MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2152) recommending that S.B. No. 2152, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2152, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2153) recommending that S.B. No. 2328 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2328, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KAUAI COMMUNITY HEALTH CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2154) recommending that S.B. No. 2582 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2582, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Hanabusa, for the Committee on Health and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2155) recommending that S.B. No. 2979, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2979, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITY AT HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2156) recommending that S.B. No. 3156 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3156, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2157) recommending that S.B. No. 3235, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3235, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2158) recommending that S.B. No. 2246, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2246, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading

and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senators Kawamoto and Hanabusa, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2159) recommending that S.B. No. 2825 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2825, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTIONS APPOINTMENT AND REVIEW PANEL," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2113 (Jud. Com. No. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2113 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of WILLIAM A. CARDWELL to the Office of Judge, District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Chun Oakland.

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

"Mr. President, I rise to speak in favor of Jud. Com. No. 1.

"Mr. President, Chief Justice Moon has selected William A. Cardwell for the position of the District Court of the First Circuit, State of Hawaii.

"Mr. President, I'd like to say that, as a practicing attorney, I have the greatest respect for any attorney who selects himself or herself to serve in the District Court. It is, in my opinion, going beyond the call of duty.

"With Mr. Cardwell, we have someone very qualified. He's a University of Utah graduate for his undergraduate career, served in the US Army and went on to University of California, Berkeley, Boalt Hall for his law degree. There he graduated Order of the Coif or Order of the Coif, depending on which European accent you want to adopt, but, in essence, a very high, high distinction. He served in San Francisco as a practicing attorney and then came to Hawaii and was part of the law firm of Cades Schutte Fleming and Wright, of course where Rick Clifton also stems from.

"What was very interesting in the testimony that we received is he also was a law clerk for Sam King. And Sam King had that interesting saying just as Judge Nakamura, and then Mark Bennett, the Attorney General, came forward and shared a very interesting story with us. Sam King takes full credit for matchmaking Mr. Cardwell with his wife, Cora Lum, someone that is no stranger to all of us. So we have another Sam King story running through this appointment as well.

"The Hawaii State Bar Association deemed Mr. Cardwell to be highly qualified. The interesting testimonies that we received basically said that he was extremely competent and

very well qualified. But what I'd like to say is that this one regular person, not a lawyer, said that he best describes Mr. Cardwell as someone with 'equanimity.' By the way, I went to the dictionary, so for those who are vocabulary-challenged, like those of us from Waianae, it means somebody who can be fair, even under stress.

"One of the most interesting things that I believe was said during the proceeding was the fact that Mr. Cardwell truly enjoys being a District Court Judge. He's been a per diem Judge since September of 2002. He says the reason he wants to be a District Court Judge is because he has immediate impact on so many people's lives, and he enjoys and loves District Court and Small Claims Court. Mr. President, that's why I believe this is beyond the call of duty. You've got to be in District Court to understand anybody loving that process. He said he likes it because the District Court, for most, is the only exposure they have to the legal system, and he believes it was his responsibility to treat them fairly, with dignity, respect, to be calm, and to listen to them. I think those are the characteristics that we want to see in a District Court Judge.

"He, of course, has been an attorney for 30 years now, and I believe that we can have no better an appointment to the District Court of the First Circuit, State of Hawaii. So I ask that you and my colleagues join me in consenting to the nomination of Mr. Cardwell to the District Court of the First Circuit of the State of Hawaii.

"Thank you, Mr. President."

Senator Hogue rose to speak in favor of the nominee and said:

"Mr. President, I also rise in favor of Jud. Com. No. 1 in support of William Cardwell.

"Colleagues, I'm not an attorney, nor do I play one on TV, but I will tell you that I was very impressed with Mr. Cardwell, who will, I think, be a terrific Judge and do a great job on the District Court of the First Circuit.

"He is very imminently qualified – impressive qualifications – and when he and I talked in my office, he talked about how he really wants to move the docket along and have some very succinct ideas on how that can happen, and I like to hear that when we hear some of the criticism of the judiciary.

"So, he's going to take his responsibilities very, very seriously. He will do it with tremendous compassion and that other word that the Senator from Waianae mentioned as well that sportscasters rarely use in their vocabulary.

"So once again, Mr. President, I urge strong support of Jud. Com. No. 1, William Cardwell to the District Court of the First Circuit, and I urge all my colleagues to vote favorably.

"Thank you."

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

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

At this time, Senator Hanabusa introduced Judge Cardwell, who was seated in the gallery with his family, to the members of the Senate.

Stand. Com. Rep. No. 2114 (Jud. Com. No. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2114 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of CHRISTINE E. KURIYAMA to the Office of Judge, District Family Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Chun Oakland.

Senator Hanabusa rose to speak in favor of the nominee and stated:

"Mr. President, I rise to speak in favor of Jud. Com. No. 2.

"Mr. President, Chief Justice Ronald Moon has selected Christine E. Kuriyama to the position of District Family Court of the First Circuit of the State of Hawaii.

"I would like to begin by first saying if there's anything more than the District Court, it's anyone who would choose to go to Family Court that I have the deepest respect for.

"Ms. Kuriyama has been a practicing attorney for 25 years. She is a University of Hawaii graduate and she went to the Hastings College of the Law. The Hawaii State Bar Association has deemed her qualified for this position.

"I would like to say that she has served in this capacity of a per diem Judge in Family Court since 1995, and she still wants to be a Family Court Judge. She has done this even after serving in all divisions of the Family Court. She served in the domestic, the special juvenile and adult criminal divisions of the Family Court and finds this to be the position that she would like.

"She's also had a very interesting career, and I'm just going to highlight it. She's been the House Majority Attorney; she's worked for the Department of Commerce and Consumer Affairs; she's been a Deputy Attorney General; she's been in a civil litigation firm, actually a partner with Greeley Walker and Cowan; and she chose to be almost a full-time per diem Judge beginning last year sometime.

"What was very impressive about what came forward in the testimony was there was someone unsolicited by her, of course, who went around and got 61 signatures of those who are employed at the Family Court. Mr. President, you have got to be at the Family Court to understand what a feat that is. You know, I've always described them as little fiefdoms all over. But to get 61 of them to agree that they would like to see Ms. Kuriyama be appointed and confirmed by this Senate as a Judge there, I believe it's a very high statement to her.

"Judith Pavey submitted testimony saying that she is a wonderful person and an amazing mom. Mr. President, I don't think there's very much more that you can say – someone so dedicated to this profession that 61 of the people that work with her and for her would support her, and yet she is able to maintain her persona as a wonderful person and amazing mom and still be in Family Court. I can't tell you how impressive that is to me.

"So, Mr. President, colleagues, I hope that you join me in consenting to the nomination of Christine Kuriyama to the District Family Court of the First Circuit of the State of Hawaii.

"Thank you very much."

Senator Hogue rose to speak in favor of the nominee and said:

“Mr. President, on behalf of your Minority, I also rise to speak in favor of Jud. Com. No. 2 in support of Christine Kuriyama who will go to the District Family Court of the First Circuit.

“Colleagues, I have had the opportunity to go before the Family Court on a couple of occasions: once, when I adopted my youngest daughter – it was a very happy occasion; and then recently with some very strong challenges that we had with our teenage son. Both times, I was glad that there was someone behind the bench that was compassionate, very qualified, understanding of the issues involved, and I know that Christine Kuriyama will follow in the footsteps of some of our other very outstanding judges in some of these very challenging issues that have to do with families and individuals and, in some cases, with our juveniles with things like mental illness and substance abuse.

“So, I urge all of my colleagues, to support Christine Kuriyama who I know will do a terrific, terrific job on the bench, and I hope that all will vote favorably.

“Thank you, Mr. President.”

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

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

At this time, Senator Hanabusa introduced Judge Kuriyama and her family to the members of the Senate.

At 12:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:29 o'clock p.m.

RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill	Referred to:
No. 2139	Jointly to the Committee on Science, Arts, and Technology and the Committee on Tourism

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

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

“Mr. President, I have to say that we were in a hearing this morning. There were four Senate Committees on a Senate Bill. It had to do with workers' compensation, among other things. Basically, the bill really was about fraud in all its forms, for every type of insurance in the State of Hawaii, to protect every individual.

“I must tell you, Mr. President, I've been involved in efforts to reform workers' compensation for more than 20 years as an individual, and also with various groups and organizations, and as a State Senator. And I've got to tell you further, Mr. President, that the action today leaves me appalled, disappointed and angry, because once again, the business community, which has told us year after year that workers' compensation reform is the number one priority and the number one issue, once again we are about to sell them down the river.

“We have a bill, S.B. No. 2884, it's a good bill. Everyone that was there this morning in the nearly two hours of testimony, testified in favor of the bill. We had all kinds of disparaged groups. There were a lot of people that gave very telling stories about medical problems that they had with their health provider. And that's fine. There were some problems with definition that needed to be worked out and amendments needed to be made. And that's fine. Everybody was in agreement.

“I asked the insurance commissioner, Mr. Schmidt, this bill that addresses fraud, in all its forms, whether it's against employer, employee, provider, or patient, fraud is fraud, and fraud costs us all and hurts the society. I asked the insurance commissioner, was there any type of insurance that would not be covered by this bill that would give the insurance commissioner the major responsibility and priority to go after fraud and to end it? And his answer was that it covered ALL insurance – temporary disability insurance, health care, auto insurance, and workers' compensation.

“A number of business groups were there today, and a number of others sent in testimony in strong support of this bill and all of its ramifications for everyone else – in medical and everything else. When it came time for decision-making, the Chairs decided that they would remove the portion that had to do with workers' compensation, though no one testified against workers' compensation except for two organizations who chose not to show up – the AFLCIO and the ILWU, who for more than 20 years have opposed any reform in workers' compensation and any addressing of fraud in workers' compensation even though, again, I repeat and the insurance commissioner repeated, it doesn't matter whether the infraction or the fraud is committed by an employer, any business, or anyone else, it still will be vigorously prosecuted. But, the idea was to listen to these organized labor organizations who weren't even there, who were not subject to questioning or scrutiny – the only ones that opposed that portion of the bill.

“So, the decision was made to exercise out workers' compensation, even though this bill is about workers' comp, TDI, prepaid health and auto insurance fraud – and it is so blatant and so clear. The excuse given was that there is a House Bill moving, which is a separate bill entirely. This is an omnibus bill.

“Again, the Senate is choosing to punt, to give up its responsibility to take action. Again, the Senate is sending a strong message to the business community – we really don't believe in a fair and level playing field; we don't care that this is your number one issue; we don't care that fraud is a major cost driver in workers' compensation; we don't care that Hawaii and Hawaii's employers, the only ones who pay workers' comp, not any employee, we don't care that our rates are the third highest in the nation.

“Fraud is not a partisan issue. And it's true we had bipartisan support to keep that portion in the bill. But the Chairs of the Committee have chosen not to keep it in the bill. Yes, there was a suggestion – let's put something in the committee report, but we all know the committee report doesn't have the weight and the strength of the bill.

“And, so, Mr. President, I'm very sad . . .”

Senator Tsutsui interjected:

“Recess, Mr. President.”

At 12:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:40 o'clock p.m.

Senator Slom rose and said:

"Mr. President, in the interest of caring for our colleague, I'll conclude my remarks. I think my point has been made. Thank you."

ADJOURNMENT

Senator Kawamoto, moved that the Senate adjourn until 7:00 o'clock p.m., Friday, February 20, 2004, seconded by Senator Hogue.

At 12:41 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:46 o'clock p.m.

At this time, Senator Kawamoto withdrew his motion to adjourn and Senator Hogue withdrew his second.

Senator Kanno, Chair of the Committee on Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. Nos. 2073 and 2254.

Senator Kanno noted:

"Mr. President, S.B. No. 2073 deals with an optional retirement program for university professors.

"Also, on S.B. No. 2254, this was a bill that was previously heard. At the hearing, we had said the decision-making would be tomorrow at our 1:00 hearing, but the proper notice wasn't filed with the Clerk's Office. I understand that we need a waiver in order to schedule decision-making for our hearing tomorrow at 1:00."

The Chair then granted the waiver.

At 12:47 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 7:00 o'clock p.m., Friday, February 20, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

TWENTIETH DAY

Friday, February 20, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 7:07 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Norman Sakamoto, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Aduja, Hogue and Inouye who were excused.

The President announced that he had read and approved the Journal of the Nineteenth Day.

At 7:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:12 o'clock p.m.

STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2160) recommending that S.B. No. 2522 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2522, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2161) recommending that S.B. No. 2523 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2523, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2162) recommending that S.B. No. 2524 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2524, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2163) recommending that S.B. No. 2525 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2525, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2164) recommending that S.B. No. 2526 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2526, entitled: "A BILL FOR AN ACT RELATING TO STATE PROPERTIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2165) recommending that S.B. No. 2527 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2527, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2166) recommending that S.B. No. 2529 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2529, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES FOR THE PROTECTION OF PUBLIC FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2167) recommending that S.B. No. 3179 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3179, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2168) recommending that S.B. No. 3182 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3182, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2169) recommending that S.B. No. 2163 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

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

adopted and S.B. No. 2163, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2170) recommending that S.B. No. 2165 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2165, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND PROTECTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2171) recommending that S.B. No. 2349, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2172) recommending that S.B. No. 2572 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2572, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SERVICES FOR PREGNANT WOMEN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2173) recommending that S.B. No. 2607, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2607, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2174) recommending that S.B. No. 2608, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2608, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2175) recommending that S.B. No. 2661, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2661, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR QUEST AND MEDICAID COVERAGE FOR MICRONESIANS RESIDING IN HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2176) recommending that S.B. No. 2978 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2978, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2177) recommending that S.B. No. 3037, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3037, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESPITE SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kawamoto, for the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2178) recommending that S.B. No. 3118, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3118, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIT SERVICES FOR ELDERLY AND DISABLED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2179) recommending that S.B. No. 3136 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3136, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

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. 2180) recommending

that S.B. No. 2032, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2032, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2181) recommending that S.B. No. 2357 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2357, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2182) recommending that S.B. No. 2367, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2367, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2183) recommending that S.B. No. 2368 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2368, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2184) recommending that S.B. No. 2541, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2541, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2185) recommending that S.B. No. 2542, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2542, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES,"

passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2186) recommending that S.B. No. 2543, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2543, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2187) recommending that S.B. No. 2544, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2544, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2188) recommending that S.B. No. 2545, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2545, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2189) recommending that S.B. No. 2546, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2546, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2190) recommending that S.B. No. 2547, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2547, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2191) recommending that S.B.

No. 2548, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2548, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2192) recommending that S.B. No. 2549, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2549, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2193) recommending that S.B. No. 2551 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2551, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2194) recommending that S.B. No. 2552, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2552, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2195) recommending that S.B. No. 2556 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2556, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2196) recommending that S.B. No. 2593 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2593, entitled: "A BILL FOR AN ACT RELATING TO INDEBTEDNESS TO THE

GOVERNMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2197) recommending that S.B. No. 2718 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 2718, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE LEGISLATIVE SERVICE AGENCIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2198) recommending that S.B. No. 2873 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2873, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2199) recommending that S.B. No. 3106 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3106, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2200) recommending that S.B. No. 3120, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 3120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT CONTRACTS FOR BROADCAST INDUSTRY EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Kanno and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2201) recommending that S.B. No. 3175, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3175, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2202) recommending that S.B.

No. 2018, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2203) recommending that S.B. No. 2023, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2023, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2204) recommending that S.B. No. 2053, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2053, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2205) recommending that S.B. No. 2237, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2206) recommending that S.B. No. 2375, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2375, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2207) recommending that S.B. No. 2417, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2417, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Hanabusa and Inouye, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Water, Land, and Agriculture, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2208) recommending that S.B. No. 2758, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2758, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEDED LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2209) recommending that S.B. No. 3048, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3048, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2210) recommending that S.B. No. 3104, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3104, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2211) recommending that S.B. No. 3198 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3198, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Hanabusa and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2212) recommending that S.B. No. 2138 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2138, entitled: "A BILL FOR AN ACT RELATING TO AUTO THEFT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2213) recommending that S.B. No. 2748, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2748, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2214) recommending that S.B. No. 2834, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2834, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2215) recommending that S.B. No. 2835 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2835, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2216) recommending that S.B. No. 2840, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2217) recommending that S.B. No. 2841, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2841, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Hanabusa and Kanno, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2218) recommending that S.B. No. 2975 pass Second Reading and be referred to the Committee on Ways and Means.

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

adopted and S.B. No. 2975, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2219) recommending that S.B. No. 3098 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3098, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2220) recommending that S.B. No. 3101 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 3101, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 5, OF THE HAWAII STATE CONSTITUTION TO ALLOW FULL PUBLIC FINANCING OF CAMPAIGNS FOR PUBLIC OFFICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2221) recommending that S.B. No. 2140, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2140, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2222) recommending that S.B. No. 2242 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2242, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE STOCK OWNERSHIP PLANS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2223) recommending that S.B. No. 2297, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2297, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2224) recommending that S.B. No. 2704 pass Second

Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2704, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2225) recommending that S.B. No. 2708 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2708, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2226) recommending that S.B. No. 2798, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2798, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2227) recommending that S.B. No. 2838, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2838, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2228) recommending that S.B. No. 2881, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2881, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2229) recommending that S.B. No. 2890 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2890, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND

RESPONSIBILITIES ACT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2230) recommending that S.B. No. 2891 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2891, entitled: "A BILL FOR AN ACT RELATING TO AN INACTIVE LICENSE FOR PROFESSIONAL AND VOCATIONAL LICENSEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2231) recommending that S.B. No. 2904, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2904, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2232) recommending that S.B. No. 2906 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2906, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF GOOD STANDING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2233) recommending that S.B. No. 2907, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2907, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2234) recommending that S.B. No. 2911 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2911, entitled: "A BILL FOR AN ACT RELATING TO ADVISORY COMMITTEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2235) recommending that S.B. No. 2924, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2924, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2236) recommending that S.B. No. 2925, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2925, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS IN THE SECOND DEGREE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2237) recommending that S.B. No. 2926 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2926, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Menor and Kawamoto, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2238) recommending that S.B. No. 2927, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2927, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES OF GOVERNMENT-ASSISTED PROPERTIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2239) recommending that S.B. No. 3146, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3146, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2240) recommending that S.B. No. 3194, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted

and S.B. No. 3194, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE RX PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2241) recommending that S.B. No. 3225, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3225, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2242) recommending that S.B. No. 1060, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1060, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2243) recommending that S.B. No. 2044 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2044, entitled: "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 2244) recommending that S.B. No. 2054 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 2054, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2245) recommending that S.B. No. 2056, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2056, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2246) recommending

that S.B. No. 2057 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2057, entitled: "A BILL FOR AN ACT RELATING TO TEACHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2247) recommending that S.B. No. 2058, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2058, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2248) recommending that S.B. No. 2062 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2062, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2249) recommending that S.B. No. 2063, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2063, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2250) recommending that S.B. No. 2065, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2065, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2251) recommending that S.B. No. 2066, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2066, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL EDUCATION SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2252) recommending that S.B. No. 2067 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2067, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2253) recommending that S.B. No. 2072 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2072, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2254) recommending that S.B. No. 2108 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2108, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2255) recommending that S.B. No. 2111 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2111, entitled: "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2256) recommending that S.B. No. 2112, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2112, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL TEACHER TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2257) recommending that S.B. No. 2113 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2113, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2258) recommending that S.B. No. 2114 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2114, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SAFETY AND SECURITY IMPROVEMENTS FOR UNIVERSITY OF HAWAII CAMPUSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2259) recommending that S.B. No. 2115 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2115, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2260) recommending that S.B. No. 2157 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2157, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2261) recommending that S.B. No. 2172 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2172, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FULL-TIME STUDENT ACTIVITIES COORDINATORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2262) recommending that S.B. No. 2175, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2175, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2263) recommending that S.B. No. 2196, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2196, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY PROJECTS AND PURPOSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report

(Stand. Com. Rep. No. 2264) recommending that S.B. No. 2199 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2199, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2265) recommending that S.B. No. 2200 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2200, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2266) recommending that S.B. No. 2201, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2267) recommending that S.B. No. 2202 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2202, entitled: "A BILL FOR AN ACT RELATING TO TEACHER COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Chun Oakland, for the Committee on Education and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2268) recommending that S.B. No. 2222, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BRIDGE TO HOPE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Ige, for the Committee on Education and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2269) recommending that S.B. No. 2264, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2264, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII FOR A MASTER'S DEGREE IN SOCIAL WORK BY DISTANCE LEARNING PROGRAM,"

passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2270) recommending that S.B. No. 2318, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2318, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2271) recommending that S.B. No. 2321 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2321, entitled: "A BILL FOR AN ACT RELATING TO TEACHER'S AIDES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2272) recommending that S.B. No. 2330 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2330, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2273) recommending that S.B. No. 2371 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2371, entitled: "A BILL FOR AN ACT RELATING TO THE URBAN GARDEN CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2274) recommending that S.B. No. 2422, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2422, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2275) recommending that S.B. No. 2423, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2276) recommending that S.B. No. 2426, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2426, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2277) recommending that S.B. No. 2429 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2429, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2278) recommending that S.B. No. 2518, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2518, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HAWAIIAN LANGUAGE IMMERSION PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2279) recommending that S.B. No. 2613 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2613, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2280) recommending that S.B. No. 2624 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2624, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2281) recommending that S.B. No.

2366, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2366, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2282) recommending that S.B. No. 2689 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2689, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2283) recommending that S.B. No. 2694 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2694, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2284) recommending that S.B. No. 2755 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2755, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2285) recommending that S.B. No. 2757 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2757, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2286) recommending that S.B. No. 2997, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2997, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION'S ENGINEERING SCHOLARSHIP PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2287) recommending that S.B. No. 2999, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2999, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2288) recommending that S.B. No. 3039 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3039, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2289) recommending that S.B. No. 3070, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3070, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZING," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2290) recommending that S.B. No. 3108 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3108, entitled: "A BILL FOR AN ACT RELATING TO STUDENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2291) recommending that S.B. No. 3109, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3109, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2292) recommending that S.B. No. 3110, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3110, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2293) recommending that S.B. No. 3173, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3173, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2294) recommending that S.B. No. 3205, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLASS SIZE REDUCTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2295) recommending that S.B. No. 2211 pass Second Reading and be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2211, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Second Reading and was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Ige, for the majority of the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2296) recommending that S.B. No. 2214, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 2214, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIKIKI NATATORIUM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2297) recommending that S.B. No. 2377, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Ige and Fukunaga, for the Committee on Science, Arts, and Technology and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 2298) recommending that S.B. No. 2866, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2866, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2299) recommending that S.B. No. 2902, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2902, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2300) recommending that S.B. No. 2955, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2955, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2301) recommending that S.B. No. 2972 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2972, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Hanabusa and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2302) recommending that S.B. No. 2759 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2759, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXES ON KULEANA LAND," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 2303) recommending that S.B. No. 3125, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 3125, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second

Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2304) recommending that S.B. No. 2621, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2621, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICALLY FRAGILE CHILDREN'S TRUST FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Hanabusa, for the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2305) recommending that S.B. No. 2931 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2931, entitled: "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS FOR PROVIDERS OF HOME AND COMMUNITY-BASED SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the majority of the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2306) recommending that S.B. No. 3036, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 3036, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2307) recommending that S.B. No. 2091, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2091, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY PSYCHIATRIC TREATMENT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2308) recommending that S.B. No. 2150, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2150, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2309) recommending that S.B.

No. 2154 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2154, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2310) recommending that S.B. No. 2161 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2161, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2311) recommending that S.B. No. 2162, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2162, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EARLY INTERVENTION SECTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2312) recommending that S.B. No. 2579, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2579, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2313) recommending that S.B. No. 2897, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2897, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DENTAL EXAMINATION," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2314) recommending that S.B. No. 2945, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2945, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO MENTAL HEALTH,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2315) recommending that S.B. No. 3127, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3127, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MENTAL HEALTH PRESCRIPTION DRUGS,” passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2316) recommending that S.B. No. 2080 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2080, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2317) recommending that S.B. No. 2128 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2128, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2318) recommending that S.B. No. 2405 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 2405, entitled: “A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL,” passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2319) recommending that S.B. No. 2469, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2469, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HPOWER PLANT BOILER ADDITION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2320) recommending that S.B. No. 2474, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2474, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY,” passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2321) recommending that S.B. No. 2508, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2508, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2322) recommending that S.B. No. 2682, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2682, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY,” passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2323) recommending that S.B. No. 2949, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2949, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2324) recommending that S.B. No. 3004, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3004, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2325) recommending that S.B. No. 3081 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted

and S.B. No. 3081, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2326) recommending that S.B. No. 3092 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 3092, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2327) recommending that S.B. No. 3162 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3162, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2328) recommending that S.B. No. 3206, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3206, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE THE COQUI FROG ON MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2329) recommending that S.B. No. 2355, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2355, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2330) recommending that S.B. No. 2895, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2895, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2331) recommending that S.B. No. 2209, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Fukunaga and Baker, for the Committee on Economic Development and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2332) recommending that S.B. No. 2457, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2457, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM INSURANCE TAX CREDIT FOR SMALL BUSINESS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2333), recommending that S.B. No. 2495, S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 2495, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2334) recommending that S.B. No. 2563, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2563, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2335) recommending that S.B. No. 2867, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2867, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2336) recommending that S.B. No. 2903, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2903, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF MONEY

TRANSMITTERS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Fukunaga and Menor, for the Committee on Economic Development and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2337) recommending that S.B. No. 3170, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3170, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2338) recommending that S.B. No. 2171, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2171, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TEXTBOOKS FOR PUBLIC SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2339) recommending that S.B. No. 2119, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2119, entitled: "A BILL FOR AN ACT RELATING TO DESIGN PROFESSIONAL CONCILIATION PANEL," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2340) recommending that S.B. No. 2595, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2595, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2341) recommending that S.B. No. 3049, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE ANNUITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep.

No. 2342) recommending that S.B. No. 3145, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3145, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF MORTGAGE BROKERS AND SOLICITORS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2343) recommending that S.B. No. 3176, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3176, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO METHAMPHETAMINE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2344) recommending that S.B. No. 3228, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3228, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Menor and Hanabusa, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2345) recommending that S.B. No. 2839, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2839, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2346) recommending that S.B. No. 2875 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2875, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF HAWAII, RELATING TO BALANCED BUDGET REQUIREMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

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. 2347) recommending that S.B. No. 2134 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2134, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Ways and Means.

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 of the majority of the Committees (Stand. Com. Rep. No. 2348) recommending that S.B. No. 2303, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2303, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators English and Ige, for the Committee on Energy and Environment and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2349) recommending that S.B. No. 2383, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2383, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUALITY CONTROL IN STATE PROJECTS," passed Second Reading and was referred to the Committee on Transportation, Military Affairs, and Government Operations.

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. 2350) recommending that S.B. No. 2389, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2389, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2351) recommending that S.B. No. 2996, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2996, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF ALTERNATIVE FUELS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2352) recommending that S.B. No. 3172 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3172, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Ige and Fukunaga, for the Committee on Science, Arts, and Technology and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 2353) recommending that S.B. No. 2281 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2281, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2354) recommending that S.B. No. 2763 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2763, entitled: "A BILL FOR AN ACT RELATING TO JUDICIAL SALARIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Ige and Fukunaga, for the Committee on Science, Arts, and Technology and the Committee on Economic Development, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2355) recommending that S.B. No. 3002 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3002, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROJECT EAST INITIATIVE IN HAWAII'S PUBLIC SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Ige and English, for the Committee on Science, Arts, and Technology and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 2356) recommending that S.B. No. 3163 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3163, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SUSTAINABLE PRACTICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Kawamoto, for the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2357) recommending that S.B. No. 2077, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Ways and Means and the Committee on Water, Land, and Agriculture.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2077, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO PLANNING," passed Second Reading and was referred jointly to the Committee on Ways and Means and the Committee on Water, Land, and Agriculture.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2358) recommending that S.B. No. 2397, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2397, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAXES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2359) recommending that S.B. No. 2989, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2989, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2360) recommending that S.B. No. 2992, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2992, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2361) recommending that S.B. No. 3069, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 3069, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CAPITOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2362) recommending that S.B. No. 2919, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2919, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MILITIA," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2363)

recommending that S.B. No. 3189, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3189, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2364) recommending that S.B. No. 2400 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2400, entitled: "A BILL FOR AN ACT RELATING TO THE KAPOHO BAY CONSERVATION DISTRICT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2365) recommending that S.B. No. 2818 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2818, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2366) recommending that S.B. No. 3094, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3094, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE NONCOMMERCIAL PIERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2367) recommending that S.B. No. 3117 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3117, entitled: "A BILL FOR AN ACT RELATING TO THE HANA WHARF AND SMALL BOAT HARBOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2368) recommending that S.B. No. 3128 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3128, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND IN PUPUKEA-PAUMALU, OAHU," passed Second

Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2369) recommending that S.B. No. 3191, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3191, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE NONCOMMERCIAL PIERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2370) recommending that S.B. No. 2092, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2092, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2371) recommending that S.B. No. 2153, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2153, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2372) recommending that S.B. No. 2158 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2158, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2373) recommending that S.B. No. 2471, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2471, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LAMALAMA KA `ILI AT MOLOKAI GENERAL HOSPITAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Hanabusa, for the Committee on Health and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2374)

recommending that S.B. No. 2641, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2641, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2375) recommending that S.B. No. 2670, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2670, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAIN MANAGEMENT," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2376) recommending that S.B. No. 2686, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2686, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2377) recommending that S.B. No. 2690, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2690, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2378) recommending that S.B. No. 2712, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2712, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO NA LEI WILI AREA HEALTH EDUCATION CENTER'S 'GROW OUR OWN HEALERS' PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2379) recommending that S.B. No. 2899, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2899, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Second Reading and was

referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2380) recommending that S.B. No. 2950, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2950, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERIC SUBSTITUTION OF PRESCRIPTION DRUG PRODUCTS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2381) recommending that S.B. No. 2953 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2953, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2382) recommending that S.B. No. 2956, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2956, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2383) recommending that S.B. No. 3068, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3068, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2384) recommending that S.B. No. 3079 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3079, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Baker and Menor, for the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2385)

recommending that S.B. No. 2090, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2090, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A PRESCRIPTION DRUG REPOSITORY PROGRAM," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2386) recommending that S.B. No. 2448 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2448, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2387) recommending that S.B. No. 2577, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2577, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEER REVIEW," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2388) recommending that S.B. No. 2586, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2586, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2389) recommending that S.B. No. 2618, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2618, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2390) recommending that S.B. No. 2683, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2683, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY HEALTH CARE," passed Second

Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2391) recommending that S.B. No. 2779, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2779, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2392) recommending that S.B. No. 2887, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2887, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Menor, for the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2393) recommending that S.B. No. 2957, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2957, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL AND PROFESSIONAL LIABILITY RISK FINANCING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2394) recommending that S.B. No. 3060, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3060, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS RECOVERY FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2395) recommending that S.B. No. 3222, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2396) recommending that S.B. No. 2265, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2265, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2397) recommending that S.B. No. 2654, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2654, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2398) recommending that S.B. No. 2923, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2923, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2399) recommending that S.B. No. 2929, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2929, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2400) recommending that S.B. No. 2930, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2930, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2401) recommending that S.B. No. 3029 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3029, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2402) recommending that S.B. No. 3033, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3033, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2403) recommending that S.B. No. 3041, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY ADMISSION FOR NONEMERGENCY TREATMENT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2404) recommending that S.B. No. 3089, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3089, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S PRODUCT SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2405) recommending that S.B. No. 3134, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3134, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2406) recommending that S.B. No. 1556, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Fukunaga, for the Committee on Water, Land, and Agriculture and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 2407) recommending that S.B. No. 2413 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2413, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2408) recommending that S.B. No. 2784 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2784, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PAAUILO RENDERING PLANT, HAMAKUA, BIG ISLAND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2409) recommending that S.B. No. 2785 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2785, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HONOMALINO IRRIGATION SYSTEM IN THE BIG ISLAND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Fukunaga, for the Committee on Water, Land, and Agriculture and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 2410) recommending that S.B. No. 2869, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2869, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2411) recommending that S.B. No. 2968, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2968, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2412) recommending that S.B. No. 2971, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2971, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Inouye and Fukunaga, for the Committee on Water, Land, and Agriculture and the Committee on Economic Development, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2413) recommending that S.B. No. 3025 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3025, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2414) recommending that S.B. No. 3044 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3044, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2415) recommending that S.B. No. 3051, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3051, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2416) recommending that S.B. No. 3052, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3052, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2417) recommending that S.B. No. 3129, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted

and S.B. No. 3129, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DETERMINE AND IMPLEMENT THE BEST MITIGATION MEASURE TO CONTROL FLOODING OF LAKE WILSON," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2418) recommending that S.B. No. 3195, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3195, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT THE FUTURE FARMERS OF AMERICA PROGRAM IN HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Labor, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2419) recommending that S.B. No. 2055, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2055, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2420) recommending that S.B. No. 2070, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2070, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2421) recommending that S.B. No. 2071, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2071, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2422) recommending that S.B. No. 2197, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2197, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL WORK-STUDY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2423) recommending that S.B. No. 2283 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2283, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2424) recommending that S.B. No. 2320, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2320, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICE PRINCIPALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Inouye, for the Committee on Education and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2425) recommending that S.B. No. 2369 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2369, entitled: "A BILL FOR AN ACT RELATING TO THE KOMOHANA RESEARCH AND OUTREACH CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Inouye, for the Committee on Education and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2426) recommending that S.B. No. 2370, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2370, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIMANALO RESEARCH AND OUTREACH CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2427) recommending that S.B. No. 2105, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2105, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT DISPUTE RESOLUTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2428) recommending that S.B. No. 2358, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2358, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO CONSTRUCTION CLAIMS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2429) recommending that S.B. No. 3193, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3193, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2430) recommending that S.B. No. 2380 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2380, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2431) recommending that S.B. No. 2392, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2392, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2432) recommending that S.B. No. 2627 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2627, entitled: "A BILL FOR AN ACT RELATING TO CONSIGNMENT OF ART," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Ige and Menor, for the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2433) recommending that S.B. No. 2912, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2912, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Ige and Sakamoto, for the Committee on Science, Arts, and Technology and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2434)

recommending that S.B. No. 3021, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3021, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2435) recommending that S.B. No. 2059, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2059, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Ige, for the Committee on Education and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2436) recommending that S.B. No. 2379, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2379, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CONSTRUCTION RESEARCH PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Inouye, for the Committee on Education and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2437) recommending that S.B. No. 2408, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2408, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TROPICAL AGRICULTURE AND COMMUNITY RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2438) recommending that S.B. No. 2449 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2449, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AIEA INTERMEDIATE SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Inouye, for the Committee on Education and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2439) recommending that S.B. No. 2475 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2475, entitled: "A BILL FOR AN ACT

AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A NEW OFFICE BUILDING FOR EXTENSION PROGRAMS ON MOLOKAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Menor, Hanabusa and Kanno, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Judiciary and Hawaiian Affairs and the Committee on Labor, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2440) recommending that S.B. No. 2884, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2884, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kim and Hanabusa, for the Committee on Tourism and the Committee on Judiciary and Hawaiian Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2441) recommending that S.B. No. 2711, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2711, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kim, Fukunaga and English, for the Committee on Tourism, the Committee on Economic Development and the Committee on Energy and Environment, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2442) recommending that S.B. No. 3116, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3116, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUISE SHIPS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2443) recommending that S.B. No. 2210, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto, Kawamoto and Inouye, for the Committee on Education, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2444) recommending that S.B. No. 2478, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2478, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2445) recommending that S.B. No. 2538 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2538, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2446) recommending that S.B. No. 2671, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2671, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2447) recommending that S.B. No. 2793 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2793, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2448) recommending that S.B. No. 2805, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2805, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2449) recommending that S.B. No. 2790, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2790, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2450) recommending

that S.B. No. 2791, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2791, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC.," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2451) recommending that S.B. No. 3011, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3011, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2452) recommending that S.B. No. 3012, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3012, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2453) recommending that S.B. No. 3013, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3013, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2454) recommending that S.B. No. 3086 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3086, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2455) recommending that S.B. No. 3112, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3112, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2456) recommending that S.B. No. 3148, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3148, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2457) recommending that S.B. No. 3231, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3231, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2458) recommending that S.B. No. 2147, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Education.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2147, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Education.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2459) recommending that S.B. No. 2455, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2455, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2460) recommending that S.B. No. 2465, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2465, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANA COMMUNITY HEALTH CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2461) recommending that S.B. No. 2573, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the

Committees was adopted and S.B. No. 2573, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2462) recommending that S.B. No. 2591, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2591, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY AND CAREGIVER SUPPORT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2463) recommending that S.B. No. 2948, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2948, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2464) recommending that S.B. No. 3085, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3085, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2465) recommending that S.B. No. 3114, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3114, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2466) recommending that S.B. No. 3135, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3135, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Ige, for the Committee on Economic Development and the Committee on Science, Arts, and

Technology, presented a joint report (Stand. Com. Rep. No. 2467) recommending that S.B. No. 2269, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2269, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Inouye, for the Committee on Economic Development and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2468) recommending that S.B. No. 2332, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2332, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARK RESTORATION AND MAINTENANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2469) recommending that S.B. No. 2560, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2560, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMIC VALUE OF ENTERTAINMENT CELEBRITY IDENTITIES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Fukunaga and Menor, for the Committee on Economic Development and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2470) recommending that S.B. No. 2606, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Fukunaga and Menor, for the Committee on Economic Development and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 2471) recommending that S.B. No. 2687, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2687, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Ige, for the Committee on Economic Development and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No.

2472) recommending that S.B. No. 3165, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators English and Inouye, for the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2473) recommending that S.B. No. 2247, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2247, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2474) recommending that S.B. No. 2263, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2263, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," passed Second Reading and was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senators English and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2475) recommending that S.B. No. 2564, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2564, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators English and Inouye, for the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2476) recommending that S.B. No. 3153, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3153, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2477) recommending that S.B. No. 3164, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3164, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SUSTAINABLE PRACTICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2478) recommending that S.B. No. 3207, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 3207, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Sakamoto, for the Committee on Labor and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2479), recommending that S.B. No. 214, S.D. 1, as amended in S.D. 2, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 214, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2480) recommending that S.B. No. 1302, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1302, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2481) recommending that S.B. No. 2228, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2228, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2482) recommending that S.B. No. 2605 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2605, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the majority of the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2483) recommending that S.B. No. 2675, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 2675, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN REAL PROPERTY TRANSACTIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2484) recommending that S.B. No. 2936, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2936, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Sakamoto, for the Committee on Human Services and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2485) recommending that S.B. No. 3230, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3230, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Sakamoto, for the Committee on Labor and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2486) recommending that S.B. No. 2073, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2073, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Sakamoto, for the Committee on Labor and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2487) recommending that S.B. No. 2424, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2424, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2488) recommending that S.B. No. 2942, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

Senator Kawamoto moved that Stand. Com. Rep. No. 2488 be adopted and S.B. No. 2942, S.D. 1, having been read throughout, pass Second Reading and be referred to the Committee on Ways and Means, seconded by Senator Whalen.

Senator Ihara rose and said:

"Mr. President, I just wanted to note I'm standing up in favor of Stand. Com. Rep. No. 2488, S.B. No. 2942. I just want to make a note that there was an inadvertent omission from the bill that was voted on in the Labor Committee. The Ethics Commission executive director was inadvertently deleted, and I understand that the Labor Chair will be handling that with the Ways and Means Chair in the next Committee.

"Thank you."

The motion was put by the Chair and carried, the report of the majority of the Committee was adopted and S.B. No. 2942, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Hanabusa, for the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2489) recommending that S.B. No. 2977, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2977, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2490) recommending that S.B. No. 3017, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3017, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2491) recommending that S.B. No. 3226, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3226, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2492) recommending that S.B. No. 3227, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 3227, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," passed Second

Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2493) recommending that S.B. No. 2051 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2051, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF THE UNIVERSITY OF HAWAII-WEST OAHU CAMPUS FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2494) recommending that S.B. No. 2061 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2061, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2495) recommending that S.B. No. 2069, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2069, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2496) recommending that S.B. No. 2256 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2256, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEPARTMENT OF EDUCATION PERSONNEL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2497) recommending that S.B. No. 2425, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2425, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2498) recommending that S.B. No. 2428, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2428, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2499) recommending that S.B. No. 2789, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 2789, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER SALARIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 2500) recommending that S.B. No. 3020 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 3020, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2501) recommending that S.B. No. 3074, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3074, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2502) recommending that S.B. No. 3239, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Ige and Fukunaga, for the Committee on Science, Arts, and Technology and the Committee on Economic Development, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2503) recommending that S.B. No. 3024, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL FORMATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Ige, for the Committee on Economic Development and the Committee on Science, Arts, and Technology, presented a joint report of the majority of the

Committees (Stand. Com. Rep. No. 2504) recommending that S.B. No. 2558, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2558, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2505) recommending that S.B. No. 2427, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2427, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2506) recommending that S.B. No. 245, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2506 and S.B. No. 245, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred until Monday, February 23, 2004.

ORDER OF THE DAY

**REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Thursday, February 19, 2004:

Senate Concurrent Resolution	Referred to:
No. 31	Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations
No. 32	Committee on Water, Land, and Agriculture
No. 33	Committee on Transportation, Military Affairs, and Government Operations
No. 34	Committee on Health
No. 35	Jointly to the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs
No. 36	Committee on Commerce, Consumer Protection and Housing

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
-------------	--------------

No. 1327 Committee on Ways and Means

No. 3180 Committee on Ways and Means

REFERRAL OF HOUSE BILL

**MATTER DEFERRED FROM
THURSDAY, FEBRUARY 19, 2004**

The President made the following committee assignment of a House bill received on Thursday, February 19, 2004:

House Bill Referred to:

No. 2863, H.D. 1 Committee on Tourism

HOUSE COMMUNICATIONS

**MATTERS DEFERRED FROM
THURSDAY, FEBRUARY 19, 2004**

H.B. No. 2683 (Hse. Com. No. 9):

By unanimous consent, action on H.B. No. 2683, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA," was deferred until Monday, February 23, 2004.

H.B. No. 2685 (Hse. Com. No. 10):

By unanimous consent, action on H.B. No. 2685, entitled: "A BILL FOR AN ACT RELATING TO BAIL JUMPING," was deferred until Monday, February 23, 2004.

H.B. No. 2689 (Hse. Com. No. 11):

By unanimous consent, action on H.B. No. 2689, entitled: "A BILL FOR AN ACT RELATING TO STALKING," was deferred until Monday, February 23, 2004.

ADJOURNMENT

At 7:15 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 23, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

TWENTY-FIRST DAY

Monday, February 23, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:57 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Grace Ripple, United Methodist Church, Hawaii District, after which the Roll was called showing all Senators present with the exception of Senators Menor, Sakamoto and Whalen who were excused.

The President announced that he had read and approved the Journal of the Twentieth Day.

ORDER OF THE DAY**THIRD READING**

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

Senator Inouye moved that S.B. No. 2246, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Kokubun rose to speak in support of the measure with reservations and stated:

"Mr. President, I stand in support of this bill with reservations.

"Mr. President, as you know, this legislation was adopted last Session and, in fact, was subject to a gubernatorial veto, and this body voted to override that veto. I think the concerns that were raised at that time had to do with what was covered, in terms of the restrictions, and I believe when the bill was originally developed, that was taken into account by allowing the counties to participate and allow any restrictions that were meant to be placed on any agricultural lands to be provided through county ordinance. That is still within the bill.

"I think that's the viable way of providing for restrictions with public notification and citizen participation, but I will vote in support with reservations. Thank you."

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

The motion was put by the Chair and carried, S.B. No. 2246, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2825:

Senator Kawamoto moved that S.B. No. 2825, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

"Mr. President, I'm rising to speak in favor of the bill, but wish to ask a point of clarification.

"Mr. President, in the purpose clause of the bill it clearly states that they submit to a biannual performance evaluation report to the Legislature in even numbered years, but in amending the bill, it says that the performance evaluation to the Legislature in odd number years. My question is, in order for it to pass the scrutiny of the courts, does the purpose clause have to be amended to comply with the intent of the bill?"

The President inquired:

"Are you asking the question to Senator Hanabusa?"

Senator Hemmings replied:

"Yes, I'd like to ask the Chair of the Committee that is passing the bill out, the good Senator from Waianae."

Senator Hanabusa rose and responded:

"Mr. President, Senator Kawamoto is lead on this, but I will take it.

"This is an administration measure, and I assume that the administration had it reviewed by the Attorney General. So, my understanding of it is that it does meet the requirements of our laws.

"Thank you. You can check with the Attorney General."

The motion was put by the Chair and carried, S.B. No. 2825, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTIONS APPOINTMENT AND REVIEW PANEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2522:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 2522, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2523:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 2523, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2524:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 2524, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2525:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 2525, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2526:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 2526, entitled: "A BILL FOR AN ACT RELATING TO STATE PROPERTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2527:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 2527, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2529:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 2529, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES FOR THE PROTECTION OF PUBLIC FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3179:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 3179, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3182:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 3182, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2759:

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

By unanimous consent, S.B. No. 2759, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXES ON KULEANA LAND," was recommitted jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations.

S.B. No. 3125, S.D. 1:

By unanimous consent, action on S.B. No. 3125, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, February 24, 2004.

S.B. No. 2427, S.D. 1:

On motion by Senator Hooser, seconded by Senator Chun Oakland and carried, S.B. No. 2427, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2506 (S.B. No. 245, S.D. 2):

Senator Kawamoto moved that Stand. Com. Rep. No. 2506 be adopted and S.B. No. 245, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Espero.

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

"Mr. President, I am in favor of this bill, but I want to note my concern about this bill being possibly a county mandate, which is not permissible by the Constitution, and the county of Honolulu is opposed to this bill as well.

"Thank you."

Senator Hogue rose to speak in opposition to this measure and said:

"Mr. President, I rise in opposition to this one. I'm trying to figure out exactly why this is moving forward.

"This Vanpool Hawaii program is an excellent program. I know I have many constituents who appreciate it, and they are concerned about the future of it. As you know, colleagues, it's federally funded; it's consumer financed. So, this isn't about funding. It's about moving it over from the state to the city and county. And the state, in its testimony, said that they would approve this legislation if the city and county wanted to gain access over this very worthy program, Vanpool Hawaii. Well, the city and county of Hawaii testified against that.

"So, I can't quite figure out why it is that we're trying to move this bill forward, which could have the unintended consequences of killing this very worthy program. So, I would urge all my colleagues to think twice about voting in favor of it. I'm going to vote in opposition.

"Thank you."

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

“Mr. President, I rise in favor of this bill.

“Mr. President, we’re taking the lead from the administration. The administration has indicated to us that transit and those kind of activities should be home rule and left to the counties.

“As the previous speaker said, it has no state funding concerns. It’s all federally funded. It’s run by Vanpool, private sector, and that’s the reason why the opposition was there. The concern was about the future of Vanpool. We’re not doing anything to jeopardize the future of Vanpool. We’re just allowing the counties to have jurisdiction over Vanpool and who will receive the federal funding directly from the federal government. We are just a pass-on; we just pass on the monies to Vanpool Hawaii.

“So therefore, Mr. President, I favor this administration bill, really, and their wishes. In fact, they already have an RFP going at which time they will have the RFP made in April of this year and we will turn everything over to them.

“I urge my colleagues to vote ‘aye’ on this bill. Thank you.”

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

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

“Again, this is one of those funny bills where you vote ‘no’ because you want to be ‘yes,’ and you want to be positive. As the Minority Floor Leader had stressed before, we are in support of the Vanpool program because it is an option to other government programs. It’s been very successful – they have people waiting in line to do it.

“The problem is I read the testimony. I’m not on the Committee, but I read the testimony from the Department of Transportation. It was one line. And it said that the Department of Transportation supports this legislation if the respective counties want the legislation. Then I read the testimony from the City and County of Honolulu, Department of Transportation Services, and they said they don’t want it. So, it would lead me to believe that if that were the rationale for turning it over, acceptance by the county, and since the county has been pushing more governmental and tax related programs, such as the BRT and mass transit, it would seem to me that no one really is concerned about continuing the Vanpool.

“In addition to that, I believe that the S.D. 1, the current bill that we have, has pushed back the date from April 1 of this year to April 1 of 2005. So, only because there has not been a clarification of this, and again to reiterate our support of the Vanpool program itself, as it’s constituted, I will be voting ‘no.’

“Thank you.”

Senator Ihara rose and said

“Mr. President, I am persuaded by the Minority’s comments. Actually, I’m not serving on the Transportation Committee, but I noticed the testimony. I just received it and it does, in fact, say that the Department of Transportation supports the transfer of the Vanpool program to the counties upon respective acceptance by the counties. And therefore, all the testifiers testified against this bill.

“Thank you.”

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

Senator Kim rose and said:

“Reservations. I’m afraid the Mayor might want to try and drive these vans.” (Laughter.)

Senators Tsutsui, English, Aduja, Hooser and Ige requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2506 was adopted and S.B. No. 245, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 7 (Chun Oakland, Hemmings, Hogue, Ihara, Inouye, Slom, Trimble). Excused, 3 (Menor, Sakamoto, Whalen).

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM FRIDAY, FEBRUARY 20, 2004

H.B. No. 2683 (Hse. Com. No. 9):

By unanimous consent, action on H.B. No. 2683, entitled: “A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA,” was deferred until Tuesday, February 24, 2004.

H.B. No. 2685 (Hse. Com. No. 10):

By unanimous consent, action on H.B. No. 2685, entitled: “A BILL FOR AN ACT RELATING TO BAIL JUMPING,” was deferred until Tuesday, February 24, 2004.

H.B. No. 2689 (Hse. Com. No. 11):

By unanimous consent, action on H.B. No. 2689, entitled: “A BILL FOR AN ACT RELATING TO STALKING,” was deferred until Tuesday, February 24, 2004.

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

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

“Mr. President, I had a very exciting weekend, this weekend. First of all, I had an opportunity to witness one of the first in the nation, a project labor agreement on the Army USS Missouri. As quoted by Senator Inouye and Congressman Abercrombie, this is the ‘first of its kind in the nation.’ I like to think we played a small role – we, meaning the Chairman of ECD and myself. I think we put the pressure on as far as our concern for the Davis Bacon Act of using and following the state and county laws. I think we got the private sector and all the building trades together under one roof and agreed on this thing we now call the ‘Aloha Stabilization Agreement.’ So, again, congratulations to our Body for putting the pressure on.

“The second thing I’d like to talk about is that I had the opportunity to address the Hawaii National Guard at Hickam Air Force Base at their annual business meeting. Again, we discussed the many bills that are going through the Legislature – the status and where they are and so forth. In appreciation, I

accepted a certificate on behalf of the Senate. The certificate is from the Hawaii Air National Guard in appreciation for our efforts in the Legislature.

“Thirdly, on Sunday, I had the opportunity to represent the Senate at the Order of the Purple Heart at Punchbowl. What was there was the normal annual gathering, but there was one speaker there that was truly outstanding. I would say, of the all the years I’ve been to Punchbowl, he was the best speaker we’ve ever heard, in the last ten years. Basically, you could feel the gratitude of the many, many thousands of Koreans who have become naturalized U.S. citizens and their gratitude for the men and women that fought in the Korean War. It was a very moving speech and we had the opportunity to do that. I’d like to say thank you for the opportunity again to go to this memorial service.

“So, again, I thank the Body for allowing me to do this. Thank you.”

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

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

“The chaos that has characterized the first month of this Legislative Session reflects poorly upon this institution and its ability to fulfill the purpose for which it was intended.

“A few Fridays past, I commented that our bureaucracies are organic, creatures of our own making and that if we were dissatisfied with their outputs, then we should consider changing the reward structure. These comments are germane to this institution.

“When I was young, winning the race was the only thing that mattered. With age, I find that merely finishing the race can also be a certain source of satisfaction.

“Much time last Session was spent with talk of bridges, as if our work were engineering problems and not a human process. If it were an engineering problem, then all we need to do is select one engineer and give him the problem. If the project involves several bridges, then we select several engineers and tell them to design-build. To act thusly is not democratic but autocratic. It may be an efficient way of churning out hundreds of laws. And if this is what we as individual Senators truly believe constitutes victory, each having a bill that we can call our own with its modicum of photo opportunities at the end of the Session, then I think we have failed in our responsibility to represent our constituents. We have failed because we have not taken advantage of our greatest strength, which is our diversity in collective dialogue to express the range of our experience and the values that we separately hold in the crafting of legislation.

“If I can be permitted to use another analogy I would turn to the allegory of the five blind men who happened upon an elephant and were trying to determine what it was that they had encountered. This allegory recognizes that what is being considered is not an engineering problem but a human process whose solution depends upon the effective dialogue of the five blind men separately describing the essential nature of the beast before them.

“I want to thank the Chairpersons of the Committees upon which I serve. I thank them for their thoughtfulness and inclusiveness in both the informational briefings and committee hearings. But Mr. President, the importance of these informational briefings and hearings is in the discussions that follow the canned presentations. Our informal deliberations matter. Participation in these meetings enable us to make better

law. We cannot do this when scheduling does not allow each member of the Committee to participate in the meetings of the Committees to which they are assigned.

“At one hearing last week, I was the only Senator in the room. After waiting half an hour, I went to my next scheduled hearing where I was one of two Senators. When our constituents take time off to come to testify, I believe they have a right to be heard by every member of the Committee. When they see only one or two Senators present, they are apt to believe that their views expressed in public do not have the same weight as those of some professional lobbyist who may be arm twisting in private. It demeans our public process as it results in a loss of public trust in the integrity of the work that we do.

“I missed several decision-making sessions not because of a lack of interest on my part, but because these decision-making sessions were scheduled at the same time. This practice denies my constituents their right to know not only on which side of a particular issue I stand, but why. It denies them the opportunity to hear the open dialogue in the Committee as it makes its decision.

“When the people do not see the discussion and open deliberation, first in Committee and then before our final vote on the Floor of this Chamber, they are apt to view what we do with suspicion and mistrust.

“Consider the following tale as it could unfold if told by an unsympathetic media. In 2001, we enacted Act 221, which was intended to be a five-year experiment to be carefully evaluated with hard facts in the light of day. This has not yet happened. Instead, rumors and anecdotal evidence of abuse abound. Some have suggested that a one-dollar investment may result in two dollars of tax credits. Why on God’s good earth would you need two dollars back for every one dollar invested? Others have commented that Blue Crush shouldn’t have qualified and wouldn’t have qualified but for the pressure applied on the Department of Taxation by people from the Governor’s office. Others suggest a connection between Blue Crush and the HGEA and UPW and Royal Insurance. Interesting fodder for an already suspicious public.

“The next question is obvious. If a one-dollar investment results in tax credits of more than one dollar, then what was the extra money used for? Did it work its way back into the political process? Was Act 221 merely to generate new money? Was it used as a funding mechanism for campaign contributions? Is this what our constituents pay taxes for – to pay the campaign expenses of selected politicians?

“Gossipers assume the conclusion and move immediately to the next set of questions. Was this a pay back for support in the 2000 election or was this money to be used in the 2002 election? Who benefited at taxpayer expense? Was it someone in this room? Inquiring minds want to know.

“When the poster boy of the new look of the Democratic Party not only carries on a long and acrimonious dispute with the executive director of the State Ethics Commission but seeks to shield the identity of those receiving tax credits from public scrutiny, the public’s trust in this institution continues to erode.

“I do not think that anyone in this room anticipated that their good intentions would result in these suspicions. But we should not remain silent to allow the answers to these questions be ones of speculation and suspicion that fester and gnaw at the public’s trust in this institution.

"I also believe that this is the type of legislation that is a natural by-product of a system that is designed to churn out legislation too quickly without allowing sufficient public scrutiny to the process. We need to end this practice because of its innate reliance upon the Committee Chair to be the engineer designing a bridge instead of viewing it as a human process of a committee of the blind men trying to determine the essence of the elephant.

"Mr. President, we need to end the current practice of scheduling hearings in a manner as to preclude the attendance of all members of that Committee at that hearing.

"Mr. President, I request that I be allowed to finish the race. We must end the practice of scheduling decision making in a manner that precludes all members of that Committee from participating in the dialogue and the rendering of their vote as a part of the public record.

"Thank you, Mr. President."

ADJOURNMENT

At 12:26 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 24, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

TWENTY-SECOND DAY

Tuesday, February 24, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Hiromi Kawaji, Aiea Hongwanji Mission, after which the Roll was called showing all Senators present with the exception of Senators Aduja, Hogue, Kokubun, Sakamoto and Whalen who were excused.

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

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 345 to 353) were read by the Clerk and were placed on file:

Gov. Msg. No. 345, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2921, which appropriates \$7,417,636 in emergency general funds for FY 2003-2004 for the Department of Education to enable payment of collective bargaining increases for bargaining units 1 and 5.

Gov. Msg. No. 346, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2941, which makes an emergency appropriation of \$3,055,896 for FY 2003-2004 for the payment of claims against the State.

Gov. Msg. No. 347, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2953, which makes an emergency appropriation of \$14,000,000 for FY 2003-2004 for the Hawaii Health Systems Corporation.

Gov. Msg. No. 348, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2976, which appropriates \$2,001,986 in emergency general funds for FY 2003-2004 to alleviate overcrowding in Hawaii's correctional facilities.

Gov. Msg. No. 349, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2872, which appropriates \$1,000,000 in emergency funds for the State Disaster Revolving Loan Fund.

Gov. Msg. No. 350, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2829, which makes an emergency appropriation for risk management and increases the spending ceiling of the State Risk Management Revolving Fund.

Gov. Msg. No. 351, dated February 20, 2004, transmitting the 2004 Report of the Executive Salary Commission pursuant to Act 122, SLH 2003, amending Chapter 26, HRS.

Gov. Msg. No. 352, dated February 13, 2004, transmitting the Department of Business, Economic Development and Tourism's Annual Report for 2003, pursuant to Section 201-10, HRS.

Gov. Msg. No. 353, dated February 20, 2004, transmitting the Comprehensive Annual Financial Report of the State of Hawaii for the Fiscal Year Ended June 30, 2003, prepared by the Comptroller pursuant to Section 40-5, HRS.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 26, from the Department of Transportation dated February 18, 2004, transmitting a letter informing the Senate the department will not prepare a report pursuant to S.R. No. 22 (2003) due to the low number of major traffic accidents over the years 2000-2002, was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORT

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2507) recommending that S.B. No. 195, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Second Reading and was recommitted to the Committee on Judiciary and Hawaiian Affairs.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2233	Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations
No. 2333	Jointly to the Committee on Energy and Environment and the Committee on Judiciary and Hawaiian Affairs
No. 2519	Jointly to the Committee on Energy and Environment and the Committee on Judiciary and Hawaiian Affairs
No. 2994	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means

THIRD READING

MATTER DEFERRED FROM
MONDAY, FEBRUARY 23, 2004

S.B. No. 3125, S.D. 1:

At this time, the President made the following announcement:

“S.B. No. 3125, S.D. 1, will be recommitted to the Committee on Education so that we can work on a constitutional amendment. We will re-refer it to the Committee on Judiciary.”

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

“Mr. President, I rise on a point of personal privilege and I would like to have some remarks entered into the Journal regarding this issue.

“Mr. President, this is a blatant attempt to arrest power from the Governor and the executive branch of government and vest it over to the legislative branch of government. It probably is one of the most blatant attempts in recent years. It seems the system worked, in the eyes of the people controlling the State, well for 40 years, and now that they no longer control the executive branch of government, let’s change the rules.

“Mr. President, there was testimony, I believe, at the committee hearing that this bill was unconstitutional. Nevertheless, it was passed out on the Floor today – irresponsibly, in my opinion – and now it has to be recalled. It’s this type of machinations, political machinations for blatant political purposes, that really interferes with the people’s ability to have any faith in what is being done here at the Legislature.

“I would suggest in referring this back to Committee that you no longer waste our time and the people of Hawaii’s time and let this die in Committee where it should.

“Thank you, Mr. President.”

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

“Mr. President, if I could rise for a point of personal privilege, please.

“Just a brief note on the prior comments. This bill represents the official position of the national organization of governing bodies of colleges and universities around the nations, of which the University of Hawaii is a part of. They sent a great letter supporting the bill and the concept.

“There was no opposition, whatsoever, in testimony of that Committee, and the bill, by all the testimony that was submitted, including the national organization, said this is a great step toward increasing the quality and professionalism of the university.

“I look forward to following it through the process. Thank you.”

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

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

“Just so that we are all in sync here, we all took an oath to uphold the Constitution of the State of Hawaii. And the Constitution of the State of Hawaii, irrespective of any other organization’s wishes, wants, desires or pleas, is very clear on this matter of the separation of powers. We make speeches all the time about separation of powers, but it seems this year there are a dozen bills that would attempt to take away the powers of the Chief Executive. It’s very interesting that for the past 40

years prior to this time, there were no attempts, no letters, no support, no desire whatsoever to make any changes. I’m all for change, Mr. President, but if we’re going to do it, I would observe that maybe the sponsors should read the bills more carefully and certainly read and abide by the State Constitution.

“Thank you.”

By unanimous consent, S.B. No. 3125, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was recommitted to the Committee on Education.

RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill	Referred to:
No. 3125, S.D. 1	Committee on Judiciary and Hawaiian Affairs

REFERRAL OF HOUSE BILLS

MATTERS DEFERRED FROM MONDAY, FEBRUARY 23, 2004

The President made the following committee assignments of House bills received on Thursday, February 19, 2004:

House Bill	Referred to:
No. 2683	Committee on Judiciary and Hawaiian Affairs
No. 2685	Committee on Judiciary and Hawaiian Affairs
No. 2689	Committee on Judiciary and Hawaiian Affairs

ADJOURNMENT

At 12:08 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Wednesday, February 25, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

TWENTY-THIRD DAY

Wednesday, February 25, 2004

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

The Divine Blessing was invoked by the Reverend Arthur Marutani, Honpa Hongwanji, after which the Roll was called showing all Senators present with the exception of Senators Aduja, Ihara and Sakamoto who were excused.

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

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 354 and 355) were read by the Clerk and were placed on file:

Gov. Msg. No. 354, dated February 3, 2004, transmitting a Report on the Implementation of Section 321-193.5, Hawaii Revised Statutes, prepared by the Department of Health, Alcohol and Drug Abuse Division, pursuant to Act 161, Section 10, SLH 2002.

Gov. Msg. No. 355, dated February 23, 2004, transmitting the Department of Health 2003 Annual Report – Healthy People, Healthy Communities, Healthy Islands.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 37 and 38) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 37 “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR COGNITIVE REHABILITATION.”

Offered by: Senator Chun Oakland.

No. 38 “SENATE CONCURRENT RESOLUTION REQUESTING THE FULL PLEDGE OF ALLEGIANCE BE RECITED BEFORE THE START OF EACH SENATE AND HOUSE FLOOR SESSION.”

Offered by: Senators Slom, Hemmings, Hogue, Trimble, Whalen, Chun Oakland.

SENATE RESOLUTION

The following resolution (S.R. No. 19) was read by the Clerk and was deferred:

Senate Resolution

No. 19 “SENATE RESOLUTION REQUESTING THE FULL PLEDGE OF ALLEGIANCE BE RECITED BEFORE THE START OF EACH SENATE FLOOR SESSION.”

Offered by: Senators Slom, Hemmings, Hogue, Trimble, Whalen, Chun Oakland.

STANDING COMMITTEE REPORT

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2508) recommending that S.B. No. 267, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Water, Land, and Agriculture.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 267, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” passed Second Reading and was recommitted to the Committee on Water, Land, and Agriculture.

Senator Kawamoto rose on a point of personal privilege and stated:

“Mr. President, I rise for a point of personal privilege.

“Mr. President, this morning I had the opportunity to be in God’s Country to go to Honowai Elementary School. There I saw the love and hope of these young people to desire to go and live as normal and to be responsible citizens in their community. I was there, and I spoke on behalf of the Senate telling them that we will do our fiduciary responsibility of keeping drugs off the streets and out of the community. I say this because I realize that treatment is important, but just as important, I believe, is enforcement. We need to provide the vehicles that we have, again, to keep drugs off the streets and out of our community.

“Therefore, Mr. President, I just hope that we can find a way to do both. Thank you.”

ADJOURNMENT

At 11:59 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 26, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

TWENTY-FOURTH DAY

Thursday, February 26, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Akihiro Okada, Daijingu Temple of Hawaii, after which the Roll was called showing all Senators present with the exception of Senators Aduja, Ihara and Sakamoto who were excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 12 to 20) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 12, transmitting H.B. No. 1828, H.D. 1, which passed Third Reading in the House of Representatives on February 25, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1828, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed First Reading by title and was deferred.

Hse. Com. No. 13, transmitting H.B. No. 2019, which passed Third Reading in the House of Representatives on February 25, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2019, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBERS," passed First Reading by title and was deferred.

Hse. Com. No. 14, transmitting H.B. No. 2024, H.D. 1, which passed Third Reading in the House of Representatives on February 25, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2024, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF OWNERSHIP OF FIREARMS AND AMMUNITION," passed First Reading by title and was deferred.

Hse. Com. No. 15, transmitting H.B. No. 2167, which passed Third Reading in the House of Representatives on February 25, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2167, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed First Reading by title and was deferred.

Hse. Com. No. 16, transmitting H.B. No. 2298, H.D. 1, which passed Third Reading in the House of Representatives on February 25, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2298, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISQUALIFICATION OF JUDGES," passed First Reading by title and was deferred.

Hse. Com. No. 17, transmitting H.B. No. 2299, H.D. 1, which passed Third Reading in the House of Representatives on February 25, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2299, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE COURT COSTS," passed First Reading by title and was deferred.

Hse. Com. No. 18, transmitting H.B. No. 2345, which passed Third Reading in the House of Representatives on February 25, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2345, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed First Reading by title and was deferred.

Hse. Com. No. 19, transmitting H.B. No. 2686, H.D. 1, which passed Third Reading in the House of Representatives on February 25, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2686, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR COMMISSION," passed First Reading by title and was deferred.

Hse. Com. No. 20, transmitting H.B. No. 2789, H.D. 1, which passed Third Reading in the House of Representatives on February 25, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2789, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2509) recommending that S.C.R. No. 12, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2509 and S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR," was deferred until Friday, February 27, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2510) recommending that S.R. No. 8, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2510 and S.R. No. 8, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR," was deferred until Friday, February 27, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2511) recommending that S.B. No. 2815 pass Second Reading and be placed on the calendar for Third Reading.

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

and S.B. No. 2815, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 1, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2512) recommending that S.B. No. 2969, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2969, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 1, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2513) recommending that S.B. No. 2983, as amended in S.D. 1, be recommitted to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2983, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was recommitted to the Committee on Ways and Means.

Senators Menor and Baker, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2514) recommending that S.B. No. 3237, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 3237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 1, 2004.

ADJOURNMENT

At 11:48 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 27, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

TWENTY-FIFTH DAY

Friday, February 27, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Jerry Overbeck, Loyola University, Chicago, after which the Roll was called showing all Senators present with the exception of Senators Aduja, Hanabusa and Sakamoto who were excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 21 to 28) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 21, transmitting H.B. No. 2198, H.D. 1, which passed Third Reading in the House of Representatives on February 26, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2198, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH," passed First Reading by title and was deferred.

Hse. Com. No. 22, transmitting H.B. No. 2223, which passed Third Reading in the House of Representatives on February 26, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2223, entitled: "A BILL FOR AN ACT RELATING TO BOXING," passed First Reading by title and was deferred.

Hse. Com. No. 23, transmitting H.B. No. 2380, H.D. 1, which passed Third Reading in the House of Representatives on February 26, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2380, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed First Reading by title and was deferred.

Hse. Com. No. 24, transmitting H.B. No. 2417, which passed Third Reading in the House of Representatives on February 26, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2417, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING," passed First Reading by title and was deferred.

Hse. Com. No. 25, transmitting H.B. No. 2418, which passed Third Reading in the House of Representatives on February 26, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2418, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES," passed First Reading by title and was deferred.

Hse. Com. No. 26, transmitting H.B. No. 2421, which passed Third Reading in the House of Representatives on February 26, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2421, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS," passed First Reading by title and was deferred.

Hse. Com. No. 27, transmitting H.B. No. 2423, which passed Third Reading in the House of Representatives on February 26, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2423, entitled: "A BILL FOR AN ACT RELATING TO COSMETOLOGY LICENSE RESTORATION," passed First Reading by title and was deferred.

Hse. Com. No. 28, transmitting H.B. No. 2426, which passed Third Reading in the House of Representatives on February 26, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2426, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senators Ige and Kim, for the Committee on Science, Arts, and Technology and the Committee on Tourism, presented a joint report (Stand. Com. Rep. No. 2515) recommending that S.B. No. 2139, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2139, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MUSEUM OF HAWAIIAN MUSIC AND DANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 1, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2516) recommending that S.B. No. 183, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 183, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was recommitted to the Committee on Judiciary and Hawaiian Affairs.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2517) recommending that S.B. No. 203, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 203, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO THE JUDICIARY," passed Second Reading and was recommitted to the Committee on Judiciary and Hawaiian Affairs.

Senators Hanabusa and Taniguchi, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2518) recommending that S.B. No. 2994, as amended in S.D. 1, pass Second Reading and be recommitted jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2994, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX," passed Second Reading and was recommitted jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2519) recommending that S.B. No. 2074, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2074, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 1, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2520) recommending that S.B. No. 2372, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2372, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 1, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2521) recommending that S.B. No. 2444, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2444, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATE CODE," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 1, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2522) recommending that S.B. No. 2827, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2827, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 1, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2523) recommending that S.B. No. 3144, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3144, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 1, 2004.

Senators Hanabusa and Baker, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2524) recommending that S.B. No. 3233, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 3233, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 1, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2525) recommending that S.B. No. 1491, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2525 and S.B. No. 1491, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," was deferred until Monday, March 1, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2526) recommending that S.B. No. 3194, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2526 and S.B. No. 3194, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE RX PROGRAM," was deferred until Monday, March 1, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2527) recommending that S.B. No. 2153, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2527 and S.B. No. 2153, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Monday, March 1, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2528) recommending that S.B. No. 3068, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2528 and S.B. No. 3068, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred until Monday, March 1, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No.

2529) recommending that S.B. No. 3234, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 3234, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 1, 2004.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, FEBRUARY 26, 2004

Stand. Com. Rep. No. 2509 (S.C.R. No. 12, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR," was adopted.

Stand. Com. Rep. No. 2510 (S.R. No. 8, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 8, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR," was adopted.

Senator Trimble rose to and said:

"Excuse me, Mr. President, I believe I had my hand up."

"I have a question. I would like to ask the introducer of this resolution if it was his intent that the entrance channel . . ."

The President interjected:

"Please identify that resolution."

Senator Trimble responded:

"The two that are before us. I believe their wording is similar, 2509, 2510.

"My questions is . . ."

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:54 o'clock a.m.

RE-REFERRAL OF GOVERNOR'S MESSAGES

The Chair re-referred the following governor's messages that were received:

Governor's Message

Referred to:

No. 217 Committee on Energy and Environment

No. 218 Committee on Energy and Environment

No. 219 Committee on Energy and Environment

No. 220 Committee on Energy and Environment

No. 221 Committee on Energy and Environment

No. 293 Committee on Science, Arts, and Technology

No. 301 Committee on Energy and Environment

No. 303 Committee on Energy and Environment

No. 304 Committee on Energy and Environment

No. 305 Committee on Energy and Environment

No. 306 Committee on Energy and Environment

No. 307 Committee on Energy and Environment

No. 308 Committee on Energy and Environment

REFERRAL OF HOUSE BILLS

MATTERS DEFERRED FROM THURSDAY, FEBRUARY 26, 2004

The President made the following committee assignments of House bills received on Thursday, February 26, 2004:

House Bill Referred to:

No. 1828, H.D. 1 Committee on Judiciary and Hawaiian Affairs

No. 2019 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 2024, H.D. 1 Committee on Judiciary and Hawaiian Affairs

No. 2167 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 2298, H.D. 1 Committee on Judiciary and Hawaiian Affairs

No. 2299, H.D. 1 Committee on Judiciary and Hawaiian Affairs

No. 2345 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

No. 2686, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations

No. 2789, H.D. 1 Committee on Judiciary and Hawaiian Affairs

Senator Trimble rose and said:

"Mr. President, I'm sorry my hand and voice were missed when we were discussing S.C.R. No. 12 and S.R. No. 8. The question . . ."

The President interjected:

ADJOURNMENT

“Are you rising on a point of personal privilege, Senator Trimble?”

At 11:59 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 1, 2004.

Senator Trimble replied:

“On a point of personal privilege.

Respectfully submitted,

“Mr. President, the first question that I wanted to ask was, if you're going to dig out the Barbers Point Harbor to 45 feet, shouldn't you also specify that you should do it the same time as the entrance channel?

Clerk of the Senate

“The second question I wanted to ask is, if this was being done for cruise vessels? It's my impression that the harbor was designed to ideally accommodate vessels of less than 800 feet in length. When you move it to 45 feet, you are not increasing your ability to accommodate cruise vessels.

Approved:

President of the Senate

“The third thing I wanted to ask is, was it the introducer's intent to somehow alter the priorities of work by the Department of Transportation, because at the present moment, we lack berthing space on the neighbor islands. There are cruise vessels that cannot berth on the neighbor islands because there is no space. We are losing business on the neighbor islands. And while I recognize the need to improve Barbers Point deep draft harbor, I would not like its improvement to leapfrog other needed improvements in our harbor system.

“Thank you, Mr. President.”

Senator Kawamoto rose to speak on a point of personal privilege as follows:

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

“Mr. President, to answer the questions from the Senator from Waikiki, basically, as far as the entrance is concerned, these are requests to the federal government. Right now they are in the process of dredging it to 42 feet. The users at Barbers Point have indicated that potentially, right now, the ships coming in cannot fully use the potential of their carrying capacity, so they need to go to 45 feet.

“As far as where the money is coming from, this is federal dollars and basically it is for Barbers Point Harbor. The cruise ships are not an item here because of the fact that the cruise ship's depth is 34 feet. That's what their requirements are. So, we're already there.

“Thank you.”

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

“Mr. President, a point of personal privilege.

“Mr. President, I would appreciate, actually, I appreciate the questions and the answers from the various Senators on these resolutions. I would appreciate it if we had that discussion before the vote so that I can vote doubly strong or with reservations, but it looks like the answer seemed to be provided.

“I just really would like to ask that the discussion be held prior to the vote rather than after the vote.

“Thank you.”

TWENTY-SIXTH DAY

Monday, March 1, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Healani Hamilton, Baha'i Faith, after which the Roll was called showing all Senators present with the exception of Senator Hogue who was excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 29 to 35) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 29, transmitting H.B. No. 1820, H.D. 1, which passed Third Reading in the House of Representatives on February 27, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, H.B. No. 1820, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed First Reading by title and was deferred.

Hse. Com. No. 30, transmitting H.B. No. 2020, H.D. 1, which passed Third Reading in the House of Representatives on February 27, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, H.B. No. 2020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed First Reading by title and was deferred.

Hse. Com. No. 31, transmitting H.B. No. 2049, H.D. 1, which passed Third Reading in the House of Representatives on February 27, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, H.B. No. 2049, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed First Reading by title and was deferred.

Hse. Com. No. 32, transmitting H.B. No. 2139, H.D. 1, which passed Third Reading in the House of Representatives on February 27, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, H.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading by title and was deferred.

Hse. Com. No. 33, transmitting H.B. No. 2140, H.D. 1, which passed Third Reading in the House of Representatives on February 27, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, H.B. No. 2140, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," passed First Reading by title and was deferred.

Hse. Com. No. 34, transmitting H.B. No. 2147, H.D. 1, which passed Third Reading in the House of Representatives on February 27, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, H.B. No. 2147, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed First Reading by title and was deferred.

Hse. Com. No. 35, transmitting H.B. No. 2569, H.D. 1, which passed Third Reading in the House of Representatives on February 27, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, H.B. No. 2569, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NIIHAU SHELL PRODUCTS," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2530) recommending that S.B. No. 2892 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2892, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2531) recommending that S.B. No. 2893 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2893, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2532) recommending that S.B. No. 2898 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2898, entitled: "A BILL FOR AN ACT RELATING TO COSMETOLOGY LICENSE RESTORATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2533) recommending that S.B. No. 2901 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS," passed Second Reading and was

placed on the calendar for Third Reading on Wednesday, March 3, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2534) recommending that S.B. No. 3204 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 3204, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2535) recommending that S.B. No. 2260, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARD NONFORFEITURE FOR INDIVIDUAL DEFERRED ANNUITIES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2536) recommending that S.B. No. 2498, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2498, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:47 o'clock p.m.

ORDER OF THE DAY

THIRD READING

S.B. No. 2815:

On motion by Senator Inouye, seconded by Senator Espero and carried, S.B. No. 2815, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hogue, Kokubun, Menor).

S.B. No. 2969, S.D. 1:

On motion by Senator Inouye, seconded by Senator Espero and carried, S.B. No. 2969, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hogue, Kokubun, Menor).

S.B. No. 3237, S.D. 1:

By unanimous consent, action on S.B. No. 3237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was deferred until Tuesday, March 2, 2004.

S.B. No. 2139, S.D. 1:

Senator Ige moved that S.B. No. 2139, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kim.

Senator Kim rose to speak on the measure and said:

"Mr. President, can I just have some remarks inserted into the Journal?"

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

"Mr. President, I rise in support of S.B. No. 2139, S.D. 1, MUSEUM ON HAWAIIAN MUSIC AND DANCE and offer the following comments:

- The idea of celebrating Hawaiian music and dance/hula is an exciting thought, an exhilarating conception.
- The notion of creating a museum honoring the artists of the host culture is empowering.
- Hawaiian Music and Dance enables us to communicate our unique and powerful cultural identity to our visitors.
- There is a need to preserve, perpetuate and promote Hawaiian Music and Dance.
- The establishment of the Hawaiian Music and Dance Committee to study the feasibility of creating a Museum of Hawaiian Music and Dance can only enhance our tourism industry.
- There is no stronger way to promote a locale as a competitive tourism market than through the development of the unique culture and arts of a destination.
- This is as much an economic development effort as it is a culture and arts endeavor.
- The economic viability of Hawaii's tourism is heavily dependent upon the Hawaiian culture.
- The media has utilized music and hula to promotion tourism and to convey the aloha spirit.
- The establishment of a Museum of Hawaiian Music and Dance will provide an important new product in marketing Hawaii as a tourist destination.
- The idea of a Museum of Hawaiian Music and Dance '...is not so far fetched when you consider other examples such as the economic impacts of country music on Nashville or Dixieland jazz on New Orleans or Rock 'n Roll on Cleveland. Was Brother Iz trying to tell us something when his music was heard in two widely popular Hollywood movies! Would his talent have been recognized much sooner had he been able to perform in a Hawaiian Music and Dance Hall of Fame? Would he have been able to reap the full financial benefits of his talent? How about the many others before and after?"
- This museum will offer an education resource for present and future generations.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 2139, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MUSEUM OF HAWAIIAN MUSIC AND DANCE," having

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

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

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

Senator Hanabusa moved that S.B. No. 2074, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose to speak in favor of the measure and stated:

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

“Last October, I surveyed the registered voters in my district. The issue that generated the strongest reaction related to the need for campaign finance reform. The language in S.B. No. 2074 banning corporate and union contributions to political candidates is consistent with the longstanding public position of the Campaign Spending Commission. Making intentional violations a class C felony is consistent with the position taken by both the Attorney General’s Office and that of the City Prosecutor.

“I sense that citizen participation in the election process, which is at the very soul of our form of government, will increase substantially if our citizens believe that their voice is equal to that of any other. My sense is that many young people do not exercise their right of citizenship because they view the current system as corrupt and do not want to be associated with it.

“Public confidence in the integrity of the important work that we do must be restored. Passage of S.B. No. 2074 is an important step in that direction. And considering all the negative publicity that has been given to this problem, now is the right time to do the right thing.

“Thank you, Mr. President.”

Senator Kawamoto rose in opposition to the measure and said:

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

“Mr. President, this bill . . . by the way, the thing that we wanted to do with campaign spending was to refine the policy of this Body on campaign spending.

“This bill does not have the definitions that we wanted to see in the campaign spending bill. Also, Mr. President, one of the troublesome items on campaign spending was the term ‘controllable interest.’ This bill takes out controllable interest and leaves it blank and leaves the authority of controllable interest left up to the Campaign Spending Commission and its director. This is providing the campaign director an opportunity to make that decision among himself, for himself. This is very difficult for the people out in the communities who want to donate and use the idea of freedom of speech.

“Thank you very much.”

The motion was put by the Chair and carried, S.B. No. 2074, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Kawamoto). Excused, 2 (Hogue, Menor).

S.B. No. 2372, S.D. 1:

Senator Hanabusa moved that S.B. No. 2372, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

“Mr. President, at this time, I rise in support of this bill. I’d also like to indicate to the President compliments to the good Senator from Waianae who looked at this bill and expanded it to also include those of elected officials who may have their family members placed in danger.

“Mr. President, I, like the Lieutenant Governor, as well as the Senator from Waianae, have been very active in the war against ice. I am a mother of two very young children. My son is five years old in kindergarten, and my daughter is four years old in pre-school. I welcome the opportunity to also make my appeal before the Director of Public Safety in order to have such security for my very young and vulnerable children.

“So, I thank the Senator; I thank the Senate President, and I encourage all of the members of this Body to please vote favorably for this measure.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 2372, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2444, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2444, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PROBATE CODE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2827, S.D. 1:

Senator Hanabusa moved that S.B. No. 2827, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

“Mr. President, I rise to speak in support of the bill.

“For seven years now, the campaign spending commission has said that they are going to have a system that is going to include Macintosh users. So in speaking on behalf of the bipartisan Macintosh users group, I know that the campaign spending chairman was asked this questions yet again during the hearing, and again responded that he will have that. And we just want to make sure that in fact that will be included in at least the committee report so that in 2006, we will have full civil rights with the rest of our Minority Leaders.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 2827, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3144, S.D. 1:

Senator Hanabusa moved that S.B. No. 3144, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Aduja rose to speak in favor of the measure with reservations and said:

"Mr. President, I rise in favor, however, with reservations, with regards to this measure.

"While I looked at the testimony that had been obtained through the committee hearings, there weren't very many in favor. We've got one from the good Senator from the Big Island, as well as one from an attorney from Hawaii Reserves, Inc., and another attorney, but we have not heard from the body of the Hawaii State Bar Association. I believe that we should have heard from this organization, as it will generally have its most impact on practicing attorneys.

"While the good Senator from the Big Island has indicated that we've got attorneys that have left Hawaii, they will be able to come back without having to take the bar exam if they have fulfilled several criteria such as being in good standing for the last five out of seven years. There will still, also, be opportunity where we would have competition from the mainland competing with the attorneys here that have locally studied for the bar.

"Given that, Mr. President, I would like to lodge my reservations on this measure until there is some clarification from the Hawaii State Bar Association.

"Thank you."

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

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

"This is the first time I heard that we need to holdup a bill or something because someone didn't respond, given ample opportunity. For the information of the Senator from Oahu, I contacted the Bar Association to let them know about the bill and asked for their input, and if they don't want to give it, then why should we holdup. In fact, if she did her research, she would have also noted that the ABA endorses this bill and suggests for all jurisdictions to adopt it.

"So, the support is there from the American Bar Association, and if the local chapter differs with the parent association, that's something for them to take up or at least bring forward some sort of testimony. I urge all of our members to vote for it.

"Thank you."

Senator Aduja rose in rebuttal and said:

"Mr. President, just in rebuttal.

"Mr. President, I am not holding up this bill. I'm just indicating my reservations on this matter. I would like it to move forward.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 3144, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3233, S.D. 1:

Senator Hanabusa moved that S.B. No. 3233, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

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

"First, let me say that there are a number of bills that we will be dealing with today and also next Tuesday that deal with the ice problem. I think all of us are in agreement that we have a problem; secondly, that we need to do something; thirdly, that treatment is important. And I do congratulate the sponsors of the bill who have made changes from the original 5½ hours Saturday hearing a couple of weeks ago, which was an outrageous bill – putting heavy penalties and heavy demands on the resources of the business community.

"I say it's been changed and it's been reformed, but it still is not a good bill, in my humble opinion, for a number of reasons. First of all, as far as business and employment, it still transfers a great deal of responsibility, further responsibility, to businesses and does require a business with 15 or more employees, currently, to institute at least a one-hour program of drug education. Failing to do that, that business is subject to fines.

"Most people who are not in business do not understand. They say, 'well, what's an hour or one hour per year?' First of all, you have the cost of the program itself. You have the cost of people that you're paying for away from doing their work and all of that, plus the fact that again we are putting the responsibility on business rather than on the responsibility of the individual.

"The original bill, as I said, was terrible in many respects. It's been toned down, but still there is that theme – that we don't want people to stand up and be responsible for their own actions and for themselves. And I'm sorry, Mr. President, but I guess I'm old school – I don't believe that choice and drug abuse, as practiced today heavily in Hawaii and across the nation, is a disease, not unlike cancer or diabetes or something else. I find that in this bill and in others that we're going to look at, there are punishments for other people other than the people that are the abusers. Again, there has to be a balance with treatment and there should be treatment, but I think that this bill is heavily weighted to the other side – treatment without enforcement.

"In addition to that, I believe that through the parity sections, it increases the employer mandate again under the pre-paid healthcare act.

"Thank you, Mr. President."

Senator Hanabusa rose to speak on the measure and said:

“Mr. President, before I begin, I’d like to thank my Co-Chair on this bill, who is the Chairman of the Health Committee from the good island of Maui, and also, my Co-Chair on the Joint House-Senate Task Force on Ice and Drug Abatement, the good Senator from Kahaluu.

“Mr. President, this bill, or two bills, are a result of the task force spending nearly 80 hours collecting information and listening to over 400 people. We’ve received written testimony more than 40 inches high, in terms of just paperwork that we received.

“Mr. President, the first version of this bill took it, maybe to some, a step too far. But that’s why we have public hearings. And when we started to discuss this bill, our position was very simple – we’re putting it out so that the public and our colleagues can decide where we are going with this problem, why is it a problem, and what kind of problem is it?

“There’s a difference when people come out and give you platiudes – like, well, you know, we’ve got to do education; we’ve got to do intervention; we’ve got to do prevention; we’ve got to do treatment; we’ve got to do incarceration – and there’s no substance behind that.

“What this Legislature did was we put it before everyone. And, yes, we received criticism, but that’s part of our process where people come forward and testify in a 5½-hour hearing, and Mr. President, we listened – we listened. Because I’ll tell you what, my position to the Chamber of Commerce who said, you know, we basically like the bill except for this one thing that you still have in it, which is a mandatory one hour – one hour, Mr. President – of drug education for their employees. And you know, it comes back to what is it that we have in terms of our obligation to each and every one of us. Is ice a disease or is ice a crime? That was one of the major controlling issues that we all had to contend with. And the answer is, it’s probably both. It is both. But, you cannot treat one without looking at the other.

“We have not had criticism on the fact that the bill, as it now stands, doesn’t address issues, like enhanced penalties, sufficiently. The attorney general has come back and said, basically, he doesn’t have very much to say about the bill now. We addressed the concerns they had on whether or not federal warrants would be acknowledged. We addressed all of those issues. We may differ on Act 161, but this Body made the statement that 161, the Drug Treatment Act, will be part of our philosophy. Where we had a problem was with the judiciary saying they did not have enough discretion. So, Mr. President, we addressed it. We put it in the bill. The judiciary is okay with it.

“So, what are we coming down to? My good colleague from Hawaii Kai said it’s too onerous on business. What have we done to business? We’ve got one provision in there. And what we’re asking businesses that have more than 15 employees is to invest in their employees. It’s to give them one hour of training.

“The average number of hours a person works is 2,073 in a year – 2,073 hours. We’re saying one hour of drug education. We’re hoping that adults will learn like the way kids learn. If there’s anything that we’ve had success with education, it’s the kids. When we look at the statistics, the school kids have reduced ice consumption because they understand. It’s the most addictive of drugs and it messes up their minds, so they’re not going to do it. If kids can learn, adults should be able to learn too.

“Yes, this is an issue of should people be responsible? Mr. President, it wouldn’t be a disease, or at least some of us wouldn’t consider it a disease, if we believed every single one of us could actually say ‘no.’ It would be great! We wouldn’t have a problem. But we have a problem, and why do we have a problem?

“You cannot read S.B. No. 3233 in isolation of S.B. No. 3234. One of the businesses said, you know, why don’t you give us a tax credit if we do it? Mr. President, we do have it. We have a \$250 tax credit for education for those companies that will do it, and that’s part of S.B. No. 3234.

“Mr. President, I congratulate all the members who have listened to this bill, who’ve passed it out so far, who’ve worked on it, and all the people who have come forward. Because we are making a statement, we are making a statement as to what ice is – the recognition of a major problem and how we will contend with it.

“I told the Chamber of Commerce, you know, if this is all you’ve got to say about the bill, I think we’ve done very well. We’ve done very well. That’s your only complaint.

“And remember, Mr. President, when we redid this bill, we left it up to the discretion of the Department of Labor to come up with its rules as to how you would comply with it and who will be and who will not be in compliance. And we think that is something that best sets forth a policy statement – that we will all have to join hands, including business, in this battle against ice. The kids have shown us that it works. They say education works. So, why not start?

“This one hour didn’t come out of our minds, it came out of the HMSA that came forward and said one hour of training, one hour would be a good number to start with. And that’s what it is, Mr. President. It’s a testimony to the fact that we listened and the fact that we amended this bill to address the concerns.

“Mr. President, I ask that my colleagues go forward and pass S.B. No. 3233, S.D. 1, as our statement of how the Legislature answered the cry of the communities and said that we will do something about this ice problem.

“Thank you, Mr. President.”

Senator Slom rose in rebuttal and said:

“Mr. President, a brief rebuttal.

“You know, it would be wrong if you thought that my only objections to this bill were just because of the one hour of mandated compulsory training on employers. I was pointing that out as one example – the fact that we have shifted the responsibility from the person who has made by a free choice decision to go in this route.

“It’s great that the taskforce, and they did do a great job, it’s great that they had 400 people that gave testimony and made comments and input. But if we look at what the Lieutenant Governor did when he went island by island, community by community, throughout the State for several months, they got several thousand reports and input. And even in that Saturday hearing, the 5½ hours, the voices that I heard were the same voices that I hear at our neighborhood boards that say they want these people taken of the streets – the people that rob and plunder and break-in again, and again, and again, and again. That’s not in this bill and that’s not in the succeeding bill as well. And that’s the message that’s not getting across.

“The good Chair from Waianae is absolutely correct – this is a philosophical debate as to those people that believe that treatment is not only important, but is paramount. And I don’t think the Chair meant to say that the attorney general and the Law Enforcement Coalition gave its blessing to this bill. Because, unless she’s privy to information that I have not received, they are still upset that the provisions that they wanted in a bill like this are not in this bill.

“As to the statement about employers should invest in their employees. Ah, there’s the rub, Mr. President, because employers invest in their employees from the outset. Employers create the job. They pay the salaries. They pay the benefits. They pay the training. They pay the taxes. They pay things that employees don’t pay. And employees want more and more and more benefits. So, to say that employers must invest in their employees when they’ve already been doing that, and we must join hands when we’ve been joining hands to solve a problem, I think is unfair. And I think that’s the problem with this kind of legislation. This is the theory behind it.

“In addition to that, Mr. President, I think that we have a situation here where I had said before, while it only affects those employers with 15 or more employees, in this version, if we look at every mandated benefit that the State of Hawaii has ever passed, it started with a cap – whether it was 50 employees, 25 employees, 15. And within one to two years maximum, those laws were all changed so that it affected every business.

“The Chamber of Commerce is a good organization. It generally represents the largest businesses in our community. It does not represent, to a large extent, small businesses, and they are the ones that will bear the brunt. And they are the one’s that have the most problem with this.

“But again, Mr. President, the real issue here is whether or not we’re going to fix individual responsibility, and this bill runs farther and farther away from it.

“Thank you.”

Senator Menor rose and said:

“Mr. President, please have the Clerk note my vote ‘with reservations.’”

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

“Mr. President, I rise in support of S.B. No. 3233, S.D. 1.

“Mr. President, as Co-Chair of the Joint House/Senate Taskforce on Ice and Drug Abatement, I’d like to also acknowledge the hard work and dedication of the taskforce members who have cared enough about this issue to participate in our deliberations. As noted by my Co-Chair, the Senator from Waianae, we’ve had many, many hours of informational briefings and public hearings and numerous onsite visits on a statewide scale. And this was all taken up during the interim period. There, we learned that the scope of Hawaii’s ice epidemic and challenges we had to confront in search of practical and effective solutions. We learned that the problem was enormously complex, yet, we forged ahead.

“What we have before us is a result of a significant expenditure of human and real capital. I want to especially take note of the most disturbing finding, Mr. President, and that is the number of families whose members’ lives have been affected – irreparable harm, Mr. President, by the behavior of individuals who have fallen prey to this illegal drug.

“Mr. President, if we look at all of the statistics, I believe it would be fair to say that when you look at the ratio of user to family members, we’re looking at 1 to 2.5. Given that amount, I believe it’s fair to say, Mr. President, that the amount of individuals affected by this epidemic in the State of Hawaii is 250,000 individuals. It is my hope and my prayer, as well as the prayer of all the members of the joint taskforce, that this bill, which we worked so hard to attain, will make a significant impact on all of the family members that have been impacted by this horrible, horrible drug.

“Mr. President, I’d like to make a quote here as to what I call those individuals that are impacted, and that is our ‘drug-impacted ohana.’ Mr. President, I plead to you and the members of this Honorable Body that we got to save our families and we’ve got to save our ohana.

“Mr. President, I also rise in support of the bill that’s going to be heard, the funding mechanism for this bill, and I request that my support testimony also be incorporated in S.B. No. 3234, as well.

“Thank you, Mr. President.”

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

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

“I believe it is a balanced and fair approach giving law enforcement the tools they need, but definitely giving those in our community who have been affected by this drug the ability to get help and to be rehabilitated, because clearly, that’s the emphasis that I think that we need to take.

“Thank you.”

Senator Kim rose to speak in support of the measure with reservations as follows:

“Mr. President, I rise in support with a small reservation.

“Mr. President, first, I really want to acknowledge the hard work of the Judiciary Chair and the taskforce. I believe that they did put a lot of work into this bill and I think the majority of this bill is a very good one.

“I rise in concern about the issue of the training, as well, for our businesses. And one of the concerns that I have is the fact that I’m not sure if one hour of training is going to do the trick. Certainly, those that have partaken in drug abuse and so forth are not those who are going to listen to one hour of education and are going to change their life or can change their life. Those who do take the drugs, I’m sure, know that it’s illegal, know that it’s bad. I think there are kids in school who get training but still there are some kids who still choose to go on drugs for whatever reasons, and all the training in the world probably may not make a difference.

“So, I question the fact of whether or not one hour of training is going to put a burden on all of our businesses, and I’m not sure if it’s going to be, as they say, effective and practical that one hour of training is going to take care of the problem.

“So, if not for that issue, I would be voting straight up. Thank you.”

The motion was put by the Chair and carried, S.B. No. 3233, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES,” having

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

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

Stand. Com. Rep. No. 2525 (S.B. No. 1491, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2525 be adopted and S.B. No. 1491, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

“Mr. President, S.B. No. 1491, S.D. 1, is our annual transfer of excess funds bill. Every year, for many years now, the Legislature and the Executive Branch has scrutinized the balances of the State’s special and revolving funds and determined that many of them have balances in excess of their needs. This year is no different.

“Scrutinizing the financial statements of these funds has always proven to be a good thing. It is, in essence, the Legislature exercising its financial oversight responsibilities of all government operations. Too often, we overlook those programs run by funds other than general funds. Too often, we do not spend enough time evaluating their budgetary performance.

“But in the greater scheme of things, this bill is a necessity – a necessity because I believe our Governor has not, has not, formulated a truly balanced budget. I say this not only because her six-year financial plan ends with only \$6 million ending balance two years from now, but because she has also chosen to seriously underestimate our future expenditures in three areas. These are: (1) giving more resources to our public schools; (2) fighting the war on ice; and (3) giving teachers, professors, and all other government employees the compensation that they deserve. It is unfortunate that the Governor has chosen to leave out these very vital issues from her budget.

“To this end, this bill is an option that can help us balance the realities of our financial plan. This bill is but one tool for a realistic budget that provides funds for very essential government services and anticipates that revenues may possibly fall. Curiously, I find it ironic that our Governor has not yet endorsed the fund transfers found in this measure. I say ironic because last year alone, she authorized the transfer of over \$240 million from special and revolving funds to the general fund. Clearly, transferring balances are a necessity for her to balance the State’s budget.

“At this point, this bill proposes a one-time transfer of roughly \$56 million, hardly enough for expenditures that I feel are reasonable, but a step in the right direction, nonetheless.

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

Senator Hemmings rose to speak against the measure and said:

“Mr. President, I rise to speak against S.B. No. 1491, S.D. 1.

“Mr. President, the good news is I think that both sides of the aisle can agree that we have too many special funds and we have too much money in them. We have had piecemeal solutions for years now, and that amounts to raids every year

trying to identify what we would consider the flow to the slush portions of these funds.

“We hope that in the future we will avoid this discussion by doing what your Senate Minority recommended last year – eliminate many of the special funds and allow the money to be deposited directly into the general fund and we’ll appropriate it like every other executive department that we do through the budget process.

“I do have to take issue with the politicization of this issue this year regarding the prior speaker’s singling out the Governor as being part of the problem. I really applaud the Governor for singling out three issues or three areas where we can cut spending. Public schools are problematic. They are by far and away the most expensive with one-and-three-quarters of a billion dollars expenditure. And quite frankly, there are those of us who believe that throwing more money at this problem is not going to solve it, simply because it hasn’t solved it.

“We also just discussed the ice bill and granted there is a tremendous amount of money already being used to address the ice epidemic, but money alone is not going to solve that problem. The implication of the previous speaker was that if we throw more money at ice, just like we throw money at public education, the problem is going to go away. Well, there are those of us who think that we need some incentive for people to get rehabbed and that there has to be, as it is with drug court, some law and order.

“In employee’s compensation, I would submit that this Legislature and the 23 Majority Party members who reversed their vote or reversed their position on binding arbitration have in fact dug a much deeper hole for the State of Hawaii in meeting out payroll requirements. But it also has to be noted that this Governor has done an excellent job of trying to reduce the state workforce through attrition and, basically, has eliminated close to 4,000 jobs in her first year as Governor.

“Our employees in the public sector do have a generous compensation. Many of them, when compared to the private sector, are making more money than their private counterparts, and they have one of the most generous benefit packages of any employee group in any state in the nation, with over 21 days of paid sick leave, vacation days amongst the highest in the nation, health insurance benefits amongst the most benevolent in the nation. The days of the poor, working, unionized members being abused by the country store are long since gone. Now it is the taxpayers of this State who are being abused.

“I laud the Governor for standing up for fiscal responsibility in public education, in the battle against ice, and in trying to control our employee costs. I also might note that in the area of employee cost, that it’s amazing how at the front of every line are union benefits, while the truly needy, who the alleged compassionate Majority Party members are supposed to be watching out for, oftentimes, their needs are put secondary to benevolent pay and benefit increases for public employees. The truly needy in our society are begging for assistance.

“To the credit of the Chairman of the Ways and Means Committee, the raid was originally \$72 million and it’s now \$55 million. I think the Committee Chairman, in his evenhandedness, did listen to the testimony that the raid of \$72 million would have driven many of the agencies that hold this money into a situation where they would have had to raise fees to make ends meet to pay for the services.

“Unfortunately, this bill gets political and I find it absolutely amazing that there are a number of bills this year that are taking away executive privileges and functions that have been in the

statutes for over 30 years. What's changed? Politics – just petty politics. We have a Republican Governor and now we're going to take away the power that we have afforded all the prior Governors that wore a different political label. How sad for the people of Hawaii.

"This bill eliminates the Governor's ability to transfer funds, as the previous speaker alluded to. When are we going to put down the partisanship and work on the spirit of cooperation to run a fiscally responsible State?"

"I'm voting against this bill and I hope some of my colleagues will join me for the simple reason that it doesn't solve the problem. It just extends it another year.

"Thank you, Mr. President."

Senator Kawamoto rose to speak in favor of the measure with reservations and said:

"Mr. President, I rise to speak in favor of the bill with reservations, primarily to remain with this bill and to be a valuable member of the Conference Committee.

"Mr. President, time and time again, many of you or many of our colleagues have come forth requesting monies to repave, new projects in their district, and repair and maintenance. Time and time again, I pleaded with DOT to provide for discretionary funds to do this, however, with no avail.

"Knowing that this past year, the reapportionment of appropriation funds from the congressional delegation in congress, that the donor states will be receiving 90 to 95 percent in 2007 they'll be receiving 95 percent of the funds they put in the federal funds. We, as donating states, without raising those funds who are similarly, may receive less funds.

"Mr. President, also knowing the fact that the DOT is starting up a new program where they would like to repave the highways seven to eight years, knowing that this is a cost savings to the State, whereby when we have to repave every 14 years, like many of our roads have been waiting, it will cost us in the millions. Whereas, if you do it seven and eight years, it may cost \$150,000 to \$200,000 per mile. These things concern me about raiding \$17 million from the highway funds. In effect, if you use these funds as matching funds, we're not only stealing \$17 million, we are stealing \$34 million out of the highway funds, which could work towards your programs and your projects in your district.

"So, those concerns of mine need to be addressed at Conference. Thank you, Mr. President."

Senator Slom rose in opposition to the measure and said:

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

"Well, we just had a good lesson in semantics. The good Chair of Ways and Means referred to this as a transfer. The Chair of TMG refers to it as stealing. It is a raid. Whatever you call it, it's not being done properly.

"First of all, if the funds are bloated, that means that we're charging too many taxes or too many fees in the first place, and what we should do is reduce, lower or eliminate the taxes or the fees. But we never give any credence to doing that.

"Secondly, it was said that this is a one-time move. Well, last year was one time; the year before was one time; this is one time; next year will be one time. Every year is one time.

"The problem is we're not even looking at the report and the review that the legislative auditor provided in terms of identifying specific funds and specific balances. This looked like a raid on those funds that had the biggest balances, and there were more than two dozen funds, special funds, that have been raided in this bill.

"As you know, Mr. President, in the time that I've been here, I voted against the creation of each and every special fund – my belief being it is a cruel hoax on the public. There's nothing special about them, even the highway fund. The highway fund, we pay the nation's highest highway fuel taxes. And most of that money is supposed to go for road building and road repair. And we saw, after our latest rainfall and storm over the weekend, Friday and Saturday, that we have need for these monies. But you talk to anybody, and they are very unhappy with both the county and the state in terms of the potholes, in terms of the sinkholes, in terms of the way the highways have been designed. So here we are. We're saying, yeah, that's a problem, but we can still take \$17 million away.

"The tobacco settlement funds, we're draining another half million dollars at this point from that fund into the general fund. The people that supported that wanted it for a very specific purpose. It's not going for that.

"In the compliance resolution fund, \$11 million is being taken away. That's money directly paid by businesses to help make the Department of Commerce and Consumer Affairs self-supporting and self-sufficient. They are paying a tax, basically, to have that operate. Now if that money is drained away and DCCA needs additional funds to do the same things they were doing, they will be taxed yet again.

"The issue that I talked about in Ways and Means the other day that really blows my mind, and that is taking \$1.8 million from the newly created state parks special fund. For years we heard how important it was to fix our state parks, how deplorable they are, and they are. There were all kinds of ideas about how to take it from the Hawaii Tourism Authority, the convention fund, the TAT, this and that, but everybody seemed to agree that there was a problem. Now we're saying, well, it's not that great a problem after all because we're going to take nearly \$2 million away from that.

"The highway fund, which we mentioned, and the Minority Leader mentioned the stripping of powers from the executive, so, this is more than just a raid bill. It's more than just stealing and it's not well thought out, and it's looking for an enormous amount of money. We need to do a better job and we should start with the idea of getting rid of those nonessential, non-federal backed special funds, and not do what we did today in Ways and Means – and that is create yet another new special fund.

"Thank you."

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

"Mr. President, I rise in support to speak briefly.

"I just want to encourage my colleagues to support this bill and acknowledge the Committee, the Committee Chair and the Vice Chair for their hard work. I know it's a difficult job looking and going through with a fine-tooth comb the various programs and priorities and trying to decide where the money is best spent. I think it's a question of balance and a question of priorities, looking at what the community's needs are, what the community is asking us to do.

"Today we have issues on ice, issues on education that need funding, that need support. I think it's about doing the right thing at the right time, about analyzing these funds, looking for fat and inefficiencies. We hear a lot about where's the fat? Where's the fat? Well, I think the Committee has done a darn good job looking at these funds, looking at money that's misspent or unspent, I should say, money that hasn't been managed properly and then refocusing those funds in areas in our community where they can be better utilized.

"It's always interesting to hear the debate in this room and the different perspectives that are talked about and expressed. I, for one, prefer to see the glass as half full. Others seem to focus on it always being half empty. When we look at spending more money on public education, some see that as throwing money down the toilet. I see that as investing in the future of our children.

"When we look at the problem of drugs in our community, some would want to spend our money on more prisons, more jails, and more police officers and lock them up and throw away the key. I prefer to extend a helping hand to our brothers and sisters, mothers and fathers, and children who have problems with addiction and need treatment and education and support.

"I encourage my colleagues again to vote in favor of this bill for the betterment of our community. Thank you."

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

"Mr. President, I rise in support. However, I'd like to lodge my reservations.

"Most of my reservations are because of the use of funds that affect domestic violence and spouse and child abuse special accounts, which is in sections 15 and 16, and in section 20.

"I also have reservations because of the adverse impact it might cause on the environment, because we've got sections 21 through 23 and 26, which lowers the statutory ceiling on environmental health education.

"Mr. President, I believe that funding is necessary when it comes to the area of family and children, education, as well as the environment. Therefore, I lodge my support, however, with reservations in this particular area.

"Thank you."

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

Senator Espero rose with reservations and said:

"Mr. President, I also with be voting with reservations.

"Next Session, if the executive branch does feel that there are too many special funds, I'd like to hope that the executive branch can provide us a list of those funds which it feels should be terminated and we can debate it at that time.

"Thank you, Mr. President."

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

Senator Chun Oakland rose in support with reservations and said:

"Mr. President, I also rise in support with reservations, and I'd like my remarks inserted into the Journal."

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

"Mr. President, I rise in favor with reservations on S.B. No. 1491, S.D. 1.

"I hope that as this bill goes through the process, the spouse and child abuse special fund; spouse and child abuse special account; state highways special fund; and state parks funds will not be taken away unless these funds are used for its intended purposes through other bills moving through the Legislature."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2525 was adopted and S.B. No. 1491, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2526 (S.B. No. 3194, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 2526 and S.B. No. 3194, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE RX PROGRAM," was deferred until Tuesday, March 2, 2004.

Stand. Com. Rep. No. 2527 (S.B. No. 2153, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2527 be adopted and S.B. No. 2153, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose in opposition to the measure and said:

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

"Again, this is another one of the substance abuse bills that provides for an increase in taxation. The total cost of the bill is unknown. The bill does talk about evidence-based treatment, but that's a vague term and we don't know what evidence-based means because in this Body here, we argue over evidence and statistics and studies that have been presented.

"Thank you."

Senator Baker rose in support of the measure as follows:

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

"Mr. President, this measure gives us the mechanism using a tax that we hope ultimately is not going to generate any money but still generates probably, in order of magnitude, about \$12 million to help us tackle something that is even more addictive than cigarette smoking, and that's crystal methamphetamine. If we don't come up with additional resources, we're going to be strapped in our general funds to find other ways of funding the programs of prevention, education, treatment, rehabilitation, even some of those wonderful programs like drug court that need to be funded as a means of providing that incentive to help people get off of ice and give them the opportunity to do so in an environment that might actually ensure their success.

"With regard to the notion of evidence-based, we heard measures before your Health Committee this year on this very subject. We asked the Department of Health, 'Do you use evidence-based criteria in determining which programs you

recommend for funding, whether it's in a GIA, or purchase of service, or the other funding that you might have in your department?" And we were assured that, yes indeed, they do. It's called best practices by some, performance based by others. So, what the term evidence-based means is very clear in the health community. It means that programs have outcome measures; they have standards and criteria; and they have means of measurement.

"So, I think it's very appropriate to ask for evidence-based substance abuse programs to be funded. We want our funds to go for those programs that we know make a difference, have a track record, and have some empirical reasons or empirical criteria that can tell us whether the program will succeed.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2527 was adopted and S.B. No. 2153, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2528 (S.B. No. 3068, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2528 be adopted and S.B. No. 3068, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

"Mr. President, S.B. No. 3068, S.D. 1, contains over \$12 million in appropriations out of the State's emergency and budget reserve fund, otherwise known as the rainy day fund, for some very vital government services. In essence, these are the same appropriations made last year in Act 3, Special Session of 2003, and includes five additional expenditures.

"While some may argue that it is not yet raining in our State, I would argue otherwise. There are many in our community who would go without healthcare, drug treatment, counseling, and a myriad of other public health programs that we take for granted. This bill takes care of those in our community who need our help now.

"I urge my colleagues to please support these programs and vote 'yes' on this bill. Thank you."

Senator Slom rose in opposition to the measure and said:

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

"I don't deny that it's raining. It rained all weekend. It was raining this morning. What I do deny, however, is that this is a proper use of the emergency fund. And as the good Senator from Ways and Means just pointed out, every year we have the same emergency, only we seem to add additional items or additional categories.

"This bill originally started out and it was funded by the general fund, and I have no problem with that whatsoever. We can look at the individual agencies and individual programs from that standpoint. But this constant year-in, year-out attack on the emergency fund, I think, does us all a disservice.

"Thank you."

Senator Baker rose in support of the measure and said:

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

"Mr. President, I'd just like to point out for my colleagues that this appropriation does not take money out of the corpus of the fund. In effect, what it's doing is it's taking the money that's specified from the master settlement agreement, from the tobacco fund, that would have gone to augment or increase the rainy day fund balance. So, what we're doing really is taking the portion of the master settlement agreement that would have gone into the rainy day fund and utilize it. We're not touching the amount that's currently in the rainy day fund, and I think that it is a very appropriate use of those master settlement account funds to go for the important health and human service programs in our State.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2528 was adopted and S.B. No. 3068, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3234, S.D. 1:

Senator Taniguchi moved that S.B. No. 3234, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Mr. President, I request that my support testimony from S.B. No. 3233 also be incorporated in S.B. No. 3234."

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

"Mr. President, as Co-Chair of the Joint House/Senate Taskforce on Ice and Drug Abatement, I'd like to also acknowledge the hard work and dedication of the taskforce members who have cared enough about this issue to participate in our deliberations. As noted by my Co-Chair, the Senator from Waianae, we've had many, many hours of informational briefings and public hearings and numerous onsite visits on a statewide scale. And this was all taken up during the interim period. There, we learned that the scope of Hawaii's ice epidemic and challenges we had to confront in search of practical and effective solutions. We learned that the problem was enormously complex, yet, we forged ahead.

"What we have before us is a result of a significant expenditure of human and real capital. I want to especially take note of the most disturbing finding, Mr. President, and that is the number of families whose members' lives have been affected – irreparable harm, Mr. President, by the behavior of individuals who have fallen prey to this illegal drug.

"Mr. President, if we look at all of the statistics, I believe it would be fair to say that when you look at the ratio of user to family members, we're looking at 1 to 2.5. Given that amount, I believe it's fair to say, Mr. President, that the amount of individuals affected by this epidemic in the State of Hawaii is 250,000 individuals. It is my hope and my prayer, as well as the prayer of all the members of the joint taskforce, that this

bill, which we worked so hard to attain, will make a significant impact on all of the family members that have been impacted by this horrible, horrible drug.

“Mr. President, I’d like to make a quote here as to what I call those individuals that are impacted, and that is our ‘drug-impacted ohana.’ Mr. President, I plead to you and the members of this Honorable Body that we got to save our families and we’ve got to save our ohana.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, S.B. No. 3234, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill	Referred to:
No. 2512	Committee on Judiciary and Hawaiian Affairs

At 1:40 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:40 o’clock p.m.

REFERRAL OF HOUSE BILLS

MATTERS DEFERRED FROM FRIDAY, FEBRUARY 27, 2004

The President made the following committee assignments of House bills received on Friday, February 27, 2004:

House Bill	Referred to:
No. 2198, H.D. 1	Committee on Health, then to the Committee on Education
No. 2223	Committee on Economic Development, then to the Committee on Commerce, Consumer Protection and Housing
No. 2380, H.D. 1	Committee on Judiciary and Hawaiian Affairs
No. 2417	Committee on Commerce, Consumer Protection and Housing
No. 2418	Committee on Commerce, Consumer Protection and Housing
No. 2421	Committee on Commerce, Consumer Protection and Housing
No. 2423	Committee on Commerce, Consumer Protection and Housing
No. 2426	Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing

ADJOURNMENT

At 1:41 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o’clock a.m., Tuesday, March 2, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

TWENTY-SEVENTH DAY

Tuesday, March 2, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:46 o'clock a.m. with the Vice President in the Chair.

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

The Chair announced that she had read and approved the Journal of the Twenty-Sixth Day.

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 356 and 357) were read by the Clerk and were placed on file:

Gov. Msg. No. 356, dated February 6, 2004, transmitting the 2003 Annual Report of the State Energy Resources Coordinator, pursuant to Section 196-4, HRS.

Gov. Msg. No. 357, dated February 25, 2004, transmitting the Separation Incentives Program Report, prepared by the Department of Human Resources Development pursuant to Act 253, Sections 119 and 120, SLH 2000.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 27 and 28) were read by the Clerk and were placed on file:

Dept. Com. No. 27, from the Corrections Population Management Commission dated February 26, 2004, transmitting its 2003 Annual Report.

Dept. Com. No. 28, from the Department of Education dated February 26, 2004, transmitting its Financial Report for the period July 1, 2002 to June 30, 2003.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 36 to 46) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 36, transmitting H.B. No. 1737, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1737, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," passed First Reading by title and was deferred.

Hse. Com. No. 37, transmitting H.B. No. 1824, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1824, entitled: "A BILL FOR AN

ACT RELATING TO ELECTRICIANS AND PLUMBERS," passed First Reading by title and was deferred.

Hse. Com. No. 38, transmitting H.B. No. 2003, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2003, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed First Reading by title and was deferred.

Hse. Com. No. 39, transmitting H.B. No. 2004, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2004, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed First Reading by title and was deferred.

Hse. Com. No. 40, transmitting H.B. No. 2013, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2013, entitled: "A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS," passed First Reading by title and was deferred.

Hse. Com. No. 41, transmitting H.B. No. 2064, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2064, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE," passed First Reading by title and was deferred.

Hse. Com. No. 42, transmitting H.B. No. 2166, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2166, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE COMMISSION," passed First Reading by title and was deferred.

Hse. Com. No. 43, transmitting H.B. No. 2363, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2363, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS," passed First Reading by title and was deferred.

Hse. Com. No. 44, transmitting H.B. No. 2558, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2558, H.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO PENSION PLANS," passed First Reading by title and was deferred.

Hse. Com. No. 45, transmitting H.B. No. 2630, H.D. 2, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2630, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY," passed First Reading by title and was deferred.

Hse. Com. No. 46, transmitting H.B. No. 2844, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2844, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2537) recommending that S.B. No. 3238, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2537 and S.B. No. 3238, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Thursday, March 4, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2538) recommending that S.B. No. 2009, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2009, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2539) recommending that S.B. No. 2882, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2882, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INSURERS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2540) recommending that S.B. No. 2896 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2896, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS," passed Second

Reading and was placed on the calendar for Third Reading on Thursday, March 4, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2541) recommending that S.B. No. 2951, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2951, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 2004.

ORDER OF THE DAY

THIRD READING

MATTERS DEFERRED FROM MONDAY, MARCH 1, 2004

S.B. No. 3237, S.D. 1:

Senator Menor moved that S.B. No. 3237, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Menor rose in support of the measure and said:

"Madame President, I rise to speak in strong support of S.B. No. 3237, S.D. 1.

"Madame President, the purpose of this measure is to make improvements to our state prescription drug program known as Hawaii Rx, a measure that was enacted during the 2002 Legislative Session. Hawaii Rx established a buying pool in which participants can purchase medications at discounted prices. S.B. No. 3237, S.D. 1, renames the program Hawaii Rx Plus.

"Madame President, the actions that this Legislative Body will be taking today in approving Hawaii Rx Plus, I believe, herald a major upgrade in healthcare benefits for Hawaii's consumers. This measure really is long overdue and badly needed from the standpoint of consumers. Hawaii's Rx Plus will at long last provide immediate and meaningful relief to some 300,000 residents in our State who are struggling to pay for the high cost of their medications. These are working individuals, families, and seniors living in on fixed incomes who lack drug coverage or who have poor coverage.

"Under this measure, the Hawaii Rx Plus program will be available to persons whose incomes are at or below 350 percent of the federal poverty level and will be implemented in two phases. Under phase one, program members will be able to purchase medication at discounted Medicaid prices through participating pharmacies as of July 1, 2004. They will be able to save a discount of anywhere from 15 percent to 16 percent off retail prices, depending on whether their medications are brand name or generic drugs.

"Moreover, by July 1, 2005, under phase two, Hawaii Rx Plus members will be able to receive additional discounts above and in addition to the Medicaid prices, based on state negotiated rebates from the pharmaceutical manufacturers.

"Madame President and my fellow colleagues, in case there was any doubt about the need for this kind of legislation, and AARP survey that was released several weeks ago showed the

widespread need for relief among consumers in Hawaii. For example, survey results pointed to the fact that there was a high level of anxiety among consumers in our State regarding the impact of high prescription drug costs under household budgets, as well as their ability to lead healthy lives.

“Moreover, the lack of viable alternatives for those who need meaningful relief compels us to act now on this important piece of legislation. For example, even though the Governor, in a very laudable way, has attempted to provide prescription medication to the most destitute, her Hawaii prescription care program will serve only a fraction of the population that would be covered under the Hawaii Rx Plus and is only a temporary program.

“Moreover, the new federal legislation establishing a prescription drug component under Medicare has gaps in its coverage. Hawaii Rx Plus will be designed to work seamlessly with the federal legislation to fill any gaps in coverage.

“Madame President, the Legislature today is poised to pass legislation which I consider to be landmark legislation in the areas of healthcare and consumer rights. Moreover, the passage of this legislation today will once again position Hawaii as a national leader on healthcare issues. For example, Hawaii and Maine will be the only states in the nation that will have adopted this kind of prescription drug purchasing pool program that Hawaii Rx Plus encompasses.

“It should also be emphasized, in these times of tight budgetary constraints, that the Hawaii Rx Plus program is a stand-alone program that won’t require the expenditure of federal or state Medicaid dollars. It will also benefit the so-called gap group in Hawaii who earn too much to be eligible for Medicaid, but who, nevertheless, because of their limited household budgets, find it very difficult to afford the prescription drugs that they need.

“Madame President, that’s why in my remarks I just wanted to offer some personal reflections about this issue. As we prepare to take today’s vote, I feel that we are finally reaching the end of a long journey. As many of you know, Representative Roy Takumi and I began working with other Legislators and consumer groups, such as AARP, on prescription drug legislation several years ago. Our journey included statewide hearings during which we had the opportunity to discuss the issue of the rising cost of prescription drugs. It also included a trip to Maine last September, during which Representative Takumi, Greg Marchildon of AARP, and I had the chance to be able to meet with Maine officials to discuss their Rx Plus legislation, upon which our own program is based, and to consider ways that we could adapt their program to meet Hawaii’s needs.

“Of course, Madame President, along the way we encountered our share of naysayers and critics, whose concerns we tried to address. But those who supported strong prescription drug legislation did so and persevered because we knew we were doing the right thing for the consumers for Hawaii. Given the long and difficult road that we had to travel in our efforts to address this very critical issue, I can tell you that I am so gratified that we are finally on the brink of implementing a prescription drug program that offers hope to the thousands of consumers in our State who have been driven to financial hardships and desperation because of the high cost of their medications.

“If we approve this measure, I believe that today’s vote will represent a major victory for Hawaii’s consumers. On that note, I would like to thank my House and Senate colleagues who have been working with me to support our efforts regarding this

measure along with the various consumer groups. And if I might, Madame President, we have some of the consumer groups in attendance, sitting in the gallery. They include HSTA retirees, the ILWU Local 142, Hawaii Alliance of Retired People, Faith Action for Community Equity, Policy Advisory Board for Elder Affairs, and last, of course, but not least, we also have representatives from AARP, Greg Marchildon, and his key assistant, Alicia Maluafiti (I hope I haven’t mispronounced your name), who really spearheaded this legislation. Could you all please stand up to be recognized.

“Finally, Madame President, I would like to thank Governor Lingle who now endorses this program in the spirit of bipartisanship. So, in closing, for all the reasons that I stated, I ask my colleagues to join me in voting for S.B. No. 3237, S.D. 1, our Hawaii Rx Plus program.

“Thank you.”

The Chair then stated:

“Senator Menor, thank you for all your hard work in shepherding this bill.”

Senator Baker rose in support of the measure and said:

“Madame President, I, too, rise in support of S.B. No. 3237, S.D. 1.

“This is a very, very significant measure and it’s been a delight to work with my Co-Chair and my Chair, Senator Ron Menor, on this matter. I think working with all the members in the Legislature – members of the Health Committee, members of the Consumer Protection Committee – we’ve really come up with a very tight, very streamline, very important bill. I also want to acknowledge the work that AARP and the Department of Human Services and the Department of Health directors also put in on this measure.

“An estimated 300,000 people in Hawaii do not have any prescription drug coverage and are going to benefit from this legislation. I think it’s very important to put a human face on that particular statistic. We’re so fortunate to have a couple of folks in the gallery this morning who indeed will be beneficiaries of this historic legislation that we’re about to enact. I’d like to acknowledge Stanley Samson from Mililani and Ruby Silva from Waianae who both have drug costs of over \$650 a month. They are paying for these life-saving medications out of their pocket because they don’t have a drug benefit plan. Even though Medicare will help some in 2006 when that drug benefit kicks in, these individuals and many like them need help now. Additionally as caregivers, they must provide medications for individuals that won’t qualify for Medicare. Hawaii Rx Plus is not age-tested.

“So, the measure that we’re adopting today is really going to be a benefit to Mr. Samson and Mrs. Silva and to the thousands of others like them in our State who either don’t have a drug benefit plan or have a very poor plan. In talking with them this morning, Mr. Samson and Mrs. Silva expressed their appreciation to the Legislators like the good Senator from Mililani who put the initial legislation together in 2002, and wanted to extend their appreciation now to everyone here who’s going to be voting for SB 3237. By fast-tracking it and moving it forward, this program envisioned to go into effect July 1st of this year, can actually go into effect as planned and provide some significant relief for the high cost of prescription drugs our residents are paying.

“In recent years, medical science has made tremendous advances. Many medications are now available that can save

lives and restore or maintain quality of life for those with severe illnesses. However, we all know that these advances mean nothing if patients cannot afford their medications. Sadly, this is too often the case. As we've heard when we've been in hearings both here at the Capitol and throughout the State, many people simply are having to make choices between putting food on the table, buying a bus pass to get to work, and getting their prescriptions filled. Or they're splitting pills in half or taking medications every other day just to stretch them. These are not the kinds of choices that any of us should have to make.

"Because the cost of prescription drugs are one of the significant drivers of healthcare costs in our State, it's important to the Health Committee, the Consumer Protection Committee, and others to really try to structure something that's going to bring these costs down. I'm so pleased that we've struck that balance. We've worked diligently with the Administration to come up with a measure that they not only support, but are ready and willing to implement. Final enactment of this measure will be such a boon for our residents.

"Madame President, our residents shouldn't have to choose between filling their life-saving prescriptions or paying the rent. They shouldn't have to cut pills in half or take them every other day in hopes of making the medicine last. Hawaii's Rx Plus will allow thousands of Hawaii residents access to the drugs that they need at a discounted price and hopefully at a price they will then be able to afford.

"In short, this bill enables the implementation of the Hawaii Rx program and makes prescription drugs available to the growing 'gap group' of seniors and the uninsured – some 300,000 people. They need the relief this measure will provide and they need it now. Madame President and colleagues, I urge all of you to join me in voting in favor of S.B. No. 3237, S.D. 1. It provides much needed relief for our residents.

"Thank you."

Senator Hogue rose in support of the measure and said:

"Madame President, I also rise with enthusiastic support for S.B. No. 3237, S.D. 1.

"Members, I wanted to indicate to you that this has been a bipartisan process. I know that in the past, I didn't support the Hawaii Rx bill because of legal concerns, and I think that some of those legal concerns, as time moved on, were justified. I'm glad that problems that were encountered in Maine have been fixed and we can move forward with Hawaii Rx Plus.

"So, this is a good bill that has been worked on by both sides of the aisle. I know that there were many meetings in the interim. I remember the good Senator from Maui and I attending many of them. During that time period, we had to listen to the very enthusiastic uttering of the director of the Department of Human Services, and I think only if you have met her do you understand her enthusiasm. So, she has worked very diligently with this.

"I know that the Department of Human Services, the Department of Health, the Governor's Office, along with AARP, we appreciate all of their very hard work. We also want to publicly thank the Governor for helping out in the past couple of years with her Hawaii prescription care program, which I think helped a number of people, and for putting forward her own version of a Hawaii Rx Plus bill. Many of the ideas in this particular bill were put forward in that.

"So, the legal concerns have been fixed. And most importantly, as this bill moves forward, it will allow the administration and the consumers to maximize drug discounts by minimizing government's cost and also by streamlining the eligibility process so that more people are able to qualify.

"So, this is an example, members, of how both sides of the aisle can work together for the greater good, and I enthusiastically support this particular bill and I hope that you will follow as well.

"Thank you very much, Madame President."

Senator Hemmings rose in support of the measure as follows:

"Madame President, I rise to speak in favor of this legislation, S.B. No. 3237, S.D. 1.

"In addressing this issue, I wish not to dwell on what the bill does, but more importantly dwell on how it came to be. I want to gratefully acknowledge the two Chairs of the subject Committees, Senator Menor and Senator Baker, for their graciousness in recognizing that this was indeed a bipartisan effort and for recognizing that the Governor and her very loquacious chairman of the Human Services Department, Lillian Koller, were partners in bringing about this legislation to reality. We know it is addressing a dire need to our community and I'm very proud of how it came to be.

"This is what good government is all about. It seems that sometimes the political thrusts and the gamesmanship we play politically can be put behind us so we can come up with legislation that isn't everything we would like, but certainly addresses the needs and gets the job done. I'm hoping that this will serve as an example of what we can do when we work together to deal with other issues that we're facing this Session, such as education reform and the ice epidemic.

"I want to applaud all that are involved and give accolades to those people in the audience who diligently worked with us over the last several years in making this a reality. This, besides being good legislation, was a good procedure on how people work cooperatively together and I urge my colleagues to give it a unanimous vote of support.

"Thank you."

Senator Slom rose in opposition to the measure and said:

"Madame President, well, somebody's got to speak against the bill, and I guess it's got to me. I rise in opposition to the bill.

"And that's after understanding that there is, number one, a problem; number two, that there have been a lot of good people that have worked on this problem over the last couple of years; number three, it's real interesting – it is a bipartisan product at this point, although I see that both parties are taking exclusive recognition of passing the legislation. In any event, I think we've got some significant and substantive issues here that no one seems to want to address, and so I shall.

"Again, as I say, there's no question about the problem, there's no problem about needing a solution, but is this the right solution? People have talked about the choices that individuals in Hawaii have to make on a daily basis between rent, or food, or medicine, or housing, or anything else. I certainly concur with that, but the reason is not solely the cost of prescription drugs. The reason squarely is our high cost of taxes – being that we're the third highest taxed state in the nation. And this Legislature continues year, after year, after year to try to

increase that cost of living and to therefore narrow the choices that every consumer, every family, every single mom has in this State. And yet we don't adjust to that. We don't address it even.

"The other thing is, as this legislation started out, particularly with the Governor's version of it a year ago, the idea was to authorize, to allow, to create mechanisms within the private market system to allow people to work cooperatively and voluntarily. But what has emerged, Madame President, is a bill like so many others in this State – a couple of others that we're going to be voting on this week – that actually are anti-market, anti-free enterprise, and anti-choice, from the standpoint that they mandate, they require, they make compulsory decisions by various businesses and organizations.

"In addition to that, what this bill amounts to – you can call it anything you want; you can refer to it in wonderful terms – but it is price fixing by this state government. And the fact that Maine has a similar program and everybody now seems to be happy that the legal problems have been solved, many of us who still read about the things in Maine are not quite certain that all of the legal questions have been raised. But one of the things we are certain about is how it's actually worked in practice. It has placed an additional burden on many businesses, including and especially small business, independent pharmacy owners. And that's the problem that I have with this bill.

"Some people talk about how we have been first with many other things, and I am reminded, of course, since this is the 30th anniversary of the enactment of Hawaii's prepaid healthcare act, the only act of its kind in the United States, no one chose to follow us. When I was a lot younger then and the argument was going on in the community, I heard some of the same things – this is going to provide hope; this is going to provide this; this is going to do this; it's going to do that. And when some of us stood up and asked about the figures . . . for example, we heard today, 300,000 people are going to be taken care of. We have another bill coming up now with \$400,000 in appropriations. There will be federal funds, but mostly the additional funds are going to be hijacked from businesses.

"The prepaid healthcare act today has been an abject failure. It gave false hope to people. It also misled the community, and particularly the business community, in believing that it was going to be a partnership between employer and employee. It never was. It is not now. We were also told it was going to be universal coverage and that everyone was going to be covered. We have less people covered now than we did prior to the enactment of the prepaid healthcare act in 1974.

"So I would just suggest, Madame President, that with all of our good words and good wishes, that we look at some of the hard questions and some of the hard facts.

"I guess the final point for me is, in the eight years that I've been here, I've voted against the creation of every special fund. I voted against the raiding of every special fund. And what does this bill do? It creates a special fund for all of the monies that are going to go into it.

"So, reluctantly, even though this is now a bipartisan effort and reluctantly this is a call to do something, I don't think it's the right thing to do. There were other options. There were other suggestions made. But from the very beginning, it was an idea that this was going to be a state-run, state-decided mandatory program. And that's why regretfully I will vote 'no.'

"Thank you, Madame President."

The motion was put by the Chair and carried, S.B. No. 3237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2526 (S.B. No. 3194, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2526 was adopted and S.B. No. 3194, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE RX PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM MONDAY, MARCH 1, 2004

H.B. No. 1820, H.D. 1 (Hse. Com. No. 29):

By unanimous consent, action on H.B. No. 1820, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Wednesday, March 3, 2004.

H.B. No. 2020, H.D. 1 (Hse. Com. No. 30):

By unanimous consent, action on H.B. No. 2020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred until Wednesday, March 3, 2004.

H.B. No. 2049, H.D. 1 (Hse. Com. No. 31):

By unanimous consent, action on H.B. No. 2049, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred until Wednesday, March 3, 2004.

H.B. No. 2139, H.D. 1 (Hse. Com. No. 32):

By unanimous consent, action on H.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Wednesday, March 3, 2004.

H.B. No. 2140, H.D. 1 (Hse. Com. No. 33):

By unanimous consent, action on H.B. No. 2140, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," was deferred until Wednesday, March 3, 2004.

H.B. No. 2147, H.D. 1 (Hse. Com. No. 34):

By unanimous consent, action on H.B. No. 2147, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," was deferred until Wednesday, March 3, 2004.

H.B. No. 2569, H.D. 1 (Hse. Com. No. 35):

By unanimous consent, action on H.B. No. 2569, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NIIHAU

SHELL PRODUCTS,” was deferred until Wednesday, March 3, 2004.

Senator Hanabusa, Chair of the Committee on Judiciary and Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 3185.

Senator Hanabusa noted:

“Madam President, this bill enacts abuse of process provisions for vexatious requesters of public records.”

The Chair then granted the waiver.

ADJOURNMENT

At 12:36 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 3, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

TWENTY-EIGHTH DAY

Wednesday, March 3, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Ron Arnold, Kaimuki Christian Church, after which the Roll was called showing all Senators present with the exception of Senator Fukunaga who was excused.

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

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 39 and 40) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 39 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT."

Offered by: Senator Chun Oakland.

No. 40 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA 'PEARL CITY' INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK."

Offered by: Senators Kawamoto, Ige.

SENATE RESOLUTION

The following resolution (S.R. No. 20) was read by the Clerk and was deferred:

Senate Resolution

No. 20 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA 'PEARL CITY' INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK."

Offered by: Senators Kawamoto, Ige.

STANDING COMMITTEE REPORTS

Senators Menor and Ige, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2542) recommending that S.B. No. 2678, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2678, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2543) recommending that S.B. No. 2905 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2905, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL BOARD DISCIPLINARY ACTION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2544) recommending that S.B. No. 3031, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3031, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 5, 2004.

ORDER OF THE DAY**THIRD READING**

S.B. No. 2892:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2892, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Fukunaga).

S.B. No. 2893:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2893, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Fukunaga).

S.B. No. 2898:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2898, entitled: "A BILL FOR AN ACT RELATING TO COSMETOLOGY LICENSE RESTORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Fukunaga).

S.B. No. 2901:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Fukunaga).

S.B. No. 3204:

Senator Menor moved that S.B. No. 3204, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Trimble rose in opposition to the measure and said:

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

"Currently, there are three options available for activity desks – one is trust funds; one is an irrevocable letter of credit; and the third one is a bond. This bill would seek to remove options B and C, and my sense is that if this bill passes, it will not correct the problem that was experienced in the past. I don't think that reducing these two options will do anything but make it more expensive to operate travel desks. I view this as an anti-business, anti-small business measure.

"I do note, in closing, that the position I'm taking is consistent with that of the Department of Commerce and Consumer Affairs, as they oppose this bill also.

"Thank you."

Senator Baker rose in support of the measure and said:

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

"Mr. President, quite to the contrary, this is actually a pro-small business bill because it came from some of the smallest businesses throughout the islands, from the Island of Maui, particularly from my district as well. This is a measure that I have a lot of history with.

"Several years ago we tried to provide the activity desks with various options, but as the activity desks have gotten bigger and bigger, some of them have gone just to a revocable letter of credit or to the bond, and now the bonds are not being issued in as large an amount as the dollar volume of activities done at some of these desks. When American Hawaii Cruises and several others went out, not only were consumers left in the lurch, but the providers of these activities were left in the lurch as well. Many of them went ahead and provided or had already provided the activities to the consumers but were never paid for them.

"This is a measure that perhaps we could consider a work in progress, but it is clearly one that benefits small businesses and

consumers. If all activity desks, and some of the largest ones on Maui do use client trust accounts, had been required to use client trust accounts as originally enacted, then consumers would be protected and the providers would be protected. And these providers are indeed some of our very smallest businesses in the State.

"Thank you, Mr. President."

The motion was put by the Chair and carried, S.B. No. 3204, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2260, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARD NONFORFEITURE FOR INDIVIDUAL DEFERRED ANNUITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM TUESDAY, MARCH 2, 2004

H.B. No. 1820, H.D. 1 (Hse. Com. No. 29):

By unanimous consent, action on H.B. No. 1820, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Thursday, March 4, 2004.

H.B. No. 2020, H.D. 1 (Hse. Com. No. 30):

By unanimous consent, action on H.B. No. 2020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred until Thursday, March 4, 2004.

H.B. No. 2049, H.D. 1 (Hse. Com. No. 31):

By unanimous consent, action on H.B. No. 2049, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred until Thursday, March 4, 2004.

H.B. No. 2139, H.D. 1 (Hse. Com. No. 32):

By unanimous consent, action on H.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Thursday, March 4, 2004.

H.B. No. 2140, H.D. 1 (Hse. Com. No. 33):

By unanimous consent, action on H.B. No. 2140, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," was deferred until Thursday, March 4, 2004.

H.B. No. 2147, H.D. 1 (Hse. Com. No. 34):

By unanimous consent, action on H.B. No. 2147, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE

UNIFORM COMMERCIAL CODE,” was deferred until Thursday, March 4, 2004.

H.B. No. 2569, H.D. 1 (Hse. Com. No. 35):

By unanimous consent, action on H.B. No. 2569, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NIIHAU SHELL PRODUCTS,” was deferred until Thursday, March 4, 2004.

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

By unanimous consent, action on H.B. No. 1737, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS,” was deferred until Thursday, March 4, 2004.

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

By unanimous consent, action on H.B. No. 1824, entitled: “A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS,” was deferred until Thursday, March 4, 2004.

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

By unanimous consent, action on H.B. No. 2003, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES,” was deferred until Thursday, March 4, 2004.

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

By unanimous consent, action on H.B. No. 2004, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES,” was deferred until Thursday, March 4, 2004.

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

By unanimous consent, action on H.B. No. 2013, entitled: “A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS,” was deferred until Thursday, March 4, 2004.

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

By unanimous consent, action on H.B. No. 2064, entitled: “A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE,” was deferred until Thursday, March 4, 2004.

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

By unanimous consent, action on H.B. No. 2166, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAND USE COMMISSION,” was deferred until Thursday, March 4, 2004.

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

By unanimous consent, action on H.B. No. 2363, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS,” was deferred until Thursday, March 4, 2004.

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

By unanimous consent, action on H.B. No. 2558, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PENSION PLANS,” was deferred until Thursday, March 4, 2004.

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

By unanimous consent, action on H.B. No. 2630, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY,” was deferred until Thursday, March 4, 2004.

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

By unanimous consent, action on H.B. No. 2844, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE,” was deferred until Thursday, March 4, 2004.

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 2076.

Senator Menor noted:

“Mr. President, this bill proposes to exempt reciprocal insurers that insure military members, veterans, and their dependents from maintaining a claims and sales office in the State.”

The Chair then granted the waiver.

ADJOURNMENT

At 12:09 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 4, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

TWENTY-NINTH DAY

Thursday, March 4, 2004

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

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

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

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

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

MESSAGES FROM THE GOVERNOR

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

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

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

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

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

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

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

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

HOUSE COMMUNICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

JUDICIARY COMMUNICATION

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

SENATE CONCURRENT RESOLUTION

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

Senate Concurrent Resolution

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

Offered by: Senator Kawamoto, by request.

SENATE RESOLUTION

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

Senate Resolution

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

Offered by: Senator Kawamoto, by request.

STANDING COMMITTEE REPORTS

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

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

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

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

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

By unanimous consent, action on Stand. Com. Rep. No. 2547 and S.C.R. No. 20, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO UPDATE THE 1994 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES' MASTER BUILDING PLAN FOR THE COLLEGE OF EDUCATION," was deferred until Friday, March 5, 2004.

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

By unanimous consent, action on Stand. Com. Rep. No. 2548 and S.R. No. 10, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO UPDATE THE 1994 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES' MASTER BUILDING PLAN FOR THE COLLEGE OF EDUCATION," was deferred until Friday, March 5, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2549) recommending that S.B. No. 2886, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2886, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2550) recommending that S.B. No. 2908, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2908, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2551) recommending that S.B. No. 2909, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2909, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

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

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

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

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

"Thank you, Mr. President."

The President stated:

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

Senator Hemmings responded:

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

The President interjected:

“We’ve had that discussion before.”

Senator Hemmings continued:

“Yes, sir. We recognize that.”

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

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

ORDER OF THE DAY

THIRD READING

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

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

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

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

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

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

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

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

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

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

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

“The package before you today contains six key elements:

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

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

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

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

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

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

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

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

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

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

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

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

“Thank you, Mr. President.”

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

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

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

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

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

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

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

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

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

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

“Thank you very much, Mr. President.”

Senator Hemmings rose to speak against the measure and said:

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

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

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

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

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

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

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

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

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

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

“Thank you, Mr. President.”

Senator Tsutsui rose in support of the measure and said:

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

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

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

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

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

"Thank you, Mr. President."

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

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

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

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

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

"Thank you."

Senator Slom rose to speak against the measure as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

The President interjected:

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

Senator Slom responded:

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

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

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

“Thank you, Mr. President.”

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

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

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

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

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

“Thank you, Mr. President.”

Senator Espero rose in rebuttal and said:

“Mr. President, a brief rebuttal and clarification.

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

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

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

“Thank you.”

Senator Baker rose in support of the measure and said:

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Hemmings rose in rebuttal and said:

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

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

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

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

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

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

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

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

Senator Sakamoto rose in support of the measure and stated:

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

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

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

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

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

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

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

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

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

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

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

"Thank you, Mr. President."

Senator Trimble rose in opposition to the measure and said:

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

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

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

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

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

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

"Thank you, Mr. President."

Senator Kim rose in support of the measure and said:

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

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

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

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

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

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

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

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

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

S.B. No. 2896:

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

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM WEDNESDAY, MARCH 3, 2004

H.B. No. 1820, H.D. 1 (Hse. Com. No. 29):

By unanimous consent, action on H.B. No. 1820, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Friday, March 5, 2004.

H.B. No. 2020, H.D. 1 (Hse. Com. No. 30):

By unanimous consent, action on H.B. No. 2020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred until Friday, March 5, 2004.

H.B. No. 2049, H.D. 1 (Hse. Com. No. 31):

By unanimous consent, action on H.B. No. 2049, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred until Friday, March 5, 2004.

H.B. No. 2139, H.D. 1 (Hse. Com. No. 32):

By unanimous consent, action on H.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Friday, March 5, 2004.

H.B. No. 2140, H.D. 1 (Hse. Com. No. 33):

By unanimous consent, action on H.B. No. 2140, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," was deferred until Friday, March 5, 2004.

H.B. No. 2147, H.D. 1 (Hse. Com. No. 34):

By unanimous consent, action on H.B. No. 2147, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," was deferred until Friday, March 5, 2004.

H.B. No. 2569, H.D. 1 (Hse. Com. No. 35):

By unanimous consent, action on H.B. No. 2569, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NIIHAU SHELL PRODUCTS," was deferred until Friday, March 5, 2004.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

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

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

Clerk of the Senate

Approved:

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

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

President of the Senate

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

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

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

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

The Chair then granted the waiver.

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

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

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

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

"Thank you, Mr. President."

ADJOURNMENT

At 1:03 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 5, 2004.

THIRTIETH DAY

Friday, March 5, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Susan John Kraus, Daughters of St. Paul, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 68 to 98) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 68, transmitting H.B. No. 1712, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1712, entitled: "A BILL FOR AN ACT RELATING TO WITHHOLDING TAX," passed First Reading by title and was deferred.

Hse. Com. No. 69, transmitting H.B. No. 1713, H.D. 2, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1713, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAHULUI HARBOR," passed First Reading by title and was deferred.

Hse. Com. No. 70, transmitting H.B. No. 1770, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1770, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed First Reading by title and was deferred.

Hse. Com. No. 71, transmitting H.B. No. 1859, H.D. 2, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1859, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed First Reading by title and was deferred.

Hse. Com. No. 72, transmitting H.B. No. 1885, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1885, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A YOUTH SUMMIT," passed First Reading by title and was deferred.

Hse. Com. No. 73, transmitting H.B. No. 1892, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1892, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 74, transmitting H.B. No. 1901, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1901, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed First Reading by title and was deferred.

Hse. Com. No. 75, transmitting H.B. No. 1925, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1925, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY," passed First Reading by title and was deferred.

Hse. Com. No. 76, transmitting H.B. No. 2048, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2048, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed First Reading by title and was deferred.

Hse. Com. No. 77, transmitting H.B. No. 2137, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2137, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER," passed First Reading by title and was deferred.

Hse. Com. No. 78, transmitting H.B. No. 2156, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2156, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 79, transmitting H.B. No. 2250, H.D. 2, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2250, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," passed First Reading by title and was deferred.

Hse. Com. No. 80, transmitting H.B. No. 2265, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2265, entitled: "A BILL FOR AN

ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE LEGISLATIVE SERVICE AGENCIES," passed First Reading by title and was deferred.

Hse. Com. No. 81, transmitting H.B. No. 2338, H.D. 2, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2338, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF LEASES AND UTILITY AND ACCESS EASEMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 82, transmitting H.B. No. 2375, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2375, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," passed First Reading by title and was deferred.

Hse. Com. No. 83, transmitting H.B. No. 2379, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2379, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TESTIMONY," passed First Reading by title and was deferred.

Hse. Com. No. 84, transmitting H.B. No. 2385, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2385, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS RECORDS BY CHILD SUPPORT ENFORCEMENT AGENCIES," passed First Reading by title and was deferred.

Hse. Com. No. 85, transmitting H.B. No. 2411, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2411, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading by title and was deferred.

Hse. Com. No. 86, transmitting H.B. No. 2414, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2414, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," passed First Reading by title and was deferred.

Hse. Com. No. 87, transmitting H.B. No. 2472, H.D. 2, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2472, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE," passed First Reading by title and was deferred.

Hse. Com. No. 88, transmitting H.B. No. 2495, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2495, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CONTROL FROM AIRCRAFT," passed First Reading by title and was deferred.

Hse. Com. No. 89, transmitting H.B. No. 2511, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2511, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," passed First Reading by title and was deferred.

Hse. Com. No. 90, transmitting H.B. No. 2516, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2516, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX WHOLESALE RATE," passed First Reading by title and was deferred.

Hse. Com. No. 91, transmitting H.B. No. 2716, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2716, entitled: "A BILL FOR AN ACT RELATING TO THE SOUTH KONA WILDERNESS AREA," passed First Reading by title and was deferred.

Hse. Com. No. 92, transmitting H.B. No. 2784, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2784, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed First Reading by title and was deferred.

Hse. Com. No. 93, transmitting H.B. No. 2815, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2815, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 94, transmitting H.B. No. 2871, H.D. 2, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2871, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed First Reading by title and was deferred.

Hse. Com. No. 95, transmitting H.B. No. 2883, H.D. 2, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2883, H.D. 2, entitled: "A BILL

FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," passed First Reading by title and was deferred.

Hse. Com. No. 96, transmitting H.B. No. 2966, H.D. 2, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2966, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICITY," passed First Reading by title and was deferred.

Hse. Com. No. 97, transmitting H.B. No. 2969, H.D. 1, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2969, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," passed First Reading by title and was deferred.

Hse. Com. No. 98, transmitting H.B. No. 2985, H.D. 2, which passed Third Reading in the House of Representatives on March 4, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2985, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 42 to 48) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 42 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF INCREASING THE OPERATING BUDGET OF THE UNIVERSITY OF HAWAII AT HILO IN ORDER TO ESTABLISH THE UNIVERSITY AS A FULL-FLEDGED COMPREHENSIVE UNIVERSITY."

Offered by: Senator Inouye.

No. 43 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH ESTABLISH A SEXUAL ASSAULT BRANCH TO PROVIDE SAFETY FOR VICTIMS OF SEXUAL ASSAULT, PROMOTE EFFECTIVE INTERVENTION, AND REDUCE THE INCIDENCE OF SEXUAL ASSAULT."

Offered by: Senators Chun Oakland, Aduja, Fukunaga, Baker, Hanabusa.

No. 44 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FORM AN OVERSIGHT COMMITTEE OF THE DOMESTIC VIOLENCE PREVENTION SPECIAL FUND AND THE SPOUSE AND CHILD ABUSE SPECIAL ACCOUNTS WITH THE DEPARTMENT OF HUMAN SERVICES AND JUDICIARY."

Offered by: Senators Chun Oakland, Aduja, Fukunaga, Baker, Hanabusa.

No. 45 "SENATE CONCURRENT RESOLUTION REQUESTING A ONE YEAR EXTENSION OF THE STATEWIDE INTERAGENCY TASK FORCE TO

CONTINUE TO DEVELOP A PLAN FOR COORDINATION AND EXPANSION OF SERVICES PROVIDED THROUGH HEALTHY START TO YOUNG CHILDREN AND THEIR FAMILIES."

Offered by: Senators Chun Oakland, Trimble, Hooser, Ige, Fukunaga.

No. 46 "SENATE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN HAWAII AND SUPPORTING ITS DESIGNATION AS AN 'EDUCATIONAL SERVICE AGENCY.'"

Offered by: Senators Chun Oakland, Trimble, Hooser, Fukunaga, Ige.

No. 47 "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO ESTABLISH A NEW DEPARTMENT OF AGING AND LONG-TERM CARE."

Offered by: Senators Chun Oakland, Hooser, Ige, Fukunaga.

No. 48 "SENATE CONCURRENT RESOLUTION SUPPORTING THE REBUILDING AND REFURBISHING OF STUDENT HOUSING AT THE UNIVERSITY OF HAWAII."

Offered by: Senator Sakamoto.

SENATE RESOLUTION

The following resolution (S.R. No. 22) was read by the Clerk and was deferred:

Senate Resolution

No. 22 "SENATE RESOLUTION SUPPORTING THE REBUILDING AND REFURBISHING OF STUDENT HOUSING AT THE UNIVERSITY OF HAWAII."

Offered by: Senator Sakamoto.

STANDING COMMITTEE REPORTS

Senators Inouye and English, for the Committee on Water, Land, and Agriculture and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 2552) recommending that S.B. No. 2782, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2782, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUNDING OF A HABITAT CONSERVATION PLAN," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2553) recommending that S.B. No. 2816, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2816, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT

CORPORATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senators Inouye and English, for the Committee on Water, Land, and Agriculture and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 2554) recommending that S.B. No. 2477, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2477, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senators English and Ige, for the Committee on Energy and Environment and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2555) recommending that S.B. No. 2470, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2470, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2556) recommending that S.B. No. 2863, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2863, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senators English and Inouye, for the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2557) recommending that S.B. No. 2973, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2973, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2558) recommending that S.B. No. 2716, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2716, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2559) recommending that S.B. No. 2174, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2174, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH INVOLVEMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2560) recommending that S.B. No. 2244 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2244, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2561) recommending that H.B. No. 1113 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1113, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2562) recommending that S.B. No. 2033, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2562 and S.B. No. 2033, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY," was deferred until Tuesday, March 9, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2563) recommending that S.B. No. 267, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2563 and S.B. No. 267, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2564) recommending that S.B. No. 2417, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2564 and S.B. No. 2417, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2565) recommending that S.B. No. 2589, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2565 and S.B. No. 2589, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2566) recommending that S.B. No. 2889 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2566 and S.B. No. 2889, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2567) recommending that S.B. No. 2899, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2567 and S.B. No. 2899, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSES," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2568) recommending that S.B. No. 2950, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2568 and S.B. No. 2950, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERIC SUBSTITUTION OF PRESCRIPTION DRUG PRODUCTS," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2569) recommending that S.B. No. 3079, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2569 and S.B. No. 3079, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2570) recommending that S.B. No. 3222, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2570 and S.B. No. 3222, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2571) recommending that S.B. No. 2902, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2571 and S.B. No. 2902, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2572) recommending that S.B. No. 2895, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2572 and S.B. No. 2895, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2573) recommending that S.B. No. 3172, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2573 and S.B. No. 3172, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2574) recommending that S.B. No. 3136 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2574 and S.B. No. 3136, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2575) recommending that S.B. No. 2056, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2575 and S.B. No. 2056, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2576) recommending that S.B. No. 2061 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2576 and S.B. No. 2061, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2577) recommending that S.B. No. 2200 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2577 and S.B. No. 2200, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2578) recommending that S.B. No. 2161 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2578 and S.B. No. 2161, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2579) recommending that S.B. No. 2978 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2579 and S.B. No. 2978, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2580) recommending that S.B. No. 2606, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2580 and S.B. No. 2606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2581) recommending that S.B. No. 2377, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2581 and S.B. No. 2377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2582) recommending that S.B. No. 2627 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2582 and S.B. No. 2627, entitled: "A BILL FOR AN ACT RELATING TO CONSIGNMENT OF ART," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2583) recommending that S.B. No. 2405, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2583 and S.B. No. 2405, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2584) recommending that S.B. No. 2440, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2584 and S.B. No. 2440, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2585) recommending that S.B. No. 3044, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2585 and S.B. No. 3044, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2586) recommending that S.B. No. 2294, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

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

and S.B. No. 2294, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2587) recommending that S.B. No. 2406 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2406, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2588) recommending that S.B. No. 2436 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2436, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING OF HABITUAL VIOLENT FELONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2589) recommending that S.B. No. 2922, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2922, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2590) recommending that S.B. No. 3113, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3113, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2591) recommending that S.B. No. 2877, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2877, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2592) recommending

that S.B. No. 2983, S.D. 1, as amended in S.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2983, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2593) recommending that S.B. No. 2986, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2986, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2594) recommending that S.B. No. 2990 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2990, entitled: "A BILL FOR AN ACT RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2595) recommending that S.B. No. 3180, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 3180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2596) recommending that S.B. No. 2207, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2207, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2597) recommending that S.B. No. 2296, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2296, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2598) recommending that S.B. No. 2530, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2530, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2599) recommending that S.B. No. 2612, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2612, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2600) recommending that S.B. No. 3190, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senators Menor and Kawamoto, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2601) recommending that S.B. No. 3062, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 3062, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2602) recommending that S.B. No. 1268, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1268, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2603) recommending that S.B. No. 2170, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2170, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2604) recommending that S.B. No. 2482, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2482, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITED ACTIVITIES IN STATE OFFICES OR BUILDINGS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2605) recommending that S.B. No. 2647, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2647, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2606) recommending that S.B. No. 2810 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2810, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2607) recommending that S.B. No. 2842, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2842, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No.

2608) recommending that S.B. No. 2846, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2846, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 14, OF THE HAWAII CONSTITUTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2609) recommending that S.B. No. 2848, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2848, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2610) recommending that S.B. No. 3009, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3009, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2611) recommending that S.B. No. 3030, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 3030, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2612) recommending that S.B. No. 2843, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2843, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2613) recommending that S.B. No. 1271 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1271, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF SEXUAL CONDUCT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2614) recommending that S.B. No. 2447, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2447, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME REDUCTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2615) recommending that S.B. No. 2512, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2616) recommending that S.B. No. 2844, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2844, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2617) recommending that S.B. No. 2851, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2851, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2618) recommending that S.B. No. 2856, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2856, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT,"

passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2619) recommending that S.B. No. 2858 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2858, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2620) recommending that S.B. No. 2861, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2861, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2621) recommending that S.B. No. 3185, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3185, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2622) recommending that S.B. No. 183, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2622 and S.B. No. 183, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2623) recommending that S.B. No. 195, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2623 and S.B. No. 195, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2624) recommending that S.B. No. 2023, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2624 and S.B. No. 2023, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2625) recommending that S.B. No. 2090, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2625 and S.B. No. 2090, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A PRESCRIPTION DRUG REPOSITORY PROGRAM," was deferred until Tuesday, March 9, 2004.

Senators Hanabusa and Taniguchi, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2626) recommending that S.B. No. 2994, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2626 and S.B. No. 2994, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2627) recommending that S.B. No. 3017, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2627 and S.B. No. 3017, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2628) recommending that S.B. No. 3125, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2628 and S.B. No. 3125, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2629) recommending that S.B. No. 2209, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2629 and S.B. No. 2209, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOXING," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2630) recommending that S.B. No. 2586, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2630 and S.B. No. 2586, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2631) recommending that S.B. No. 2682, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2631 and S.B. No. 2682, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2632) recommending that S.B. No. 2903, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2632 and S.B. No. 2903, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF MONEY TRANSMITTERS," was deferred until Tuesday, March 9, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2633) recommending that S.B. No. 2498, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2633 and S.B. No. 2498, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred until Tuesday, March 9, 2004.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, MARCH 4, 2004

Stand. Com. Rep. No. 2545 (S.C.R. No. 19):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 19, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON THE ESTABLISHMENT OF CENTRAL KITCHENS FOR THE DEPARTMENT OF EDUCATION," was adopted.

Stand. Com. Rep. No. 2546 (S.R. No. 9):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 9, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON THE ESTABLISHMENT OF CENTRAL KITCHENS FOR THE DEPARTMENT OF EDUCATION," was adopted.

Stand. Com. Rep. No. 2547 (S.C.R. No. 20):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 20, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO UPDATE THE 1994 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES' MASTER BUILDING PLAN FOR THE COLLEGE OF EDUCATION," was adopted.

Stand. Com. Rep. No. 2548 (S.R. No. 10):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 10, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO UPDATE THE 1994 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES' MASTER BUILDING PLAN FOR THE COLLEGE OF EDUCATION," was adopted.

THIRD READING

S.B. No. 2678, S.D. 1:

On motion by Senator Baker, seconded by Senator Aduja and carried, S.B. No. 2678, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2905:

On motion by Senator Baker, seconded by Senator Espero and carried, S.B. No. 2905, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL BOARD DISCIPLINARY ACTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3031, S.D. 1:

On motion by Senator Baker, seconded by Senator Espero and carried, S.B. No. 3031, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

REFERRAL OF HOUSE BILLS

MATTERS DEFERRED FROM THURSDAY, MARCH 4, 2004

The President made the following committee assignments of House bills received on Monday, March 1, 2004; Tuesday, March 2, 2004; and Thursday, March 4, 2004:

- | House Bill | Referred to: |
|------------------|--|
| No. 1737, H.D. 1 | Committee on Commerce, Consumer Protection and Housing |
| No. 1820, H.D. 1 | Committee on Commerce, Consumer Protection and Housing |
| No. 1824 | Committee on Commerce, Consumer Protection and Housing |
| No. 2003, H.D. 1 | Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Health |
| No. 2004, H.D. 1 | Committee on Ways and Means |
| No. 2005, H.D. 1 | Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health, then to the Committee on Ways and Means |
| No. 2013 | Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing |
| No. 2020, H.D. 1 | Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 2049, H.D. 1 | Jointly to the Committee on Energy and Environment and the Committee on Science, Arts, and Technology |

- | | |
|------------------|--|
| No. 2064 | Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 2139, H.D. 1 | Committee on Commerce, Consumer Protection and Housing |
| No. 2140, H.D. 1 | Committee on Commerce, Consumer Protection and Housing |
| No. 2147, H.D. 1 | Committee on Commerce, Consumer Protection and Housing |
| No. 2166, H.D. 1 | Committee on Water, Land, and Agriculture |
| No. 2363, H.D. 1 | Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs |
| No. 2439 | Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations |
| No. 2558, H.D. 1 | Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs |
| No. 2569, H.D. 1 | Committee on Economic Development, then to the Committee on Commerce, Consumer Protection and Housing |
| No. 2630, H.D. 2 | Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing |
| No. 2844, H.D. 1 | Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means |

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM THURSDAY, MARCH 4, 2004

- H.B. No. 1727, H.D. 1 (Hse. Com. No. 49):
- By unanimous consent, action on H.B. No. 1727, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," was deferred until Tuesday, March 9, 2004.
- H.B. No. 1773, H.D. 1 (Hse. Com. No. 50):
- By unanimous consent, action on H.B. No. 1773, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," was deferred until Tuesday, March 9, 2004.
- H.B. No. 1818, H.D. 1 (Hse. Com. No. 51):
- By unanimous consent, action on H.B. No. 1818, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE," was deferred until Tuesday, March 9, 2004.
- H.B. No. 1856, H.D. 1 (Hse. Com. No. 52):
- By unanimous consent, action on H.B. No. 1856, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE

UNIVERSITY OF HAWAII," was deferred until Tuesday, March 9, 2004.

H.B. No. 1875, H.D. 1 (Hse. Com. No. 53):

By unanimous consent, action on H.B. No. 1875, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TEXTBOOKS FOR PUBLIC SCHOOLS," was deferred until Tuesday, March 9, 2004.

H.B. No. 1907, H.D. 1 (Hse. Com. No. 54):

By unanimous consent, action on H.B. No. 1907, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," was deferred until Tuesday, March 9, 2004.

H.B. No. 1926 (Hse. Com. No. 55):

By unanimous consent, action on H.B. No. 1926, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

H.B. No. 1928, H.D. 1 (Hse. Com. No. 56):

By unanimous consent, action on H.B. No. 1928, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TEACHER STANDARDS BOARD," was deferred until Tuesday, March 9, 2004.

H.B. No. 2074, H.D. 1 (Hse. Com. No. 57):

By unanimous consent, action on H.B. No. 2074, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS," was deferred until Tuesday, March 9, 2004.

H.B. No. 2196, H.D. 1 (Hse. Com. No. 58):

By unanimous consent, action on H.B. No. 2196, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," was deferred until Tuesday, March 9, 2004.

H.B. No. 2286, H.D. 1 (Hse. Com. No. 59):

By unanimous consent, action on H.B. No. 2286, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," was deferred until Tuesday, March 9, 2004.

H.B. No. 2292, H.D. 1 (Hse. Com. No. 60):

By unanimous consent, action on H.B. No. 2292, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," was deferred until Tuesday, March 9, 2004.

H.B. No. 2293 (Hse. Com. No. 61):

By unanimous consent, action on H.B. No. 2293, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE ADULT OFFENDER SUPERVISION," was deferred until Tuesday, March 9, 2004.

H.B. No. 2295, H.D. 1 (Hse. Com. No. 62):

By unanimous consent, action on H.B. No. 2295, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

COLLECTIONS ON DELINQUENT COURT-ORDERED PAYMENTS," was deferred until Tuesday, March 9, 2004.

H.B. No. 2296, H.D. 1 (Hse. Com. No. 63):

By unanimous consent, action on H.B. No. 2296, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF CREDIT AND DEBIT CARDS," was deferred until Tuesday, March 9, 2004.

H.B. No. 2337, H.D. 1 (Hse. Com. No. 64):

By unanimous consent, action on H.B. No. 2337, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAME CHANGES," was deferred until Tuesday, March 9, 2004.

H.B. No. 2642 (Hse. Com. No. 65):

By unanimous consent, action on H.B. No. 2642, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

H.B. No. 2661, H.D. 1 (Hse. Com. No. 66):

By unanimous consent, action on H.B. No. 2661, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was deferred until Tuesday, March 9, 2004.

H.B. No. 2715, H.D. 1 (Hse. Com. No. 67):

By unanimous consent, action on H.B. No. 2715, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO SETTLEMENT," was deferred until Tuesday, March 9, 2004.

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

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

"Yes, we've been debating education for many, many weeks and months, if not years, in our community, and oftentimes we hear statements talking about how poorly Hawaii students do in national test scores. Statements to the effect that we're at the bottom of these test scores are repeated over and over in the media, and it give me great pleasure today to read some of the most recent test scores that were in the Honolulu Advertiser this morning, especially with the young people in the audience.

"In grade three reading and math . . . this is for the Stanford Achievement Test Scores, the most recent ones. In grade three reading and math, Hawaii public schools, 82 percent tested average or above average – 82 percent average or above average reading and math, grade three. In grade five, 80 percent in grade five scored average or above. In grade five reading and grade eight reading, about 75 percent in Hawaii public schools scored average or above. And in grade eight math, 73 percent of the students in Hawaii public schools scored average or above average.

"So, I think this shows that even though we all recognize the fact that we need to do much more, much better things for our students and our schools, that our students, as a whole, are competing above the national average, especially in the third, fifth, and eighth grade areas. So, I think they should be applauded for that.

"Thank you, Mr. President."

STANDING COMMITTEE REPORTS

On motion by Senator Kawamoto, seconded by Senator Hogue and carried unanimously, the Senate authorized the Clerk to receive standing committee reports recommending that Senate bills be placed on the calendar for Third Reading. In consequence thereof, and subsequent to its recessing at 11:46 o'clock a.m., the Senate took the following actions on the following Senate bills and standing committee reports:

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2634) recommending that S.B. No. 2080, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2634 and S.B. No. 2080, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2635) recommending that S.B. No. 2128 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2635 and S.B. No. 2128, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2636) recommending that S.B. No. 2134 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2636 and S.B. No. 2134, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2637) recommending that S.B. No. 2247, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2637 and S.B. No. 2247, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF INVASIVE SPECIES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2638) recommending that S.B. No. 2469, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2638 and S.B. No. 2469, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HPOWER PLANT BOILER ADDITION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2639) recommending that S.B. No. 2949, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2639 and S.B. No. 2949, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2640) recommending

that S.B. No. 2996, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2640 and S.B. No. 2996, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF ALTERNATIVE FUELS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2641) recommending that S.B. No. 3092, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2641 and S.B. No. 3092, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2642) recommending that S.B. No. 3153, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2642 and S.B. No. 3153, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2643) recommending that S.B. No. 3162, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2643 and S.B. No. 3162, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2644) recommending that S.B. No. 3207, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2644 and S.B. No. 3207, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2645) recommending that S.B. No. 2748, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2645 and S.B. No. 2748, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2646) recommending that S.B. No. 2758, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2646 and S.B. No. 2758, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEDED LANDS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2647) recommending that S.B. No. 2763 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2647 and S.B. No. 2763, entitled: "A BILL FOR AN ACT RELATING TO JUDICIAL SALARIES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2648) recommending that S.B. No. 2834, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2648 and S.B. No. 2834, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2649) recommending that S.B. No. 2840, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2649 and S.B. No. 2840, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2650) recommending that S.B. No. 2841, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2650 and S.B. No. 2841, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2651) recommending that S.B. No. 2975 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2651 and S.B. No. 2975, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2652) recommending that S.B. No. 2976, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2652 and S.B. No. 2976, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2653) recommending that S.B. No. 2989, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2653 and S.B. No. 2989, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2654) recommending that S.B. No. 2992, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2654 and S.B. No. 2992, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO TAX ADMINISTRATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2655) recommending that S.B. No. 3069, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2655 and S.B. No. 3069, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CAPITOL," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2656) recommending that S.B. No. 3098 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2656 and S.B. No. 3098, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2657) recommending that S.B. No. 3104, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2657 and S.B. No. 3104, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2658) recommending that S.B. No. 3198, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2658 and S.B. No. 3198, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2659) recommending that S.B. No. 2242, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2659 and S.B. No. 2242, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE STOCK OWNERSHIP PLANS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2660) recommending that S.B. No. 2105, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2660 and S.B. No. 2105, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT DISPUTE RESOLUTION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2661) recommending that S.B. No. 2210, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2661 and S.B. No. 2210, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2662) recommending that S.B. No. 2528, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2662 and S.B. No. 2528, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2663) recommending that S.B. No. 2595, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2663 and S.B. No. 2595, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2664) recommending that S.B. No. 2839, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2664 and S.B. No. 2839, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2665) recommending that S.B. No. 2890, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2665 and S.B. No. 2890, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES ACT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2666) recommending that S.B. No. 2906, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2666 and S.B. No. 2906, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF GOOD STANDING," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2667) recommending that S.B. No. 2926, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2667 and S.B. No. 2926, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2668) recommending that S.B. No. 2927, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2668 and S.B. No. 2927, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES OF GOVERNMENT-ASSISTED PROPERTIES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2669) recommending that S.B. No. 2928 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2669 and S.B. No. 2928, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2670) recommending that S.B. No. 3049, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2670 and S.B. No. 3049, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE ANNUITIES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2671) recommending that S.B. No. 1302, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2671 and S.B. No. 1302, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2672) recommending that S.B. No. 2541, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2672 and S.B. No. 2541, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2673) recommending that S.B. No. 2542, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2673 and S.B. No. 2542, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2674) recommending that S.B. No. 2543, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2674 and S.B. No. 2543, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2675) recommending that S.B. No. 2544, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2675 and S.B. No. 2544, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2676) recommending that S.B. No. 2545, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2676 and S.B. No. 2545, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2677) recommending that S.B. No. 2546, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2677 and S.B. No. 2546, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2678) recommending that S.B. No. 2547, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2678 and S.B. No. 2547, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2679) recommending that S.B. No. 2548, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2679 and S.B. No. 2548, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2680) recommending that S.B. No. 2549, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2680 and S.B. No. 2549, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2681) recommending that S.B. No. 2550 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2681 and S.B. No. 2550, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2682) recommending that S.B. No. 2551 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2682 and S.B. No. 2551, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2683) recommending that S.B. No. 2552, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2683 and S.B. No. 2552, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2684) recommending that S.B. No. 2554 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2684 and S.B. No. 2554, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2685) recommending that S.B. No. 2556 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2685 and S.B. No. 2556, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2686) recommending that S.B. No. 2355, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2686 and S.B. No. 2355, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2687) recommending that S.B. No. 2424, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2687 and S.B. No. 2424, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2688) recommending that S.B. No. 2593 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2688 and S.B. No. 2593, entitled: "A BILL FOR AN ACT RELATING TO INDEBTEDNESS TO THE GOVERNMENT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2689) recommending that S.B. No. 2718, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2689 and S.B. No. 2718, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE LEGISLATIVE SERVICE AGENCIES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2690) recommending that S.B. No. 2873, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2690 and S.B. No. 2873, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2691) recommending that S.B. No. 2878, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2691 and S.B. No. 2878, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2692) recommending that S.B. No. 2879, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2692 and S.B. No. 2879, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2693) recommending that S.B. No. 2921 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2693 and S.B. No. 2921, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING INCREASES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2694) recommending that S.B. No. 2941 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2694 and S.B. No. 2941, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2695) recommending that S.B. No. 3018, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2695 and S.B. No. 3018, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2696) recommending that S.B. No. 3019, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2696 and S.B. No. 3019, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2697) recommending that S.B. No. 3106, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2697 and S.B. No. 3106, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2698) recommending that S.B. No. 3175, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2698 and S.B. No. 3175, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2699) recommending that S.B. No. 3226, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2699 and S.B. No. 3226, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 9, 2004.

Senators Taniguchi and Inouye, for the Committee on Ways and Means and the Committee on Water, Land, and Agriculture, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2700) recommending that S.B. No. 2077, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2700 and S.B. No. 2077, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2701) recommending that S.B. No. 2269, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2701 and S.B. No. 2269, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2702) recommending that S.B. No. 2563, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2702 and S.B. No. 2563, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS DEVELOPMENT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2703) recommending that S.B. No. 3170, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2703 and S.B. No. 3170, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2704) recommending that S.B. No. 2281, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2704 and S.B. No. 2281, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2705) recommending that S.B. No. 2392, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2705 and S.B. No. 2392, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2706) recommending that S.B. No. 2380, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2706 and S.B. No. 2380, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2707) recommending that S.B. No. 2955, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2707 and S.B. No. 2955, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2708) recommending that S.B. No. 2972, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2708 and S.B. No. 2972, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2709) recommending that S.B. No. 3002 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2709 and S.B. No. 3002, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROJECT EAST INITIATIVE IN HAWAII'S PUBLIC SCHOOLS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2710) recommending that S.B. No. 3021, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2710 and S.B. No. 3021, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2711) recommending that S.B. No. 1615 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2711 and S.B. No. 1615, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2712) recommending that S.B. No. 2280, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2712 and S.B. No. 2280, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2713) recommending that S.B. No. 2400, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2713 and S.B. No. 2400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAPOHO BAY CONSERVATION DISTRICT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2714) recommending that S.B. No. 2413, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2714 and S.B. No. 2413, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2715) recommending that S.B. No. 2438, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2715 and S.B. No. 2438, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SHARK MONITORING," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2716) recommending that S.B. No. 2441, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2716 and S.B. No. 2441, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2717) recommending that S.B. No. 2818, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2717 and S.B. No. 2818, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2718) recommending that S.B. No. 2820 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2718 and S.B. No. 2820, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2719) recommending that S.B. No. 2869, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2719 and S.B. No. 2869, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2720) recommending that S.B. No. 3025 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2720 and S.B. No. 3025, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2721) recommending that S.B. No. 3052, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2721 and S.B. No. 3052, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2722) recommending that S.B. No. 3129, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2722 and S.B. No. 3129, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DETERMINE AND IMPLEMENT THE BEST MITIGATION MEASURE TO CONTROL FLOODING OF LAKE WILSON," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2723) recommending that S.B. No. 53, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2723 and S.B. No. 53, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AMBULANCE SERVICE IN THE KIHEI/WAILEA REGION OF MAUI," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2724) recommending that S.B. No. 2399, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2724 and S.B. No. 2399, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY AMBULANCE SERVICE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2725) recommending that S.B. No. 2578 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2725 and S.B. No. 2578, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2726) recommending that S.B. No. 2591, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2726 and S.B. No. 2591, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY AND CAREGIVER SUPPORT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2727) recommending that S.B. No. 2592, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2727 and S.B. No. 2592, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SEXUAL ASSAULT SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2728) recommending that S.B. No. 2686, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2728 and S.B. No. 2686, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2729) recommending that S.B. No. 2721, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2729 and S.B. No. 2721, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2730) recommending that S.B. No. 2948, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2730 and S.B. No. 2948, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2731) recommending that S.B. No. 2957, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2731 and S.B. No. 2957, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL AND PROFESSIONAL LIABILITY RISK FINANCING," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2732) recommending that S.B. No. 2979, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2732 and S.B. No. 2979, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SECURITY AT HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2733) recommending that S.B. No. 3114, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2733 and S.B. No. 3114, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2734) recommending that S.B. No. 3135, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2734 and S.B. No. 3135, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2735) recommending that S.B. No. 3156, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2735 and S.B. No. 3156, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2736) recommending that S.B. No. 2165, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2736 and S.B. No. 2165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND PROTECTION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2737) recommending that S.B. No. 2226, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2737 and S.B. No. 2226, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2738) recommending that S.B. No. 2349, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2738 and S.B. No. 2349, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2739) recommending that S.B. No. 2605 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2739 and S.B. No. 2605, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2740) recommending that S.B. No. 2608, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2740 and S.B. No. 2608, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2741) recommending that S.B. No. 2621, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2741 and S.B. No. 2621, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICALLY FRAGILE CHILDREN'S TRUST FUND," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2742) recommending that S.B. No. 2630, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2742 and S.B. No. 2630, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CUSTODY," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2743) recommending that S.B. No. 2929, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2743 and S.B. No. 2929, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2744) recommending that S.B. No. 2930, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2744 and S.B. No. 2930, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2745) recommending that S.B. No. 2931, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2745 and S.B. No. 2931, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS FOR PROVIDERS OF HOME AND COMMUNITY-BASED SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2746) recommending that S.B. No. 3036, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2746 and S.B. No. 3036, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2747) recommending that S.B. No. 3134, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2747 and S.B. No. 3134, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2748) recommending that S.B. No. 3230, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2748 and S.B. No. 3230, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD CARE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2749) recommending that S.B. No. 1060, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2749 and S.B. No. 1060, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2750) recommending that S.B. No. 2044, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2750 and S.B. No. 2044, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2751) recommending that S.B. No. 2054, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2751 and S.B. No. 2054, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2752) recommending that S.B. No. 2058, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2752 and S.B. No. 2058, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2753) recommending that S.B. No. 2065, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2753 and S.B. No. 2065, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2754) recommending that S.B. No. 2108, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2754 and S.B. No. 2108, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2755) recommending that S.B. No. 2113, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2755 and S.B. No. 2113, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL PROGRAMS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2756) recommending that S.B. No. 2114 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2756 and S.B. No. 2114, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SAFETY AND SECURITY IMPROVEMENTS FOR UNIVERSITY OF HAWAII CAMPUSES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2757) recommending that S.B. No. 2115, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2757 and S.B. No. 2115, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2758) recommending that S.B. No. 2171, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2758 and S.B. No. 2171, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TEXTBOOKS FOR PUBLIC SCHOOLS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2759) recommending that S.B. No. 2175, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2759 and S.B. No. 2175, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2760) recommending that S.B. No. 2197, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2760 and S.B. No. 2197, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL WORK-STUDY," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2761) recommending

that S.B. No. 2201, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2761 and S.B. No. 2201, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2762) recommending that S.B. No. 2222, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2762 and S.B. No. 2222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BRIDGE TO HOPE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2763) recommending that S.B. No. 2256 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2763 and S.B. No. 2256, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEPARTMENT OF EDUCATION PERSONNEL," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2764) recommending that S.B. No. 2264, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2764 and S.B. No. 2264, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII FOR A MASTER'S DEGREE IN SOCIAL WORK BY DISTANCE LEARNING PROGRAM," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2765) recommending that S.B. No. 2320, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2765 and S.B. No. 2320, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VICE PRINCIPALS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2766) recommending that S.B. No. 2379, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2766 and S.B. No. 2379, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A CONSTRUCTION RESEARCH PROGRAM," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2767) recommending that S.B. No. 2425, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2767 and S.B. No. 2425, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2768) recommending that S.B. No. 2426, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2768 and S.B. No. 2426, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2769) recommending that S.B. No. 2429, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2769 and S.B. No. 2429, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2770) recommending that S.B. No. 2478, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2770 and S.B. No. 2478, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2771) recommending that S.B. No. 2538, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2771 and S.B. No. 2538, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2772) recommending that S.B. No. 2613, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2772 and S.B. No. 2613, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2773) recommending that S.B. No. 2671, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2773 and S.B. No. 2671, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2774) recommending that S.B. No. 2790, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2774 and S.B. No. 2790, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2775) recommending that S.B. No. 2791, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2775 and S.B. No. 2791, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC.," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2776) recommending that S.B. No. 3011, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2776 and S.B. No. 3011, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2777) recommending that S.B. No. 3013, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2777 and S.B. No. 3013, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2778) recommending that S.B. No. 3039, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2778 and S.B. No. 3039, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2779) recommending that S.B. No. 3086 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2779 and S.B. No. 3086, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2780) recommending that S.B. No. 3112, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2780 and S.B. No. 3112, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2781) recommending that S.B. No. 3148, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2781 and S.B. No. 3148, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2782) recommending that S.B. No. 3231, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2782 and S.B. No. 3231, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2783) recommending that S.B. No. 1362, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2783 and S.B. No. 1362, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2784) recommending that S.B. No. 2017, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2784 and S.B. No. 2017, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2785) recommending that S.B. No. 2018, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2785 and S.B. No. 2018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2786) recommending that S.B. No. 2024, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2786 and S.B. No. 2024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2787) recommending that S.B. No. 2088, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2787 and S.B. No. 2088, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2788) recommending that S.B. No. 2091, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2788 and S.B. No. 2091, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY PSYCHIATRIC TREATMENT," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2789) recommending that S.B. No. 2237, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2789 and S.B. No. 2237, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2790) recommending that S.B. No. 2358, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2790 and S.B. No. 2358, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION CLAIMS," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2791) recommending that S.B. No. 2395, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2791 and S.B. No. 2395, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2792) recommending that S.B. No. 2448 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2792 and S.B. No. 2448, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2793) recommending that S.B. No. 2560, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2793 and S.B. No. 2560, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMIC VALUE OF ENTERTAINMENT CELEBRITY IDENTITIES," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2794) recommending that S.B. No. 2577, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2794 and S.B. No. 2577, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEER REVIEW," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2795) recommending that S.B. No. 2607, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2795 and S.B. No. 2607, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2796) recommending that S.B. No. 2704 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2796 and S.B. No. 2704, entitled: "A BILL FOR AN ACT

RELATING TO MANDATORY SELLER DISCLOSURES," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2797) recommending that S.B. No. 2779, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2797 and S.B. No. 2779, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2798) recommending that S.B. No. 2933, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2798 and S.B. No. 2933, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2799) recommending that S.B. No. 2968, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2799 and S.B. No. 2968, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS," was deferred until Tuesday, March 9, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2800) recommending that S.B. No. 3041, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2800 and S.B. No. 3041, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY ADMISSION FOR NONEMERGENCY TREATMENT," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2801) recommending that S.B. No. 2092, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2801 and S.B. No. 2092, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2802) recommending that S.B. No. 2474, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2802 and S.B. No. 2474, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2803) recommending that S.B. No. 2579, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2803 and S.B. No. 2579, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE INSURANCE," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2804) recommending that S.B. No. 2670, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2804 and S.B. No. 2670, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PAIN MANAGEMENT," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2805) recommending that S.B. No. 2897, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2805 and S.B. No. 2897, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DENTAL EXAMINATION," was deferred until Tuesday, March 9, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2806) recommending that S.B. No. 3085, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2806 and S.B. No. 3085, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2807) recommending that S.B. No. 2004, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2807 and S.B. No. 2004, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VETERANS CEMETERIES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2808) recommending that S.B. No. 2043, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2808 and S.B. No. 2043, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE AVIATION MUSEUM OF THE PACIFIC," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2809) recommending that S.B. No. 2045, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2809 and S.B. No. 2045, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2810) recommending that S.B. No. 2131, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2810 and S.B. No. 2131, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF DEFENSE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2811) recommending that S.B. No. 2364, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2811 and S.B. No. 2364, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2812) recommending that S.B. No. 2404, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2812 and S.B. No. 2404, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2813) recommending that S.B. No. 2746, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2813 and S.B. No. 2746, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2814) recommending that S.B. No. 2914, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2814 and S.B. No. 2914, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE SIRENS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2815) recommending that S.B. No. 2919, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2815 and S.B. No. 2919, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MILITIA," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2816) recommending that S.B. No. 2997, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2816 and S.B. No. 2997, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION'S ENGINEERING SCHOLARSHIP PROGRAM," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2817) recommending that S.B. No. 2998, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2817 and S.B. No. 2998, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2818) recommending that S.B. No. 3080, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2818 and S.B. No. 3080, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2819) recommending that S.B. No. 3189, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2819 and S.B. No. 3189, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2820) recommending that S.B. No. 2835, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2820 and S.B. No. 2835, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2821) recommending that S.B. No. 2904, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2821 and S.B. No. 2904, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2822) recommending that S.B. No. 1206, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2822 and S.B. No. 1206, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2823) recommending that S.B. No. 2558, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2823 and S.B. No. 2558, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2824) recommending that S.B. No. 2302, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2824 and S.B. No. 2302, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FILIPINO CENTENNIAL CELEBRATION COMMISSION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2825) recommending that S.B. No. 2396, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2825 and S.B. No. 2396, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2826) recommending that S.B. No. 2711, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2826 and S.B. No. 2711, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2827) recommending that S.B. No. 3043, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2827 and S.B. No. 3043, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN ALOHA AINA PATROL," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2828) recommending that S.B. No. 3116, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2828 and S.B. No. 3116, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRUISE SHIPS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2829) recommending that S.B. No. 2063, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2829 and S.B. No. 2063, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2830) recommending that S.B. No. 2066, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2830 and S.B. No. 2066, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL EDUCATION SPECIAL FUND," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2831) recommending that S.B. No. 2067, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2831 and S.B. No. 2067, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2832) recommending that S.B. No. 2072 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2832 and S.B. No. 2072, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2833) recommending that S.B. No. 2428, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2833 and S.B. No. 2428, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2834) recommending that S.B. No. 2789, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2834 and S.B. No. 2789, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER SALARIES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2835) recommending that S.B. No. 3012, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2835 and S.B. No. 3012, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2836) recommending that S.B. No. 3020 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2836 and S.B. No. 3020, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2837) recommending that S.B. No. 1556, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2837 and S.B. No. 1556, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2838) recommending that S.B. No. 2097, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2838 and S.B. No. 2097, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No.

2839) recommending that S.B. No. 2125, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2839 and S.B. No. 2125, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2840) recommending that S.B. No. 2516, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2840 and S.B. No. 2516, S.D. 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE EXPANSION OF THE KAHUKU AGRICULTURAL PARK," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2841) recommending that S.B. No. 2693, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2841 and S.B. No. 2693, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FLOODS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2842) recommending that S.B. No. 3051, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2842 and S.B. No. 3051, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2843) recommending that S.B. No. 2573, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2843 and S.B. No. 2573, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER TAX CREDIT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2844) recommending that S.B. No. 2654, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2844 and S.B. No. 2654, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2845) recommending that S.B. No. 2936, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2845 and S.B. No. 2936, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2846) recommending that S.B. No. 607, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2846 and S.B. No. 607, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2847) recommending that S.B. No. 2385, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2847 and S.B. No. 2385, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIV/AIDS PROGRAMS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2848) recommending that S.B. No. 2641, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2848 and S.B. No. 2641, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2849) recommending that S.B. No. 2690, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2849 and S.B. No. 2690, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2850) recommending that S.B. No. 3024, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2850 and S.B. No. 3024, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL FORMATION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2851) recommending that S.B. No. 214, S.D. 2, as amended in S.D. 3, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2851 and S.B. No. 214, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2852) recommending that S.B. No. 2002, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2852 and S.B. No. 2002, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2853) recommending that S.B. No. 2073, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2853 and S.B. No. 2073, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2854) recommending that S.B. No. 2995, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2854 and S.B. No. 2995, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2855) recommending that S.B. No. 3186 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2855 and S.B. No. 3186, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED EXPENDITURES OF PUBLIC FUNDS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2856) recommending that S.B. No. 2887, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2856 and S.B. No. 2887, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2857) recommending that S.B. No. 2911, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2857 and S.B. No. 2911, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVISORY COMMITTEES," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2858) recommending that S.B. No. 2912, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2858 and S.B. No. 2912, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2859) recommending that S.B. No. 3228, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2859 and S.B. No. 3228, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS," was deferred until Tuesday, March 9, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No.

2860) recommending that S.B. No. 3193, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2860 and S.B. No. 3193, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMERS," was deferred until Tuesday, March 9, 2004.

ADJOURNMENT

At 8:00 o'clock p.m., the Senate adjourned until 10:00 o'clock a.m., Tuesday, March 9, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

THIRTY-FIRST DAY

Tuesday, March 9, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 10:06 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Lorraine R. Inouye, 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 Thirtieth Day.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 99 to 147) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 99, transmitting H.B. No. 1747, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1747, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY PROJECTS AND PURPOSES," passed First Reading by title and was deferred.

Hse. Com. No. 100, transmitting H.B. No. 1756, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1756, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES," passed First Reading by title and was deferred.

Hse. Com. No. 101, transmitting H.B. No. 1778, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1778, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WAGES," passed First Reading by title and was deferred.

Hse. Com. No. 102, transmitting H.B. No. 1784, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1784, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed First Reading by title and was deferred.

Hse. Com. No. 103, transmitting H.B. No. 1793, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1793, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," passed First Reading by title and was deferred.

Hse. Com. No. 104, transmitting H.B. No. 1860, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1860, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT," passed First Reading by title and was deferred.

Hse. Com. No. 105, transmitting H.B. No. 1893, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1893, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 106, transmitting H.B. No. 1904, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1904, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading by title and was deferred.

Hse. Com. No. 107, transmitting H.B. No. 1908, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1908, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 108, transmitting H.B. No. 1929, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1929, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed First Reading by title and was deferred.

Hse. Com. No. 109, transmitting H.B. No. 1944, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1944, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed First Reading by title and was deferred.

Hse. Com. No. 110, transmitting H.B. No. 1946, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1946, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEACH RESTORATION AND PROTECTION," passed First Reading by title and was deferred.

Hse. Com. No. 111, transmitting H.B. No. 2009, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2009, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," passed First Reading by title and was deferred.

Hse. Com. No. 112, transmitting H.B. No. 2057, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2057, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HPOWER PLANT BOILER ADDITION," passed First Reading by title and was deferred.

Hse. Com. No. 113, transmitting H.B. No. 2092, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2092, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," passed First Reading by title and was deferred.

Hse. Com. No. 114, transmitting H.B. No. 2093, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2093, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL PROFESSIONAL LICENSING," passed First Reading by title and was deferred.

Hse. Com. No. 115, transmitting H.B. No. 2109, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2109, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed First Reading by title and was deferred.

Hse. Com. No. 116, transmitting H.B. No. 2170, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2170, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC," passed First Reading by title and was deferred.

Hse. Com. No. 117, transmitting H.B. No. 2297, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2297, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP AND PROTECTIVE PROCEEDINGS," passed First Reading by title and was deferred.

Hse. Com. No. 118, transmitting H.B. No. 2314, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2314, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 119, transmitting H.B. No. 2322, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2322, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES," passed First Reading by title and was deferred.

Hse. Com. No. 120, transmitting H.B. No. 2341, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2341, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," passed First Reading by title and was deferred.

Hse. Com. No. 121, transmitting H.B. No. 2354, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2354, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO RISK MANAGEMENT," passed First Reading by title and was deferred.

Hse. Com. No. 122, transmitting H.B. No. 2394, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2394, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," passed First Reading by title and was deferred.

Hse. Com. No. 123, transmitting H.B. No. 2397, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2397, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII STATE DISASTER REVOLVING LOAN FUND," passed First Reading by title and was deferred.

Hse. Com. No. 124, transmitting H.B. No. 2446, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2446, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR

COLLECTIVE BARGAINING INCREASES," passed First Reading by title and was deferred.

Hse. Com. No. 125, transmitting H.B. No. 2463, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2463, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 126, transmitting H.B. No. 2493, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2493, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS," passed First Reading by title and was deferred.

Hse. Com. No. 127, transmitting H.B. No. 2498, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2498, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed First Reading by title and was deferred.

Hse. Com. No. 128, transmitting H.B. No. 2523, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2523, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," passed First Reading by title and was deferred.

Hse. Com. No. 129, transmitting H.B. No. 2528, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2528, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION LAND," passed First Reading by title and was deferred.

Hse. Com. No. 130, transmitting H.B. No. 2547, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2547, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 131, transmitting H.B. No. 2578, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2578, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," passed First Reading by title and was deferred.

Hse. Com. No. 132, transmitting H.B. No. 2580, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2580, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 133, transmitting H.B. No. 2582, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2582, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed First Reading by title and was deferred.

Hse. Com. No. 134, transmitting H.B. No. 2583, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2583, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed First Reading by title and was deferred.

Hse. Com. No. 135, transmitting H.B. No. 2584, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2584, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed First Reading by title and was deferred.

Hse. Com. No. 136, transmitting H.B. No. 2596, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2596, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading by title and was deferred.

Hse. Com. No. 137, transmitting H.B. No. 2739, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2739, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed First Reading by title and was deferred.

Hse. Com. No. 138, transmitting H.B. No. 2747, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2747, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading by title and was deferred.

Hse. Com. No. 139, transmitting H.B. No. 2773, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2773, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed First Reading by title and was deferred.

Hse. Com. No. 140, transmitting H.B. No. 2774, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2774, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBDIVISIONS," passed First Reading by title and was deferred.

Hse. Com. No. 141, transmitting H.B. No. 2781, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2781, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed First Reading by title and was deferred.

Hse. Com. No. 142, transmitting H.B. No. 2798, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2798, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," passed First Reading by title and was deferred.

Hse. Com. No. 143, transmitting H.B. No. 2803, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2803, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG ENFORCEMENT," passed First Reading by title and was deferred.

Hse. Com. No. 144, transmitting H.B. No. 2840, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2840, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY," passed First Reading by title and was deferred.

Hse. Com. No. 145, transmitting H.B. No. 2849, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2849, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ORGANIC AGRICULTURE," passed First Reading by title and was deferred.

Hse. Com. No. 146, transmitting H.B. No. 2859, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2859, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN

INTERNATIONAL EQUESTRIAN FACILITY," passed First Reading by title and was deferred.

Hse. Com. No. 147, transmitting H.B. No. 2981, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2981, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator Baker, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 2861) recommending that H.B. No. 1797 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 1797, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2862) recommending that S.C.R. No. 5 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2862 and S.C.R. No. 5, entitled: "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES," was deferred until Thursday, March 11, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2863) recommending that S.C.R. No. 6 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2863 and S.C.R. No. 6, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK," was deferred until Thursday, March 11, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2864) recommending that S.C.R. No. 7 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2864 and S.C.R. No. 7, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT SPRECKELSVILLE, WAILUKU, MAUI, HAWAII, FOR MAINTENANCE OF ROCK GROIN PURPOSES," was deferred until Thursday, March 11, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2865) recommending that S.C.R. No. 8 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2865 and S.C.R. No. 8, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF

BREAKWATER PURPOSES," was deferred until Thursday, March 11, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2866) recommending that S.C.R. No. 23 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2866 and S.C.R. No. 23, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND REQUIRE AS PART OF THE CURRICULUM AN ELEMENTARY SCHOOL-LEVEL PHYSICAL EDUCATION PROGRAM," was deferred until Thursday, March 11, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2867) recommending that S.R. No. 12 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2867 and S.R. No. 12, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND REQUIRE AS PART OF THE CURRICULUM AN ELEMENTARY SCHOOL-LEVEL PHYSICAL EDUCATION PROGRAM," was deferred until Thursday, March 11, 2004.

At 10:13 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:42 o'clock a.m.

ORDER OF THE DAY

THIRD READING

S.B. No. 3030, S.D. 1:

Senator Hanabusa moved that S.B. No. 3030, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hanabusa then offered the following amendment (Floor Amendment No. 4) to S.B. No. 3030, S.D. 1:

SECTION 1. S.B. No. 3030, S.D.1 is amended by amending section 12 to read as follows:

"SECTION 12. Section 11-214, Hawaii Revised Statutes, is amended to read as follows:

~~"§11-214 Disposition of funds. (a) [All candidates who withdraw or cease to be candidates, or committees directly associated with such candidates, individuals who receive contributions but fail to file for nomination, or committees or parties which discontinue their activities covered in this subpart, shall return all residual private contributions to the donors of such contributions within four years if their identities are known, provided that if the identity of any donor is not known, or the donor cannot be found, such contribution shall escheat to the Hawaii election campaign fund or may be donated to a nonprofit organization of the candidate's choice. In the event of a death of a candidate, the candidate's committee, if any, shall return all residual private contributions to the donors of such contributions, provided that any residual contributions not returned to the donors within sixty days of the candidate's death shall escheat to the Hawaii election campaign fund or may be donated to a nonprofit organization of the candidate's choice.~~

~~(b) All residual public funds shall be returned to the Hawaii election campaign fund.~~

~~(c) Upon disposition of all residual funds, the candidate or campaign treasurer shall file a report with the commission, reporting the amounts distributed under this section and the manner of disposition.~~

~~(d) This section shall not apply to:~~

- ~~(1) Elected officials;~~
- ~~(2) Candidates who failed to be nominated or elected yet who become a candidate for nomination or election to office within four years thereafter;~~
- ~~(3) Elected officials who resign their office before the end of their term yet who file to become a candidate for reelection within four years after the end of the term from which they resigned; or~~
- ~~(4) Elected officials who do not seek reelection yet who file to become a candidate for election within four years after the end of the term from which they did not seek reelection.]~~

~~Candidates, committees, and individuals that receive contributions but fail to file a nomination for an election or an election shall return all contributions to the donors no later than the final date to file for a nomination for an election or an election. No funds from contributions may be expended for any purpose. Funds not returned to the donors shall escheat to the Hawaii election campaign fund.~~

~~(b) Candidates or committees that withdraw or cease to be candidates or committees for reasons, including death, term limits, disqualification, resignation, or other personal reasons shall return all unexpended contributions to the original donors. Unexpended funds not returned to the original donors shall escheat to the Hawaii election campaign fund within ninety days after the candidate or committee withdraws or ceases to be a candidate or committee. No funds received from any person shall be expended for any purpose other than for expenditures directly related to the candidate's or committee's activities to influence the outcome of the nomination for election or election.~~

~~(c) Candidates or committees directly associated with candidates, who:~~

- ~~(1) Are elected to office, may expend surplus funds pursuant to section 11-206 but under no circumstances shall expenditures be made from funds after four years from the date of the election for which the contributions are received; or~~
- ~~(2) Fail to be nominated or elected to office, may expend surplus funds pursuant to section 11-206 but under no circumstances shall expenditures be made from funds after ninety days from the date of the election for which the contributions are received.~~

~~Surplus funds may be expended by a candidate for the next subsequent election upon registration for the election pursuant to section 11-194.~~

~~(d) Candidates or committees upon disposition of funds under this section shall terminate candidacy as provided under section 11-213."~~

SECTION 2. S.B. No. 3030, S.D.1 is amended by amending section 18 to read as follows:

"SECTION 18. This Act shall take effect on January 1, 2010."

Senator Hanabusa moved that Floor Amendment No. 4 be adopted, seconded by Senator Chun Oakland.

Senator Hanabusa rose to speak on the amendment as follows:

"Mr. President, the floor amendment does a series of things. First of all, it places a defective date on this bill in that it permits us to continue the discussion on a major campaign spending reform measure. What it does do is it clarifies the

concept of what funds may be expended under which surplus funds may be expended under certain circumstances. For example, if you no longer run for office and choose not to seek any other office, then what the bill provides for is that within 90 days it shall be returned back to the original donors.

"In addition, if you have unexpended funds as a result of an election, it permits and continues to permit the \$4,000 maximum for those in the Senate, \$2,000 in the House, for those types of donations to various members of the community.

"Mr. President, those are the amendments and we ask that our colleagues support that."

The motion to adopt Floor Amendment No. 4 was put by the Chair and carried.

By unanimous consent, S.B. No. 3030, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," was placed on the calendar for Third Reading on Thursday, March 11, 2004.

Stand. Com. Rep. No. 2783 (S.B. No. 1362, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2783 be adopted and S.B. No. 1362, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hemmings then offered the following amendment (Floor Amendment No. 5) to S.B. No. 1362, S.D. 2:

SECTION 1. SB 1362 SD2 is amended by inserting the following:

"SECTION 2. Section 334-3, Hawaii Revised Statutes, is amended to read as follows:

"**§334-3 Functions of department in mental health.** (a) The department of health within the limits of available funds within the designated programs, shall promote and provide for the establishment and operation of a community-based mental health system responsive to the needs of persons of all ages, ethnic groups, and geographical areas of the State, reflective of an appropriate distribution of resources and services, and monitored and evaluated in terms of standards, goal attainment, and outcomes. The elements of the system shall be defined by departmental rules recognizing the need for at least the following services:

- (1) Informational and educational services to the general public and to lay and professional groups;
- (2) Collaborative and cooperative services with public and private agencies and groups for the prevention and treatment of mental or emotional disorders and substance abuse and rehabilitation of patients;
- (3) Consultation services to the judiciary, to educational institutions, and to health and welfare agencies;
- (4) Case management, outreach, and follow-up services;
- (5) Emergency crisis and noncrisis intervention services accessible to all residents[; of all service areas]
- (6) Community-based, relevant, and responsive outpatient services;
- (7) Community residential care comprising a comprehensive range of small, homelike, and appropriately staffed treatment and rehabilitation facilities;
- (8) Short-term psychiatric treatment, preferably in facilities where access to other health and medical services are readily available;
- (9) Intensive psychiatric treatment for patients in need of long-term, highly structured, or highly specialized care

and treatment under section 334-2.5, and provision of appropriate community resources;

- (10) Training programs, activities, and staffing standards for the major mental health disciplines and ancillary services; and
- (11) Rehabilitative services for hospital and community-based individuals who have experienced short- or long-term mental or emotional disorders and substance abuse.

(b) The department shall revise, refine, and develop the system to ensure optimal responsiveness to the many and varied needs of the people of the State. The development of the system shall be based on [a] an annual statewide ~~[four-year plan which is developed in response to statewide assessments of need, evaluations of services, programs, and facilities, and community expressions of needed services and programs.]~~ comprehensive integrated service plan that is the cumulative result of comprehensive integrated service area planning within each county. The statewide plan shall determine the specific content of the department of health budget for the mental health system. ~~[The plan shall be annually monitored and updated.]~~

(c) The department shall specifically:

- (1) Perform statewide assessments of the need for prevention, treatment, and rehabilitation services in the areas of mental or emotional disorders and substance abuse;
- (2) Adopt rules pursuant to chapter 91 for establishing the number and boundaries of the geographical service areas for the delivery of services in the areas of mental or emotional disorders and substance abuse. ~~[Each statewide four-year plan shall include a]~~ The department shall periodically review ~~[of]~~ the effectiveness of the geographical service areas in promoting accessibility and continuity of appropriate care to all residents of that geographical area;
- (3) ~~[Establish]~~ Appoint a service area ~~[center] administrator~~ in each ~~[geographical service area that]~~ county who shall be ~~[the focal point]~~ responsible for the development, delivery, and coordination of services in that area;
- (4) Ensure statewide and community-based planning for the ongoing development and coordination of the service delivery system as guided by needs assessment data and performance related information;
- (5) Establish standards and rules for psychiatric facilities and their licensing, where applicable;
- (6) Establish standards and rules for services in the areas of mental health and substance abuse treatment, including assurances of the provision of minimum levels of accessible service to persons of all ages, ethnic groups, and geographical areas in the State;
- (7) Ensure community involvement in determining the service delivery arrangements appropriate to each community of the State;
- (8) Cooperate with public and private health, education, and human service groups, agencies, and institutions in establishing a coordinated system to meet the needs of persons with mental or emotional disorders and substance abuse difficulties;
- (9) Evaluate and monitor all services in the fields of mental health and substance abuse where such services are supported fully or in part by state resources;
- (10) Promote and conduct research, demonstration projects, and studies concerned with the nature, prevention, intervention, and consequences of mental or emotional disorders and substance abuse;
- (11) Keep records, statistical data, and other information as may be necessary in carrying out the functions of the mental health system and this chapter;

- (12) Advocate patients' rights in all psychiatric facilities in the State and investigate any grievances submitted to the department by any patient in a psychiatric facility, except as provided in section 334E-2(d). The department shall establish rules and procedures for the purpose of this paragraph within one year after January 1, 1985, and post the rules in a conspicuous manner and accessible place;
- (13) Promote and conduct a systematic program of accountability for all services provided, funds expended, and activities carried out under its direction or support in accordance with sound business, management, and scientific principles;
- (14) Coordinate mental health resources in each [service area] county of the State by the development and presentation of [a mental health systems service plan incorporating the planning of each service area.] a comprehensive integrated service area plan developed by the service area administrator in conjunction with the service area board. The service area ~~[enter]~~ administrator and the service area board, in collaboration with private and public agencies serving their population, shall submit recommendations for the statewide ~~[four-year plan,]~~ comprehensive integrated service plan, including needs assessment, program planning, resource development, priorities for funding, monitoring, and accountability activities;
- (15) Oversee and coordinate service area programs and provide necessary administrative and technical assistance to assist service area programs in meeting their program objectives; and
- (16) Provide staffing to the state council and service area boards to assist in the performance of their functions."

SECTION 3. Section 334-10, Hawaii Revised Statutes, is amended to read as follows:

"§334-10 State council on mental health. (a) There is established a state council on mental health. The council shall consist of twenty-one members appointed by the governor as provided in section 26-34. In making appointments to the council, the governor shall ensure that all service area boards of the State are represented, and that a majority of the members are nonproviders of mental health or other health services, and that a majority of the members are not state employees. The number of parents of children with serious emotional disturbances shall be sufficient to provide adequate representation of such children in the deliberations of the council. The council shall be composed of residents of the State, including individuals representing:

- (1) The principal state agencies with respect to mental health, education, vocational rehabilitation, criminal justice, housing, and social services;
- (2) Public and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services;
- (3) Adults with serious mental illnesses who are receiving, or have received, mental health services;
- (4) The families of such adults or families of children with serious emotional disturbances; and
- (5) The Hawaii advisory commission on drug abuse and controlled substances who shall be a person knowledgeable about the community and the relationships between mental health, mental illness, and substance abuse.

(b) The council shall elect a chairperson from among its members. All members shall serve without compensation but shall be paid their necessary expenses in attending meetings of the council.

(c) The council shall advise the department on allocation of resources, statewide needs, and programs affecting two or more service areas. The council shall review and comment on the [state] statewide comprehensive integrated service plan and shall serve as an advocate for adults with serious mental illness, children with serious emotional disturbances, other individuals with mental illnesses or emotional problems, and individuals with combined mental illness substance abuse disorders.

(d) If the department's action is not in conformance with the council's advice, the department shall provide a written explanation of its position to the council.

(e) The council shall prepare and submit an annual report to the governor and the legislature on implementation of the [state] statewide comprehensive integrated service plan. The report presented to the legislature shall be submitted at least ten days prior to the convening of each regular session."

SECTION 4. Section 334-11, Hawaii Revised Statutes, is amended to read as follows:

"§334-11 Service area boards. (a) A service area board shall be established to advise each service area ~~[enter.] administrator.~~ Each board shall consist of nine members appointed by the governor, who shall serve for terms to be determined by the governor. After the initial appointees, the governor shall fill each vacancy on a board by appointing a member from a list of four persons submitted by that board, except that, if the board is unable to achieve a quorum at two consecutive meetings called for the purpose of making such a list, the list may be provided by a group of at least seven service area consumers and nonproviders of mental health services. This group shall consist of all board members willing to participate in making the list and other area consumers and nonproviders of mental health services to be selected by the service area board chairperson and service area ~~[enter chief.] administrator.~~ Any meeting called for the purpose of making the list shall be subject to part I of chapter 92. The members of the board shall be service area residents, who are consumers or nonproviders of mental health services and service area providers with a majority being non-state employees and nonproviders of mental health or other health services.

Each board shall elect a chairperson from among its members. All members shall serve without compensation but shall be paid their necessary expenses in attending meetings of the board.

(b) Each service area ~~[enter] administrator~~ and board, in consultation with public and private providers, shall participate in the development of comprehensive integrated service area plans and budgets. Each board shall advise ~~[its enter] the service area administrator~~ about service area needs to prevent and treat mental or emotional disorders, combined mental illness substance abuse disorders, and persons afflicted by these disorders, and provide advice, guidance, and recommendations to both the advisory commission on drug abuse and controlled substances, section 329-2, and the state council on mental health, section 334-10, as they deem appropriate.

(c) If a ~~[enter chief's] service area administrator's~~ actions are not in conformance with the board's planning decisions, the ~~[enter chief] service area administrator~~ shall provide a written explanation to the board."

SECTION 2. SB 1362 SD2 is amended by renumbering sections 2, 3, 4, and 5.

Senator Hemmings moved that Floor Amendment No. 5 be adopted, seconded by Senator Hogue.

Senator Hemmings rose to speak on the amendment as follows:

“Mr. President, the purpose of this Floor Amendment to S.B. No. 1362 is to make sure that the statutory language conforms with the Community Plan for Medical Health Services (a court ordered plan for development of public community mental health services in *USA v Hawaii*). The court-ordered plan requires the State to ‘Initiate changes in Hawaii law to authorize Service Area Boards to advise Service Area Administrators (SAA) regarding development of the Comprehensive Integrated Service Area Plan.’

“The structures, positions, and planning process are currently in place within the Adult Mental Health Division as a result of actions required by the federally mandated Community Plan for Mental Health Services. In other words, the department is already doing these things. The plan was ordered on January 23, 2003, and over the past year, the Adult Mental Health Division has conducted operations in conformance with this order. This proposal ensures continuing compliance with the court order and forms the legal foundation for sustainable county-based mental health planning, oversight, and service integration.

“Mr. President, parenthetically to this presentation, I would like to tell you that this is an amendment or bill that slipped through the cracks. It was originally in a form of S.B. No. 2945, passed out of Health and did not make it to the Floor for a final vote. The House did not take action on this and I think the conscientious thing for the Senate to do is to pass this amendment so that this initiative, which is concisely worded, can be in play in the House of Representatives after Final Reading on Thursday.

“Thank you, Mr. President.”

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

“Mr. President, I think what I rise to is a point of personal privilege because I’m not speaking in opposition to the amendment but I am speaking in opposition to the process that has been utilized.

“Mr. President, S.B. No. 1362, S.D. 2, as the good Senator from Maunawili said, is a Judiciary measure. The reason this bill is a Judiciary measure and is before you is because the good Senator from Lahaina, the Chair of the Health Committee, came to me and said the Department of Health needs this measure, and we scheduled it. The Judiciary Committee scheduled it. I think it was within the last week of hearings. At no time was the good Chair of the Health Committee told by anyone in the administration that they needed this measure amended.

“Mr. President, I’d like to say that in my dealings, as the second Committee and dealing with the Health Chair, she has put in all the amendments that they have requested. She has never in any way said no to any issues of prior concurrence. And I found that the factor this has brought in its present form is an affront to our good Chair.

“That is the reason why I find myself compelled to speak on a point of personal privilege. It is not the substance. The good Chair of the Health Committee was well aware and is supportive of all measures that the Department of Health has sought. I think what the Department of Health has done is they have let this fall through the cracks and they should take responsibility for that.

“Thank you, Mr. President.”

At 10:48 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:50 o’clock a.m.

The motion to adopt Floor Amendment No. 5 was put by the Chair and carried.

Senator Hemmings then moved that Stand. Com. Rep. No. 2783 be received and placed on file, seconded by Senator Hogue and carried.

By unanimous consent, S.B. No. 1362, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO MENTAL HEALTH,” was placed on the calendar for Third Reading on Thursday, March 11, 2004.

Stand. Com. Rep. No. 2802 (S.B. No. 2474, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2802 be adopted and S.B. No. 2474, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator English then offered the following amendment (Floor Amendment No. 6) to S.B. No. 2474, S.D. 2:

SECTION 1. Senate Bill No. 2474, S.D. 2, is amended by amending section 3 to read as follows:

“SECTION 3. Section 269-92, Hawaii Revised Statutes, is amended to read as follows:

“~~[(H)§269-92]~~ **Renewable portfolio standards.** Each electric utility company that sells electricity for consumption in the State shall establish a ~~[renewables]~~ renewable portfolio standard ~~[goal]~~ of:

- (1) Seven per cent of its net electricity sales by December 31, 2003;
- (2) Eight per cent of its net electricity sales by December 31, 2005; ~~[and]~~
- (3) Nine per cent of its net electricity sales by December 31, 2010[-];
- (4) Twenty per cent of its net electricity sales by December 31, 2015; and
- (5) Thirty per cent of its net electricity sales by December 31, 2020.”

SECTION 2. Senate Bill No. 2474, S.D. 2, is amended by amending section 6 to read as follows:

“SECTION 6. This Act shall take effect on July 1, 2030.”

Senator English moved that Floor Amendment No. 6 be adopted, seconded by Senator Kokubun.

Senator English rose to speak on the amendment and said:

“Mr. President, this amendment restores the percentage numbers to the renewable portfolio standards, namely, 20 percent of electricity by December 31, 2015, and 30 percent by December 31, 2020.

“It also, at the request of the CPH Chair, adds in a effective date of July 1, 2030.”

The motion to adopt Floor Amendment No. 6 was put by the Chair and carried.

Senator English then moved that Stand. Com. Rep. No. 2802 be received and placed on file, seconded by Senator Kokubun and carried.

By unanimous consent, S.B. No. 2474, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was placed on the calendar for Third Reading on Thursday, March 11, 2004.

Stand. Com. Rep. No. 2822 (S.B. No. 1206, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2822 be adopted and S.B. No. 1206, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble then offered the following amendment (Floor Amendment No. 7) to S.B. No. 1206, S.D. 1:

SECTION 1. SB 1206, S. D. 1 is amended by deleting sections 1-4.

SECTION 2. SB 1206, S. D. 1 is amended by inserting the following:

"SECTION 1. Chapter 235, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§235-. Windfall profits tax. (a) In addition to any other applicable tax imposed pursuant to this chapter, there is imposed on the distributors of petroleum products doing business in Hawaii, a windfall profits tax, that shall be applicable to profits earned from Hawaii business operations to the extent that such profits exceed twice the national industry average profit margin, as determined by the windfall profits advisory panel. The tax shall be equal to fifty per cent applied to the profits deemed to be excessive in accordance with this section.

(b) Moneys collected pursuant to this section shall be apportioned to the counties in accordance to the number of vehicles registered in each respective county. Each county shall receive such apportioned share on an annual basis.

(c) For purposes of this subsection: "Cost of goods sold" shall include the cost of raw materials, i.e. oil, plus maintenance costs and operating expenses.

"Distributors of petroleum products" shall include individuals, partnerships, limited partnerships, joint ventures, trusts, associations, corporations, S corporations, or any other entity that is engaged in the business of refining, importing, distributing gasoline and other petroleum related products to retailers.

"Gasoline retailer" shall include individuals, partnerships, limited partnerships, joint ventures, trusts, associations, corporations, S corporations, or any other entity that is engaged in the business of selling gasoline to the consuming public.

"National industry average profit margin" shall mean the average profit margin of gasoline refiners in the United States as disclosed in industry reports, Moody's Investment Service, corporate annual reports or any other industry analytical source reports.

"Profit margin" shall mean the ratio of cost of goods sold to gross sales expressed as a percentage.

(d) There is established within the office of the state consumer advocate an advisory board consisting of five individuals. The members of the board shall be appointed by the governor from a list of eligible candidates submitted by the state consumer advocate, in accordance with chapter 26-34. The members of the board shall be:

- (1) The state consumer advocate, who shall serve as its chairman;
- (2) Two unaffiliated consumers of gasoline, who shall be members of the public at large;

(3) A gasoline retailer, who shall be engaged in the business of selling gasoline to the consuming public; and

(4) A seller of gasoline, who shall be either a refiner or importer of gasoline for resale.

The members of the board shall serve without compensation but shall be reimbursed for expenses, including travel expense, actually incurred in the performance of their duties under this chapter.

(e) The chairman of the board shall establish rules and guidelines for the board including the methodology to be used to calculate industry average profit margin.

(f) The duties of the board shall include:

(1) Review and analysis of national petroleum industry sales data; and

(2) Establishing a national industry average profit margin.

(g) The board shall meet once during the fourth quarter of each year.

(h) Meetings shall be conducted in accordance with Robert's Rules of Order.

(i) A simple majority of votes shall be required for decision making purposes.

(j) The consumer advocate shall publish the advisory panel's "national industry average profit margin" determination for public review.

(k) Any distributor of petroleum products violating this part, shall be subject to the fines and penalties provided in §231-39.

SECTION 2. New statutory material is underscored.

SECTION 3. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2004."

Senator Trimble moved that Floor Amendment No. 7 be adopted, seconded by Senator Slom.

Senator Trimble rose to speak on the amendment as follows:

"Mr. President, real problems merit real solutions. The people deserve nothing less. They understand a lot more than some people in this Chamber give them credit. You just can't fool all the people all the time. I know because I surveyed my constituents. I suspect that yours are every bit as akamai as mine. They know that when you have competition, consumers benefit with better products and lower prices. This is a result of allowing consumers the power of choice.

"We all remember when Adam Smith wrote in 1776 about this invisible hand leading. What we tend not to remember is the economic circumstances of his day. His writings were radical then, as they are for some of us in Hawaii today. He wrote in an era of large government and government sponsored monopolies. In fact, most of his writings dealt with the abuse of power when it went unbridled, be it exercised by government or private monopoly.

"Let us not forget that the purpose of production is consumption. When we have competitive markets, consumers benefit. Where we lack competition so that one or two firms influence price to increase their profits, a tax, a monopoly tax is being assessed. In these situations, it is government's right – no, it is government's responsibility to take a portion of this tax to use for the public good. That is what this bill does. It recognizes that oil refineries are in a position to collect this monopoly tax.

"Hawaii consumers are unhappy about the high cost of gasoline. But what makes them really mad is that they know there are many times when they are being ripped off by firms

that use their position in the marketplace to extract a monopolist tax.

“Profit is a good word. It is the return that accrues to those that take risk, that are better managers, that develop better methods of organization, and that produce better products. But those situations, more so in Hawaii because of our relative isolation, where companies want us to believe that Hawaii is different, that we are unique, and because our high cost of living, their cost of doing business is also high. The truth is that because they intentionally reduce supply below what it would be in competitive markets to collect that monopolist tax, they create the high cost of living that they so lament.

“I sense that some of you seek to make oil an election issue this year, just as you did two years ago. You could have solved the problem last year, but perhaps elections are not won by really solving this problem. We could have repealed the divorce law that you enacted some 13 years ago that has resulted in a two-cent rise in the price of gasoline, but you have not. Gas caps won’t work, and the modifications you seek to make will only make it worse.

“Of the choices that we have here today, only one works. Let us use our energy to solve the problem by defining what constitutes windfall profits and setting in place a mechanism to share in that monopolist tax that is already being assessed for Hawaii’s collective benefit. Outrageous prices that result from lack of competition is not limited to gasoline.

“Let me conclude by showing you how my constituents feel. We first start with inter-island airfare; next, utility cost; then ocean freight; and finally, gasoline. The list goes on but I think the point is made. I not presume that my oratory will sway the outcome of our vote here today, but I do humbly submit that what we should do is begin with the intellectual framework that first seeks to foster competition, and then in those situations where there are no free markets, that we use human nature for our collective benefit. To do otherwise is to expect that we, as lawmakers, can change foxes into sheepdogs.

“Thank you, Mr. President.”

Senator English rose to speak against the amendment and said:

“Mr. President, I rise to speak against the Floor Amendment.

“This amendment takes a bill that went through a hearing, went through a public hearing, through two Committees, and to the Floor, guts out the contents of that bill and inserts new language for something that has not had a public hearing, did not go through the public process, and is here.

“Now, I remember when this side of the aisle has tried to do things like this and the other side of the aisle stood up and screamed bloody murder. Well, now it’s our time to stand up and scream bloody murder, because you didn’t do the process.

“So, Mr. President, I’m objecting to this because it did not get a public hearing. This is a brand new idea going into a bill that did go through a public hearing. But I just have to point out what it is. Let us reflect on the reality of what this is. This is the Republican Caucus offering a new tax – and 50 percent of the profits is the tax on top of that on an industry. So let it not be said that only Democrats offer new taxes. The Republicans have offered a new tax here, and they’re offering a tax at 50 percent of the profits – what a huge tax that is. Even Democrats cannot support that.

“Thank you, Mr. President.”

Senator Hogue rose to speak against the amendment and stated:

“Mr. President, I rise to speak against this amendment.

“I want the good Senator from Hana to recognize that we on the other side of the aisle here have not lost our senses, that this is not a Republican Caucus position. (Laughter.) We appreciate that other things have come to the table, but I am adamantly against this proposal and I believe that others in the Caucus are as well.

“Thank you.”

Senator Hemmings rose to speak against the amendment as follows:

“Mr. President, I, likewise, rise to speak against this amendment.

“I guess the good news is that it got a smile on everybody’s face. I do want to let the Clerk know that I will be casting a ‘no’ vote against this. I made a pledge not to raise taxes and that includes this amendment.

“Thank you, Mr. President.”

Senator Slom rose to speak against the amendment and said:

“Mr. President, I rise, also, against the amendment but for the process of allowing free speech and to discuss every issue. I guess that’s what sets our Caucus apart. Most of us in this Caucus refuse to vote for any tax increases and will continue to do so today. But when we that we believe in the right of any and every individual to speak up, particularly in a public session, not behind closed doors, we put our votes and we put our process where our mouth is.

“So basically, Mr. President, that’s what this exercise was all about. We have concluded the exercise, and now we can vote democratically.

“Thank you.”

The motion to adopt Floor Amendment No. 7 was put by the Chair and failed to carry.

The motion to adopt Stand. Com. Rep. No. 2822 and pass S.B. No. 1206, S.D. 1, on Third Reading was then put by the Chair and carried, Stand. Com. Rep. No. 2822 was adopted and S.B. No. 1206, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:03 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:05 o’clock a.m.

THIRD READING

S.B. No. 2886, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2886, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read

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

Ayes, 25. Noes, none.

S.B. No. 2908, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2908, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2909, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2909, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2816, S.D. 1:

On motion by Senator Inouye, seconded by Senator Espero and carried, S.B. No. 2816, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2470, S.D. 1:

On motion by Senator English, seconded by Senator Ige and carried, S.B. No. 2470, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2863, S.D. 1:

On motion by Senator English, seconded by Senator Kokubun and carried, S.B. No. 2863, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2973, S.D. 1:

On motion by Senator English, seconded by Senator Inouye and carried, S.B. No. 2973, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2174, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 2174, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH INVOLVEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1113:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, H.B. No. 1113, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2565 (S.B. No. 2589, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2565 was adopted and S.B. No. 2589, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2566 (S.B. No. 2889):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2566 was adopted and S.B. No. 2889, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2567 (S.B. No. 2899, S.D. 2):

On motion by Senator English, seconded by Senator Hemmings and carried, Stand. Com. Rep. No. 2567 was adopted and S.B. No. 2899, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2568 (S.B. No. 2950, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2568 was adopted and S.B. No. 2950, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERIC SUBSTITUTION OF PRESCRIPTION DRUG PRODUCTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2569 (S.B. No. 3079):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2569 was adopted and S.B. No. 3079, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2571 (S.B. No. 2902, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2571 was adopted and S.B. No. 2902, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2572 (S.B. No. 2895, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2572 was adopted and S.B. No. 2895, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2573 (S.B. No. 3172, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2573 was adopted and S.B. No. 3172, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2576 (S.B. No. 2061):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2576 was adopted and S.B. No. 2061, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2578 (S.B. No. 2161):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2578 was adopted and S.B. No. 2161, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2579 (S.B. No. 2978):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2579 was adopted and S.B. No. 2978, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2581 (S.B. No. 2377, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2581 was adopted and S.B. No. 2377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2582 (S.B. No. 2627):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2582 was adopted and S.B. No. 2627, entitled: "A BILL FOR AN ACT RELATING TO CONSIGNMENT OF ART," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2406:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2406, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2436:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2436, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING OF HABITUAL VIOLENT FELONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2922, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2922, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3113, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 3113, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2877, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 2877, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2990:

On motion by Senator Taniguchi, seconded by Senator Kokuibun and carried, S.B. No. 2990, entitled: "A BILL FOR AN ACT RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2612, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2612, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 3190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1268, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1268, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2482, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2482, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITED ACTIVITIES IN STATE OFFICES OR BUILDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2647, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2647, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2810:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2810, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2842, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2842, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2848, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2848, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1271:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1271, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF SEXUAL CONDUCT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2844, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2844, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2623 (S.B. No. 195, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2623 was adopted and S.B. No. 195, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2625 (S.B. No. 2090, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2625 was adopted and S.B. No. 2090, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A PRESCRIPTION DRUG REPOSITORY PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2626 (S.B. No. 2994, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 2626 was adopted and S.B. No. 2994, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO THE USE TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2629 (S.B. No. 2209, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2629 was adopted and S.B. No. 2209, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BOXING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2630 (S.B. No. 2586, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2630 was adopted and S.B. No. 2586, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2635 (S.B. No. 2128):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2635 was adopted and S.B. No. 2128, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2636 (S.B. No. 2134):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2636 was adopted and S.B. No. 2134, entitled: “A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2637 (S.B. No. 2247, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2637 was adopted and S.B. No. 2247, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF INVASIVE SPECIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2638 (S.B. No. 2469, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2638 was adopted and S.B. No. 2469, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HPOWER PLANT BOILER ADDITION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2639 (S.B. No. 2949, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2639 was adopted and S.B. No. 2949, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2640 (S.B. No. 2996, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2640 was adopted and S.B. No. 2996, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION OF ALTERNATIVE FUELS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2641 (S.B. No. 3092, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2641 was adopted and S.B. No. 3092, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2642 (S.B. No. 3153, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2642 was adopted and S.B. No. 3153, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2643 (S.B. No. 3162, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2643 was adopted and S.B. No. 3162, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2645 (S.B. No. 2748, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2645 was adopted and S.B. No. 2748, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2651 (S.B. No. 2975):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2651 was adopted and S.B. No. 2975, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2654 (S.B. No. 2992, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2654 was adopted and S.B. No. 2992, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2656 (S.B. No. 3098):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2656 was adopted and S.B. No. 3098, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2659 (S.B. No. 2242, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2659 was adopted and S.B. No. 2242, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE STOCK OWNERSHIP PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2661 (S.B. No. 2210, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2661 was adopted and S.B. No. 2210, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2665 (S.B. No. 2890, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2665 was adopted and S.B. No. 2890, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2667 (S.B. No. 2926, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2667 was adopted and S.B. No. 2926, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2668 (S.B. No. 2927, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2668 was adopted and S.B. No. 2927, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES OF GOVERNMENT-ASSISTED PROPERTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2669 (S.B. No. 2928):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2669 was adopted and S.B. No. 2928, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2686 (S.B. No. 2355, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2686 was adopted and S.B. No. 2355, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2687 (S.B. No. 2424, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2687 was adopted and S.B. No. 2424, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2690 (S.B. No. 2873, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2690 was adopted and S.B. No. 2873, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2692 (S.B. No. 2879, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2692 was adopted and S.B. No. 2879, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2693 (S.B. No. 2921):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2693 was adopted and S.B. No. 2921, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING INCREASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2694 (S.B. No. 2941):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2694 was adopted and S.B. No. 2941, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2695 (S.B. No. 3018, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2695 was adopted and S.B. No. 3018, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2697 (S.B. No. 3106, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2697 was adopted and S.B. No. 3106, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2698 (S.B. No. 3175, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2698 was adopted and S.B. No. 3175, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2700 (S.B. No. 2077, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Inouye and carried, Stand. Com. Rep. No. 2700 was adopted and S.B. No. 2077, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2701 (S.B. No. 2269, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2701 was adopted and S.B. No. 2269, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2702 (S.B. No. 2563, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2702 was adopted and S.B. No. 2563, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2705 (S.B. No. 2392, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2705 was adopted and S.B. No. 2392, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2707 (S.B. No. 2955, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2707 was adopted and S.B. No. 2955, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2710 (S.B. No. 3021, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2710 was adopted and S.B. No. 3021, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2713 (S.B. No. 2400, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2713 was adopted and S.B. No. 2400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAPOHO BAY CONSERVATION DISTRICT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2714 (S.B. No. 2413, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2714 was adopted and S.B. No. 2413, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2716 (S.B. No. 2441, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2716 was adopted and S.B. No. 2441, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2717 (S.B. No. 2818, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2717 was adopted and S.B. No. 2818, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2718 (S.B. No. 2820):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2718 was adopted and S.B. No. 2820, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2719 (S.B. No. 2869, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2719 was adopted and S.B. No. 2869, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2725 (S.B. No. 2578):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2725 was adopted and S.B. No. 2578, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2727 (S.B. No. 2592, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2727 was adopted and S.B. No. 2592, S.D. 2, entitled: "A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR SEXUAL ASSAULT SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2728 (S.B. No. 2686, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2728 was adopted and S.B. No. 2686, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2731 (S.B. No. 2957, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2731 was adopted and S.B. No. 2957, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL AND PROFESSIONAL LIABILITY RISK FINANCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2732 (S.B. No. 2979, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2732 was adopted and S.B. No. 2979, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SECURITY AT HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2733 (S.B. No. 3114, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2733 was adopted and S.B. No. 3114, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2734 (S.B. No. 3135, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2734 was adopted and S.B. No. 3135, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2735 (S.B. No. 3156, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2735 was adopted and S.B. No. 3156, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES,"

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2736 (S.B. No. 2165, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2736 was adopted and S.B. No. 2165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2738 (S.B. No. 2349, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2738 was adopted and S.B. No. 2349, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2740 (S.B. No. 2608, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2740 was adopted and S.B. No. 2608, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2741 (S.B. No. 2621, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2741 was adopted and S.B. No. 2621, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICALLY FRAGILE CHILDREN'S TRUST FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2742 (S.B. No. 2630, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2742 was adopted and S.B. No. 2630, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CUSTODY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2743 (S.B. No. 2929, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2743 was adopted and S.B. No. 2929, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2744 (S.B. No. 2930, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2744 was adopted and S.B. No. 2930, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2745 (S.B. No. 2931, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2745 was adopted and S.B. No. 2931, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS FOR PROVIDERS OF HOME AND COMMUNITY-BASED SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2747 (S.B. No. 3134, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2747 was adopted and S.B. No. 3134, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2748 (S.B. No. 3230, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2748 was adopted and S.B. No. 3230, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2749 (S.B. No. 1060, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2749 was adopted and S.B. No. 1060, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2752 (S.B. No. 2058, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2752 was adopted and S.B. No. 2058, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2759 (S.B. No. 2175, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2759 was adopted

and S.B. No. 2175, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2762 (S.B. No. 2222, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2762 was adopted and S.B. No. 2222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BRIDGE TO HOPE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2764 (S.B. No. 2264, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2764 was adopted and S.B. No. 2264, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII FOR A MASTER'S DEGREE IN SOCIAL WORK BY DISTANCE LEARNING PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2767 (S.B. No. 2425, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2767 was adopted and S.B. No. 2425, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2777 (S.B. No. 3013, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2777 was adopted and S.B. No. 3013, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2778 (S.B. No. 3039, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2778 was adopted and S.B. No. 3039, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2780 (S.B. No. 3112, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2780 was adopted and S.B. No. 3112, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," having been read throughout,

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2781 (S.B. No. 3148, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2781 was adopted and S.B. No. 3148, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2788 (S.B. No. 2091, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2788 was adopted and S.B. No. 2091, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY PSYCHIATRIC TREATMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2790 (S.B. No. 2358, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2790 was adopted and S.B. No. 2358, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION CLAIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2792 (S.B. No. 2448):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2792 was adopted and S.B. No. 2448, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2793 (S.B. No. 2560, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2793 was adopted and S.B. No. 2560, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMIC VALUE OF ENTERTAINMENT CELEBRITY IDENTITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2794 (S.B. No. 2577, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2794 was adopted and S.B. No. 2577, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEER REVIEW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2796 (S.B. No. 2704):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2796 was adopted and S.B. No. 2704, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2798 (S.B. No. 2933, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2798 was adopted and S.B. No. 2933, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2799 (S.B. No. 2968, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2799 was adopted and S.B. No. 2968, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2800 (S.B. No. 3041, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2800 was adopted and S.B. No. 3041, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY ADMISSION FOR NONEMERGENCY TREATMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2801 (S.B. No. 2092, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2801 be adopted and S.B. No. 2092, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2801 was adopted and S.B. No. 2092, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2804 (S.B. No. 2670, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2804 was adopted and S.B. No. 2670, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PAIN MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2805 (S.B. No. 2897, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2805 was adopted and S.B. No. 2897, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DENTAL EXAMINATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2806 (S.B. No. 3085, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2806 was adopted and S.B. No. 3085, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2807 (S.B. No. 2004, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2807 was adopted and S.B. No. 2004, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VETERANS CEMETERIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2808 (S.B. No. 2043, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2808 was adopted and S.B. No. 2043, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE AVIATION MUSEUM OF THE PACIFIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2809 (S.B. No. 2045, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2809 was adopted and S.B. No. 2045, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2810 (S.B. No. 2131, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2810 was adopted and S.B. No. 2131, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF DEFENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2811 (S.B. No. 2364, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2811 was adopted and S.B. No. 2364, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2813 (S.B. No. 2746, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2813 was adopted and S.B. No. 2746, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2814 (S.B. No. 2914, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2814 was adopted and S.B. No. 2914, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE SIRENS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2815 (S.B. No. 2919, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2815 was adopted and S.B. No. 2919, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MILITIA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2821 (S.B. No. 2904, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2821 was adopted and S.B. No. 2904, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2824 (S.B. No. 2302, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2824 was adopted and S.B. No. 2302, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FILIPINO CENTENNIAL CELEBRATION COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2831 (S.B. No. 2067, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2831 was adopted

and S.B. No. 2067, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2832 (S.B. No. 2072):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2832 was adopted and S.B. No. 2072, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2835 (S.B. No. 3012, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2835 was adopted and S.B. No. 3012, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ACCOUNTABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2841 (S.B. No. 2693, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2841 was adopted and S.B. No. 2693, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FLOODS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2842 (S.B. No. 3051, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2842 was adopted and S.B. No. 3051, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2847 (S.B. No. 2385, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2847 was adopted and S.B. No. 2385, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIV/AIDS PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2853 (S.B. No. 2073, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2853 was adopted and S.B. No. 2073, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2854 (S.B. No. 2995, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2854 was adopted and S.B. No. 2995, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2855 (S.B. No. 3186):

Senator Taniguchi moved that Stand. Com. Rep. No. 2855 be adopted and S.B. No. 3186, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Kim rose and said:

"Mr. President, I'd like to request remarks be put into the Journal for S.B. No. 3186.

"Thank you."

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

"This bill guards against contractors who are awarded state or municipal contracts and misuse public funds on unauthorized expenditures.

"Current law does not adequately address this squander of public funds and lacks sufficient criminal penalties.

"In many cases, what is considered an acceptable expense is left up to a 'judgement call' in awarded contracts.

"In addition, if unacceptable expenses are not explicitly prohibited by a contract, the State has no legal recourse against those that engage in the misuse of funds.

"Therefore, a review by the Attorney General's office prior to the signing of a contract would ensure that public monies outside the procurement code will not be spent inappropriately.

"This oversight will prevent possible fraud and the misallocation of funds.

"Those who choose to expend funds without the authorization of the State will also be subject to criminal penalties.

"These criminal penalties will send the message that the State is serious about safeguarding our public dollars.

"Those who violate their contracts can no longer use the defense that the State or its political subdivision knew about the contractor's spending or otherwise acquiesced in the expenditure.

"As a political body, we are entrusted to spend public monies in the best interest of our constituents.

"Through this bill the State will be able effectively target and punish those who use public monies for their own gain."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2855 was adopted and S.B. No. 3186, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED

EXPENDITURES OF PUBLIC FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2856 (S.B. No. 2887, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2856 was adopted and S.B. No. 2887, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2857 (S.B. No. 2911, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2857 was adopted and S.B. No. 2911, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVISORY COMMITTEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2858 (S.B. No. 2912, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2858 was adopted and S.B. No. 2912, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

S.B. No. 2782, S.D. 1:

Senator Inouye moved that S.B. No. 2782, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

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

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

"My opposition is limited. I believe that it should be a comprehensive review by the legislative auditor that determines what funds will be exempted from central service and administrative fees, and because that is not done, I oppose the measure.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 2782, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUNDING OF A HABITAT CONSERVATION PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

S.B. No. 2477, S.D. 1:

Senator Inouye moved that S.B. No. 2477, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

Senator Trimble rose to speak in opposition as follows:

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

“I don’t think that it’s appropriate to codify a process that the federal government is now using but that they may not continue in the future. I do not think we should reject shipments simply based upon the fact that it has not had a pre-examination.

“Thank you.”

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

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

“I say reservations because, Mr. President, the original Committee took this bill and gutted it. Now it covers harbors, airports, military operations, and government operations, which is under the TMG Committee. So, I would like to remain as a valuable member of this Committee.

“Thank you.”

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

“Mr. President, I rise in support.

“Mr. President, this bill is actually a very good bill because what it does is helps to protect our environment from the introduction of alien species through many different venues. It follows a federal guideline that allows for inspection of materials coming from Guam. I can tell you that this is a practice that California does to Hawaii. Every time you go to California, they will search you here to see if you’re carrying an orange, which by the way probably came from California in the first place. If you’re carrying an orange or an apple or some sort of fruit, all of our shipments out – of vegetables, of flowers, of any kind of produce – going to California and to the Continental US goes through this type of inspection.

“So, we’re simply requiring the same type of inspection of items coming from Guam to protect our environment. I ask members to support the measure.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 2477, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

S.B. No. 2716, S.D. 1:

Senator Sakamoto moved that S.B. No. 2716, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hooser.

Senator Hooser rose in support of the measure and said:

“Mr. President, I rise in support of S.B. No. 2716, S.D. 1. My comments also apply to S.B. No. 3125, S.D. 2, which is

essentially a companion piece of legislation and the two are linked together.

“This bill establishes a candidate advisory council for the Board of Regents of the University of Hawaii to assist the Governor in determining criteria for and identifying recruiting qualified candidates for membership on that board. It retains the Governor’s right to choose and the Senate’s right to advise and consent.

“I believe this is an important bill and a follow-up bill that takes the next step that the voters of this State took in 2000 when they approved a constitutional amendment increasing autonomy for the University of Hawaii.

“The bill was supported by the University of Hawaii Professional Assembly, representing 3,300 faculty members. It was supported by the UH Student Caucus, the Associated Students of UH Manoa, the Association of Governing Boards of Universities and Colleges based in Washington DC offered strong support. It was also endorsed by the former Republican Governor of Illinois, Jim Edgar, and the Secretary of Education of Virginia representing the Office of a Democratic Governor, Mark Warner.

“There was no testimony, to my knowledge, in any of the many hearings that happened, no testimony in opposition whatsoever. I believe that’s the case even in both the Education hearings as well as the Judiciary hearings.

“The Honolulu Advertiser recently posted an editorial just a day or two ago saying the change in the regent selection is sensible. I’ll quote from a portion of this: ‘For far too long the university and the regents have been seen as overly politicized. This has damaged the university in recruiting, in fund-raising and in many other ways. National publications often cite political meddling in university affairs as one of the major failings of our system.’

“The Association of Governing Boards of Universities and Colleges states they applaud the intention to strengthen this election process for the University of Hawaii Board of Regents through the proposed amendments in the legislation that we have before us today. They say it contains the necessary elements of an effective screening and nominating panel. They go on to say, ‘We believe very strongly that governors should have the authority and privilege of appointing public university trustees and regents, but we also believe that independent screening bodies to assist with the nominating process to identify outstanding citizens is also very important. Nonpartisan advisory and nominating committees to recruit, screen, and recommend board candidates as embodied in these bills are an important tool to ensure that the best candidates are considered for these important positions.’

“In additional testimony submitted by the Commonwealth of Virginia, ‘We commend this process to other states seeking to improve the quality of their university of their higher education board appointments.’

“The University of Hawaii Professional Assembly states, ‘This proposal will move the appointment process away from just a political appointment to the development of a concern group from the community working for the benefit in improvement of the University of Hawaii. This provides better opportunity for the education of our students.’

“Again, there was no opposition testimony in either hearing. Why? Why was there no opposition testimony at either hearing? Perhaps, Mr. President, colleagues, I would suggest

that because this is in fact a 'new beginnings' bill. This is a good government bill.

"This bill opens up the process to all in our community that are qualified. No longer will the appointments be tied purely to political connections. It is a positive step down the road to increased professionalism in the management of the university.

"Our Governor, Governor Lingle herself has said in writing that she supports genuine autonomy for the Board of Regents in running the university system.

"While there was no opposing testimony at the hearing, I'm sure there will be opposition here in this room today. The opposition in the past, and the opposition today, will offer allegations that we almost, almost, almost passed a bill that was unconstitutional. Oh my word . . . scary thoughts indeed. But I'm happy to report that that issue has been resolved, and the allegation now is used only for theatrics and bears no relevance to the fundamental policy question that is before us.

"Therefore, what will the opposition focus on? Now the outrage will focus on that we are taking power away from the executive branch, and essentially we'll be told that for 40 years you guys have been appointing your friends to these powerful positions, and by golly, now it's our turn.

"I would suggest, Mr. President, that we live in a different time today than we did 40 years ago, 30 years ago, and 20 years ago. Myself, I only came into this environment two years ago, 18 months ago. I believe there are many things that we've done for 40 years as a body that we can do differently and better in the future. I believe there is no time to start, no better time to start than now, and even more so because four years ago, again, the citizens of our State voted overwhelmingly to grant the University of Hawaii autonomy. And now this is an important next step.

"This is a genuine 'new beginning' initiative, a genuine good government policy, and maybe that's why no one showed up to testify in opposition. This bill represents good public policy, generally good public policy, and the only arguments against this bill are political arguments. Therefore, I ask our members to support this bill unanimously.

"Thank you."

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

"Mr. President, I rise in opposition.

"I appreciate the arguments of the Senator from Kauai, although he has not turned them into exactly what I'm going to say, although I did bring this up in Committee.

"I think that this bill is well-intended. It is. However, in practice, I don't see that in reality it can come the way that the bill has been intended – that is to de-politicize the process. That's the intent here. It's not possible to de-politicize the process. It isn't possible at all.

"What has been brought forward in this particular bill is that the Governor is going to have six appointees. The Senate President and the House Speaker are going to have six appointees. So, by the very nature of this bill, the selection process will continue to be political. There will still be the process like we saw last year when we were talking about Board of Regent nominees where there was this tug-and-pull going on as to who is going to get their nominees forward. And

that still will occur. Gamesmanship will go on. Let's just be real about this – that's what's going to happen.

"So if we don't want to have Shelton Jim On on there, picked by the selection committee, and the Governor wants to have Shelton Jim On picked by the selection committee, that still is going to go forward. So why have this?

"Essentially, I don't find a way that you can de-politicize the process, no matter how well-intended that you are. And so, all you have done is put together this exercise, which is not necessary, which can already be done informally, that the Governor can now bring forward people to talk with and consider who he or she will nominate in the process. And we have that right to advise and consent.

"So, it's just not necessary. With those comments, I urge my colleagues to consider voting 'no.' Thank you."

Senator Hemmings rose to speak against the measure as follows:

Mr. President, I rise to speak against this legislation.

"Likewise, I want to pay my respects to the good Senator from Kauai in his explanation of this and I want to agree with him wholeheartedly that this is indeed political . . . for the simple reason that it does shift the power for the appointment process from where it's been for (he's right) the last 20 years or more from the executive branch of government to the legislative branch of government. And guess what? It seems that the Party that's had the power for the last 30 years or plus in the executive branch, no longer has it. Hence, the politics. Nothing is more true than that statement. This is political machinations.

"By the way, I was advised by a very learned man on your side of the aisle not to use the word disingenuous, so I won't use it, Mr. President. (Laughter.)

"I wish we could adhere to the standard that if there is no testimony in opposition of a bill, it automatically to become law. But we know that that's not a standard used by Committee Chairs, nor are used by this Legislature. Oftentimes, bills are killed or held or not passed in spite of the fact there is no opposition to it. So, it's not a rational argument speaking in favor of this bill.

"Secondly, regarding the timing of this, why now? Well, it's political, once again. I would like to quote from the state policy brief of the Association of Governing Boards of Universities and Colleges. This has been their recommendation and their position for 20 years. It's not a new recommendation. Once again, political? Are we doing it now? The person offering this constitutional amendment in this legislation to take the power away from the executive branch of government has been in office for two years. The concepts in the brief is from September of last year and it certainly could have been utilized before that, simply because it was available.

"There's one major difference between this bill and what this policy brief says. The difference is on page 4, line 2 – the Governor shall select from among the council's recommendations. So we've indeed established by the nomination process, because the Governor has to appoint students to her selection committee, that the balance of power does shift to the Legislature.

"But what does the Association of Governing Boards of Universities and Colleges say on this process? In their brief they clearly say a governor would not necessarily be required to select from among a specific number of candidates for each

vacancy on a particular board. Ideally, however, governors consistently would respect the panels' judgements and choose each candidate from among at least three candidates for each vacancy. If a candidate for a given vacancy was unacceptable, the governor could ask the panel to provide for a new slate of candidates.

"So, the very rationale for doing this, because it's association of governing boards and universities want it, is contradicted by this bill. This bill doesn't even follow the rationale that they are saying justifies it, because this bill says the governor has no choice. Clearly in the state policy brief of September 2003, the Association of Governing Boards of Colleges recognizes a governor's right to choose as good policy.

"In the spirit of cooperation, I believe that this would be a real good bill if one word was changed – the Governor may select from among the council's recommendations. In that way it would really be a nonpartisan balanced approach. But this mandate makes it extremely political, as the goo Senator from Kauai says, and therefore I would urge that this bill be amended at the end of the day to insert the word may select or we should not vote in favor of it.

"Thank you, Mr. President."

The motion was put by the Chair and carried, S.B. No. 2716, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2244:

By unanimous consent, S.B. No. 2244, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES," was recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

Stand. Com. Rep. No. 2562 (S.B. No. 2033, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 2562 be adopted and S.B. No. 2033, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Slom rose to oppose the measure and said:

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

"Mr. President, before I speak, however, in the interest of health and safety and welfare – the last time you let me speak, someone fell down here and hurt herself – could we make sure that all safety procedures are in effect and we have helmets and belts as required?"

The President responded:

"We have the ambulance right outside waiting."

Senator Slom continued:

"Thank you very much, Mr. President, because I intend to speak a little bit more today and I didn't want to cause any problems. Thank you for your concurrence.

"I speak in opposition to this bill, S.B. No. 2033, S.D. 1, for several reasons. First of all, originally, the bill was going to be following the United States Department of Labor staffing requirements, but this bill took them out, replacing them instead with the State Department of Labor and Industrial Relations

staffing requirements. There's just one problem, Mr. President, as DLIR testified during the hearing – there are no DLIR staffing requirements. They have not been developed because the State has followed the federal guidelines.

"What the real purpose of this bill is, however, is to impose union rules on every contract, every construction contract in the State. It would require the application of those union rules, thus interfering with the private independent means of making contracts.

"Secondly, it's going to hurt, particularly, small contractors in this State, causing burdens of regulation and cost. It is also going to increase the burdens and cost for any and all nonunion contractors in the State. And finally, it's going to drive up the cost even more of construction because of mandatory use of assistants, helpers, and apprentices that are required by the union rules.

"Before, we had a two-tier system that seems to have worked properly. Now what we're trying to do is have a one size fit all and require all union rules for all contract projects in the State of Hawaii.

"I urge my colleagues to vote against this. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2562 was adopted and S.B. No. 2033, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Baker).

Stand. Com. Rep. No. 2563 (S.B. No. 267, S.D. 2):

On motion by Senator Inouye, seconded by Senator Espero and carried, Stand. Com. Rep. No. 2563 was adopted and S.B. No. 267, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2564 (S.B. No. 2417, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2564 be adopted and S.B. No. 2417, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Espero.

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

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

"Solid waste is an issue. A few minutes earlier I said we should start by saying if we could make competition work. The real problem here with crushed cardboard is that it is not a commodity like it is most places in the world where people go out and actually pay for it. Let me cite one example. The last time I looked, the cost to send a 40-ft. container of crushed cardboard from New York to Manila was \$200.00. The cost of that same container from Hawaii to Manila was \$1,000.

"The issue is lack of competition. In this case, it's not gasoline, it's ocean freight. Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2564 was adopted and S.B. No. 2417, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE,"

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

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

Stand. Com. Rep. No. 2570 (S.B. No. 3222, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2570 be adopted and S.B. No. 3222, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Whalen rose to oppose the measure and said:

“Mr. President, I rise in opposition.

“Briefly, coverages such as this should be optional if we want it. Personally, I don’t want to go to a naturopath person. Not that there’s anything wrong with it, but if I want that coverage, I should be able to have the option to pay for it, which already exists. This is merely another mandate that will drive up the cost of insurance for everyone for a special interest group to have mandatory coverage.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2570 was adopted and S.B. No. 3222, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2574 (S.B. No. 3136):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2574 was adopted and S.B. No. 3136, entitled: “A BILL FOR AN ACT RELATING TO HUMAN SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2575 (S.B. No. 2056, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2575 was adopted and S.B. No. 2056, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE AUDITOR,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2577 (S.B. No. 2200):

Senator Hanabusa moved that Stand. Com. Rep. No. 2577 be adopted and S.B. No. 2200, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

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

“I do not understand what is so difficult about rule making. We require it of other agencies. Why should the University of Hawaii and Department of Education be exempted?

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2577 was adopted and S.B. No. 2200, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 2580 (S.B. No. 2606, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2580 be adopted and S.B. No. 2606, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

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

“Mr. President, it was noted in testimony that Hawaii is number two in the nation in consumption per person of beer . . . only behind Nevada, Mr. President. So, I subscribe to you that that’s a very good number but hopefully we can reach number one quite soon. And with the passage of this bill, it might happen.

“Thank you, Mr. President. Of course, drink and drive safely.”

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

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

“Mr. President, I rise in support.

“I just have to correct the previous speaker. We are actually number one for beer bought. But beer that’s consumed is Nevada because they give away more beer than Hawaii does.

“So, just to correct the record, thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2580 was adopted and S.B. No. 2606, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BREWPUB LICENSES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2583 (S.B. No. 2405, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2583 be adopted and S.B. No. 2405, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

“Mr. President, I’m rising to make a disclosure under Rule 83. I live below Waimanalo Gulch and I have a personal benefit because maybe if this bill goes through, I don’t have to anticipate whales joining Tyke, the elephant, and it might not be as stink.

"I also have a fiancé who owns a unit there and I want to be sure that everyone realizes this voluntary disclosure. With that, I'd like to speak in favor of this bill.

"Mr. President, S.B. No. 2405, S.D. 1, basically tells the Department of Health that it cannot deny a permit. Mr. President, the reason why those of us on the Leeward Coast have had such a major problem with the landfill issue is because people just like to dump on us. The problem, if you really sit back and look at this and you look at how the city and county's budget operates, you know that it is all a matter of money.

"Let me share with you this year's budget of the city and county of Honolulu. Solid waste disposal alone generates \$165.9 million – 165.9. And out of that amount, only \$113 goes to the actual operational cost. The remaining amounts go everywhere else in the budget to help balance it. You're talking about a \$51 million surplus amount that goes to help them. Sewage, another related issue, generates \$132 million, of which only less than about \$70 million is used. It's big money, Mr. President.

"So, as a result of it, if everyone were to look at Section 340A-3, you would realize that what that does is it prevents the Department of Health from actually permitting any other landfill operation, any other operation that looks like it's a resource recovery facility, which includes landfills, as long as, technically, there is one in existence. And that entity that is being protected is none other than H-power. In fact, the testimony from H-power which came before us, Mr. President, was that this bill does permit other landfills as long as they're an emergency backup to what we have today.

"This measure was amended, and I see Mr. Curtis in the gallery up there and I'd like to thank him for it. Because when he testified, he brought something to our attention and we said this is the reasonable way to do this. What Mr. Curtis said is the EPA has identified what is called a sole source aquifer. And that is what we require to protect anywhere in the State. For the island of Oahu, Mr. President, it is the Pearl Harbor aquifer.

"When we amended this bill we said you can put it anywhere, but not on the sole source aquifer. And what it then does for the Department of Health is you go through the process – Department of Health, city and county of Honolulu. Any other county, you do not, do not, in any way threaten the primary water source of any community. And for this island, whether you are in Hawaii Kai or Makaha, that whole side of the island, it is the Pearl Harbor aquifer.

"This bill does what I think it should have done or what we should have done many, many years ago – and that is to protect that water source. So Mr. President, I ask that you, along with my colleagues, join me in supporting the S.D. 1 of S.B. No. 2405.

"Thank you."

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

"Mr. President, I rise in favor of this bill.

"Mr. President, I'm concerned about the Kunia landfill as proposed earlier last year. Our concern was about the sole source. And with this amendment, we're going to prevent any landfill over sole source water supply.

"Thank you, Mr. President."

Senator Ihara rose and said:

"Mr. President, please note my support of this bill with reservations."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2583 was adopted and S.B. No. 2405, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2584 (S.B. No. 2440, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2584 was adopted and S.B. No. 2440, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2585 (S.B. No. 3044):

Senator Hanabusa moved that Stand. Com. Rep. No. 2585 be adopted and S.B. No. 3044, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

"Mr. President, I rise in opposition.

"I have no problem with the intent behind the bill and I have spoken about this in my Committee. There is no definition of restricting someone's access. And to put a criminal misdemeanor penalty in there, which is heavier than many of the offenses against a person, I think we've gone way too far. For instance, it could be very reasonably argued that letting your hedges grow into the public access walkway is restricting access into that beachfront area and the homeowner now can get nailed with a misdemeanor that means up to a year in jail and a \$2,000 fine.

"I think without a definition, the penalty is much too severe for what possibly could be charged under this section."

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

"Mr. President, I rise in support.

"Mr. President, this bill deals with a very important issue for neighbor islands, and I understand the position that the previous speaker took. But I have to point out, in Maui, for example, and I'll give you some real concrete examples, in Paia in a little village called Kuau there's beach accesses through million-dollar homes – very thin little beach accesses to get down to the ocean. And what happened? Well, the utilities decided to put the pole right in the middle of the access so it doesn't block any of the million-dollar homes. Well, how do you get to the beach now? You have to crawl around a utility pole. Some of the homes in the area have decided that they'd like to put up a little gate across the public access and that's been a big problem.

"So, this would be a lot of help to Maui in particular, but I think also to most of the neighbor island areas. And I'm sure that as it moves forward, the position of the previous speaker

will be looked at carefully by the House and also in Conference. So, I ask for members to support this important measure.

“Thank you.”

Senator Hogue rose to support the measure with reservations as follows:

“Mr. President, please note my reservations due to the comments from the Senator from the Big Island. I think they are well noted. I do agree that the bill is well intended, but let’s not throw the baby out with the bath water.

“Thank you, Mr. President.”

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

“Mr. President, I rise in support.

“I agree, especially on the neighbor islands, there’s a big, big problem. I, myself, a short time ago . . . my wife and I were walking down the beach, a remote beach, a place called Papaa Bay. And after a half-hour trek down the beach, standing in the sand, there’s a multi-million-dollar home just around the corner and a maintenance person comes out and tells me I have to leave the beach. I’m standing on public property. I’m standing clearly below the high-water mark. And I complained, but there was nothing much I could do besides that.

“There are numerous, numerous instances on my island where homeowners will put up gates and complaints will happen, so then the gates will be opened and then the gates close again, and then the gates are open. They’re parking cars; they’re planting bougainvillea; they’re doing all kinds of things to block what is legitimate public access. And this is a shrinking resource.

“When you talk about doing what’s right for the people of this State, preserving the lifestyle, preserving the culture, preserving the way of life is key. And for the neighbor islander especially, we’re use to being able to go fishing, go to the beach.

“I think we need to send a strong message. Perhaps clear definitions do need to be arrived at, but we need to send a very clear message to people who will keep local residents from what is rightfully theirs – access to public property.

“Thank you.”

Senators Slom and Trimble requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2585 was adopted and S.B. No. 3044, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Whalen).

S.B. No. 2294, S.D. 1:

Senator Hanabusa moved that S.B. No. 2294, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senators Hooser, Ihara, Hogue and Trimble requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2294, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2983, S.D. 2:

Senator Taniguchi moved that S.B. No. 2983, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in support of the measure with reservations.

“Every year we have a bill like this which seemingly is just technical amendments. It is trying to conform Hawaii’s tax laws, the voluminous tax law, to the federal internal revenue code. And every year most of the changes are good and positive, but every year there seems to be one change that we never make – and that is, we never seem to catch up with the amount of deduction for a personal exemption allowed by the federal code. In Hawaii we’re about two-thirds of what the federal amount is.

“So, while I support the changes, I would hope that at some point we could get parity with America and that we would all be recognized as whole persons in the State of Hawaii.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, S.B. No. 2983, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2986, S.D. 1:

Senator Taniguchi moved that S.B. No. 2986, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, this bill is easier to stand up and oppose, and I do so.

“The consequences of this bill, in terms of changing the ceiling for remittance of withholding, is going to have heavy consequences particularly on smaller taxpayers. The original amount was \$50,000. The tax department recommended \$40,000. The Committee, with its S.D. 1, has amended that further down to \$20,000. There will be a one-year windfall to the Department of Taxation in the amount of between \$40 million and \$60 million, but this is going to be a difficult bill, especially for those small businesses who pay their own taxes and submit their own paperwork. Because after all, we’ve got businesses doing the actual tax collection, and then at their cost, they send it and remit it to the tax department.

“It also requires electronic transfer of funds to the Department of Taxation. Again, a lot of the smaller businesses

are not going to be equipped for this technologically. So, I would like to see the bill go back to the original amount. Also, electronic transfer of funds I have no problem with, as long as we have a phase-in period.

“Thank you.”

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

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

“Mr. President, I just have some comments in support of this administration measure that I would like to have inserted into the Journal.”

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

“Mr. President, the purpose of this administration sponsored measure is to conform the state withholding tax remittance due date policy (for employers with an annual withholding tax liability exceeding \$40,000), to the federal ‘semi-weekly’ tax remittance due date policy.

“Mr. President, currently an employer with an annual state withholding tax liability of \$100,000 or less must remit payment on or before the 15th day of the calendar month following the month for which the taxes were withheld. This bill (as referred to your Committee on Ways and Means) conforms the state’s monthly due date for remitting Hawaii withholding tax to the federal ‘semi-weekly’ policy for employers with an annual withholding tax liability exceeding \$40,000. As such, employers will now be required to pay their employee’s withheld taxes to the Department of Taxation on or before the following Wednesday if wages were paid on the immediately preceding Wednesday, Thursday, or Friday; or on or before the following Friday if wages were paid on the immediately preceding Saturday, Sunday, Monday, or Tuesday.

“As you can see, Mr. President, by adopting this measure, the ‘float’ on state income tax withholdings will be drastically reduced by the expedited semi-weekly payment policy proposed by this bill. This is so because employers with annual withholding tax liability of more than \$40,000 will now have to remit their withholding taxes within approximately 7 days as opposed to the current state withholding tax remittance due date policy of approximately 45 days.

“Based on data provided by the department of taxation, this measure is expected to provide a one-time revenue gain of approximately \$50 million for fiscal year 2004 – 2005.

“Based on further discussions with the Department of Taxation, it was determined that an additional one-time revenue gain of \$5 million could be realized for fiscal year 2004 – 2005 if the remittance threshold amount was reduced from \$40,000 to amounts that exceed \$20,000. This lower annual withholding amount is reflected in the S.D. 1 before you today.

“Your Committee on Ways and Means also adopted the recommendation of the Department of Taxation and has lowered the electronic funds transfer threshold for withholding taxes to amounts that exceed \$20,000. Otherwise, tax payments by electronic funds transfer are only for taxpayers with an annual tax liability of at least \$100,000.

“Mr. President, I am mindful that many small business employers, banks and payroll companies, will be required to modify their accounting procedures in order to comply with the expedited ‘semi-weekly’ tax remittance due date policy

proposed in this bill. However, I note that this measure applies to state wage withholding consisting of only income taxes, whereas, employers with annual wage withholdings of \$50,000 or more are currently required to comply with the federal ‘semi-weekly’ tax remittance due date policy which includes withholding amounts for Social Security and Medicare, in addition to, income taxes. Therefore, I do not find S.B. No. 2986, S.D. 1, to be unduly burdensome. And perhaps more importantly, Mr. President, at least from our state’s fiscal perspective, the one-time infusion of approximately \$55 million in revenue for fiscal year 2004 –2005 will certainly provide your Committee on Ways and Means with an additional, and much needed, source of revenue as we proceed to craft our supplemental budget.

“I therefore urge my colleagues to support passage of S.B. No. 2986, S.D. 1.

“Thank you, Mr. President.”

Senators Ihara, Chun Oakland, Kim, Tsutsui, Aduja, Ige and Hooser requested their votes be cast “aye, with reservations,” and the Chair so ordered:

The motion was put by the Chair and carried, S.B. No. 2986, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 11:44 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o’clock a.m., with the Vice President in the Chair.

S.B. No. 3180, S.D. 1:

Senator Taniguchi moved that S.B. No. 3180, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I have some comments I’d like inserted into the Journal.”

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

“The intent of this bill is to minimize the number of positions created without legislative purview. While the number of positions involved is not great, we would like to curtail any opportunity for future abuse by executive departments. Many of these positions can and should be dealt with through the budgetary process. But, there are instances where departments can utilize non-general funds to create and fund positions. Therefore even if the funding source were reduced by the Legislature, another could be found.

“The process to comply with the provisions of this bill varies little from what the departments and the Department of Human Resource Development (DHRD) are already required to annually provide the Legislature per Section 144, of Act 253, Session Laws of Hawaii – Regular Session of 2000.

“There is some question as to the number of positions affected by this bill. In testimony provided by the Department of Human Resource Development, over 1000 positions would be covered under the original bill. In an effort to minimize the so-called burden on DHRD to comply with the requirements of this bill, our Committee left blank the percentage level found in the bill and has deleted the requirement comparing salaries to the private sector.

“Our Committee also amended this bill to include a provision for funding source reporting requirements, and the inclusion of temporarily assigned or loaned positions to the list of positions covered in this bill.

“In conclusion, the Governor stated in her state-of-the-state addresses that she would streamline government and reduce or eliminate patronage, yet the number of deputy director positions and special assistant positions are beginning to exceed the number of positions filled during the previous administration. This bill will allow for easier identification of those positions created by the administration without legislative authority and provide the Legislature an opportunity to review and analyze these positions in an effort to determine whether they meet certain standards and are functional.”

Senator Slom rose to oppose the measure and said:

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

“I guess it looks like there’s a pattern that we’re going to be visiting today, but this seems to be another bill that takes power away and discretion and flexibility away from the executive branch in terms of making their decisions on their deputies. Anything that they do still has to face full scrutiny from the Department of Personnel and also from the Legislature as well. But there are several of these bills, including this one, which kind of short circuit that process and not allow the executive to make the decisions.

“So, I urge a ‘no’ vote on this. Thank you.”

The motion was put by the Chair and carried, S.B. No. 3180, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2207, S.D. 1:

By unanimous consent, action on S.B. No. 2207, S.D. 1, was deferred to the end of the calendar.

S.B. No. 2296, S.D. 1:

Senator Menor moved that S.B. No. 2296, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

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

“I know there’s a defective date in there so no one needs to jump up and remind me of that, but still the problem is the testimony was clear in the hearing that the neighbor islands have absolutely no continuing education classes at all. In fact, on Oahu there are none at this time. The testimony that came out was that for Oahu they should be able to get it up and

running once they’ve worked with the community colleges, but there’s not input at all from the neighbor islands.

“If we were to put a defective date in it, I could go along with it, but it’s not really defective in length. I believe the date is either the end of this year or the next. At this point, to force, especially with the airlines as expensive as it is now and with it as difficult as it is to get flights, to have this hanging over the neighbor island plumbers, I don’t think we should do it until the mechanism is there on the neighbor islands for these guys to get their education first and then we can impose this requirement if that’s what they want.

“I think we’re putting the cart in front of the horse, and hopefully, the good Senator from Kauai, with all of his rah-rah for neighbor island Senators or neighbor island folks will go along with me on this. (Laughter.)

“Thank you.”

Senator Hooser rose with reservations and said:

“I rise with rah-rah reservations.” (Laughter.)

The Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2296, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2530, S.D. 1:

Senator Menor moved that S.B. No. 2530, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Hogue rose to speak in opposition as follows:

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

“Colleagues, this essentially is a turf war that is going on in the field of public accountancy. As this measure moved forward, which has to do with whether or no you will count years of experience in government accounting service towards a CPA license, the Hawaii CPAs were in opposition to this. The Board of Accountancy was in support of it. So you can see that there’s this little turf war going on.

“What they did was a few years ago they changed the requirements to get your CPA license and counted government service and then the Board of Accountancy would review each of those applications. Well, now they’ve come back and they’ve said, ‘Well, sometimes we gave the applications, we allowed it, and sometimes we didn’t. And so, because we’re having a little bit of difficulty in deciding whether or not that government service qualifies as a public accountant, we just don’t want to do it anymore. So we’re just going to change the law back to the way that it was.’

“Well, that doesn’t do any good to those people who are in the field of government accounting. It also doesn’t do any good to the Department of Taxation, which tries to recruit the best applicants out of college to be involved in the Department of Taxation. If we all of a sudden change the law back, the

Department of Taxation will not be able to recruit the best applicants because those years of service will not count.

“So, I urge my colleagues to give a jaundiced eye to this backsliding which is going on here – let them fight it out amongst themselves because we all know that those accountants love to fight – and not move forward with this particular bill.

“Thank you, Madame President.”

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

“Madame President, I rise in support with reservations.

“Similar to the previous speaker, I believe that there are many professionals who work in government – be they accountants, engineers, architects, or other trades – and it really depends on what they do, not where they work. And I believe working under a certified or licensed professional should be the criteria as opposed to which seat they sit in and who pays them.”

Senator Espero rose and said:

“Madame President, please show my support with reservations also.”

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

The motion was put by the Chair and carried, S.B. No. 2530, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3062, S.D. 1:

Senator Menor moved that S.B. No. 3062, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kawamoto.

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

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

“I am in general opposition to the idea of impact fees forcing the developers to provide for infrastructure over and above the development itself – and we’re talking about schools, highways, and other developments as may be added.

“We have a situation here where this is additional money going to the DOE, which is not accounted for in the DOE budget. And it gives the DOE more power in terms of collecting and assessing fees. But the most interesting feature about this bill is that originally the idea was to make more specific the fees collected and match them with the project or the area in which the fees were collected. The S.D. 1 takes that specificity out of the bill so that it’s just basically the fees that can be collected.

“So, I oppose the bill. Thank you.”

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

“Madame President, I’d like to rise in support of this measure.

“As you know, and as we all know, there’s much growth and development throughout our islands – Central Oahu, West Oahu, our neighbor islands. Because of our low interest rates, we’ve got a lot of homes being built and unfortunately the infrastructure is not keeping up, and the responsibility of the infrastructure is government and the developers as well.

“So, this will allow us to collect impact fees for schools, for road improvements so that our residents do have everything that they need in these new developments which are having significant impact on the surrounding communities.

“Thank you, Madame President.”

At 11:55 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o’clock a.m.

The motion was put by the Chair and carried, S.B. No. 3062, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO IMPACT FEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2170, S.D. 1:

Senator Hanabusa moved that S.B. No. 2170, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Slom rose to speak in opposition as follows:

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

“This is a really bad bill. This is a bill that seeks to chop away at the second amendment further by requiring long-arms and firearms right now that are currently exempt from registration, in fact, to be registered in order to get ammunition. So, it is, in my humble opinion, a thinly veiled attempt at control, fuller control of firearms from lawful, law-abiding citizens.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 2170, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FIREARMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2846, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2846, S.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 14, OF THE HAWAII CONSTITUTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3009, S.D. 1:

Senator Hanabusa moved that S.B. No. 3009, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

The motion was put by the Chair and carried, S.B. No. 3009, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2843, S.D. 1:

Senator Hanabusa moved that S.B. No. 2843, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to speak in favor of the measure and said

"Madame President, I rise in favor of this particular measure.

"Colleagues, this constitutional amendment would allow us to implement a version of Megan's Law for Hawaii. It is absolutely a step in the right direction. Such a law would give the public the right to access registration information regarding people convicted of sexual offenses or crimes against children.

"So, I am very glad that this is going forward, and I urge all my colleagues to vote 'yes.' Thank you."

The motion was put by the Chair and carried, S.B. No. 2843, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2447, S.D. 1:

Senator Hanabusa moved that S.B. No. 2447, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to speak in favor of the measure with reservations as follows:

"Madame President, I rise to speak in favor of this bill with reservations.

"Essentially, we've talked a lot about ice. We've spent a lot of time talking about it here in the Legislature. We've talked about it in our communities. The Lt. Governor had a drug summit. So, things have gone forward.

"Unfortunately, in this particular measure, two very important ideas were not put forward – 'Walk and Talk,' 'Knock and Talk.' These are two very important measures which need to be discussed to help law enforcement with this very, very problematical situation that is occurring in all of our communities. It's bad on the Windward side; it's bad on the Leeward Coast; it's bad everywhere in Hawaii. It would help the law enforcement community to have these measures at least discussed all the way through this particular Session.

"So, I'm disappointed that they're not moving forward, and that is my reservation. Thank you, Madame President."

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

"Madame President, I rise in opposition.

"There are lots of different bills we're dealing with this Legislative Session in attempting to deal with the important issue of drug abuse in our community. We have other law enforcement issues and I support law enforcement in their efforts, but I do have some serious concerns about this bill.

"The description simply says updates wiretapping statutes. I believe it goes a lot deeper than that. As others have commented on other bills in the past, conforming to the federal statutes is not always, in my opinion, a good thing.

"There were several groups testifying in opposition to this, and I also feel compelled to rise and speak to give those groups a voice. One such group is the Japanese American Citizens League founded in 1929. The League is the nation's oldest and largest Asian/Pacific American civil rights organization made up of over 20,000 members across the US and Japan. Their testimony says 'do not allow the citizens of this State to fall into the traps that are inherent in similar types of legislation that has developed on the national level with the passage of the Patriot Act and other such legislation.'

"Another individual, Jean Ohta, says 'current procedures require a court-appointed attorney represent privacy interests in court when police request a wiretap. These procedures might be inconvenient, but necessary to prevent abuse and to prevent invasion of privacy to ensure that probable cause exists. The current procedures also maintain wiretapping as a tool of last resort. It should not be easy to invade citizen privacy.'

"Other testimony submitted by the American Civil Liberties Union says the ACLU opposes this bill. There's been a lot of talk this Session, too, about constitutionality of a wide variety of bills, but they state clearly that these bills clearly violate the State Constitution and/or tinker with the constitution by amendment. We are concerned about the clear violation of the right to privacy and the blatant attempt through these measures to violate established constitutional protections for those accused convicted of a crime. The public defender submitted three complex pages citing six or more very specific concerns about this legislation.

"For those reasons and on general principle of the erosion of our civil liberties and privacy rights, I'll be voting in opposition."

Senators Slom, Tsutsui, Taniguchi, Ihara and Kanno requested their votes be cast "aye, with reservations," and the Chair so ordered:

The motion was put by the Chair and carried, S.B. No. 2447, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME REDUCTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hooser).

S.B. No. 2512, S.D. 1:

By unanimous consent, S.B. No. 2512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was

recommitted to the Committee on Judiciary and Hawaiian Affairs.

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:19 o'clock p.m.

S.B. No. 2851, S.D. 1:

Senator Hanabusa moved that S.B. No. 2851, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

"Madame President, I rise to speak in opposition.

"I rise in opposition because the last time around, there was no discussion on the Floor in this Chamber on the constitutional amendment seeking to take away a fundamental right. The public discussion on constitutional amendments is an essential and necessary part of our process. In the aftermath of 9/11, the law enforcement community sought to take from you one of your most basic rights.

"I'm reminded of a couple of statements by two of our founding fathers. James Madison, who literally helped pen the Constitution, the Federalist Papers and the Bill of Rights, besides serving as our fourth President, noted: 'The people never give up freedom except under some delusion.' And to paraphrase Ben Franklin, they either give up essential freedom to obtain a temporary safety in with neither liberty nor safety.

"We are asking the people to voluntarily give up one of their most important safeguards against the abuse of power by an overzealous prosecutor. The freedom that you are being asked to relinquish is your right to have those that would testify against you, give their statements live in front of a grand jury or a judge before you can be forced to defend yourself against a serious criminal charge.

"To put this in perspective, the Constitution of the United States sets out powers of the federal government, and those that were not specifically given to them are reserved for the states. Our individual rights as citizens, however, are added by the first eight amendments to the constitution. Half of these amendments specifically deal with the rights of the accused. The fifth amendment protects you against life or limb by providing that before you can be brought to trial, a jury of your peers must review the evidence to ensure the prosecution was neither malicious, nor spiteful, nor based upon personal prejudice. Those that are in the minority, which in Hawaii are all of us, appreciate freedom most.

"The State of Hawaii provided for similar safeguards 150 years later when its constitution was adopted, making it the newest constitution of any of the 50 states. Its authors were aware of the failings of the grand jury system, just as I was when I debated the topic as a high school senior. The problem was and still is that the alternatives are worse.

"I agree that we can improve our courts. I agree we need to insure that crime doesn't pay. We could do this by ensuring that there was no early release of career criminals. I'm willing to devote much of our state resources to see that this doesn't happen. But I do not think that it is neither prudent nor necessary to improve the efficiency of our legal system at the expense of their liberty.

"The rights of the minority must never be capriciously subject to the tyranny of the majority and we should never allow too much power to be concentrated in the hands of a few people. Let our discussion begin so that an informed public voluntarily concedes or adamantly rejects the deletion of their freedom.

"Thank you."

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

The motion was put by the Chair and carried, S.B. No. 2851, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Baker, English, Hooser, Kanno, Trimble). Excused, 2 (Ihara, Menor).

S.B. No. 2856, S.D. 1:

Senator Hanabusa moved that S.B. No. 2856, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Kanno rose in opposition and said:

"Madame Vice President, I will be voting 'no' on this measure and the next measure.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 2856, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Kanno). Excused, 3 (Hooser, Ihara, Menor).

S.B. No. 2858:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2858, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Kanno). Excused, 3 (Hooser, Ihara, Menor).

S.B. No. 2861, S.D. 1:

Senator Hanabusa moved that S.B. No. 2861, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senators Kanno, Trimble and English requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2861, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hooser, Ihara, Menor).

At 1:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:28 o'clock p.m.

S.B. No. 3185, S.D. 1:

Senator Hanabusa moved that S.B. No. 3185, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose to oppose the measure and said:

"Madame President, I rise to speak in opposition.

"People have a right not to like their government. I never expected that when I was elected that people would love me. Civil disobedience is at the foundation of our country and I believe that a person can express this right in many different forms and manners. I think it is inappropriate to have a law that is based upon the actions of one individual, and I don't feel that we should dignify that or history should dignify that by this one individual, knowing that he had a law named after him.

"Thank you, Madame President."

The motion was put by the Chair and carried, S.B. No. 3185, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Trimble). Excused, 4 (Ige, Ihara, Menor, Taniguchi).

Stand. Com. Rep. No. 2622 (S.B. No. 183, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2622 was adopted and S.B. No. 183, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ihara, Menor, Taniguchi).

Stand. Com. Rep. No. 2624 (S.B. No. 2023, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2624 was adopted and S.B. No. 2023, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (English). Excused, 3 (Ihara, Menor, Taniguchi).

Stand. Com. Rep. No. 2627 (S.B. No. 3017, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2627 be adopted and S.B. No. 3017, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to speak against the measure as follows:

"Madame President, I rise to speak against this measure.

"Members, this is a classic case of another turf war. This one is going on within the police department. If we pass this particular measure, essentially what we are doing is we are interfering with the collective bargaining process. Some of the rights that officers were not able to get in their collective bargaining process they now want to get them by us passing a law. I don't think that we should be interfering with this particular process.

"There was tremendous opposition from within the police department to this particular measure. So I think that we should have them resolve their dispute within themselves, not get involved at this particular time, and not open the floodgates. So, I encourage all of you to think about this one and I also encourage you to vote 'no.'

"Thank you."

Senator Baker rose and said:

"Madame President, would you please note my reservations."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2627 was adopted and S.B. No. 3017, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 2 (Ihara, Menor).

Stand. Com. Rep. No. 2628 (S.B. No. 3125, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2628 be adopted and S.B. No. 3125, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

"Madame President, once again, I rise in opposition to this particular measure.

"As I remarked earlier, this bill is not warranted. It is not necessary. It just adds another layer to the process and there is no way that we can depoliticize this particular issue.

"If, however, you feel inclined that you must go ahead and vote 'yes' and allow the people to decide this, then I would encourage you to allow the people to decide on the larger issue of our public education system and whether or not we should break up that.

"So, as you vote for this, think about the other. Thank you so much."

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

"Mr. President, I rise in support, and I'd like my remarks from S.B. No. 2716, S.D. 1, inserted into the record on this bill also (the Chair so ordered), and just restate that this represents good public policy for the University of Hawaii and the people of our State.

"I encourage my colleagues to vote in support."

The Chair having so ordered, Senator Hooser's remarks from S.B. No. 2716, S.D. 1, read as follows:

"I rise in support of S.B. No. 2716, S.D. 1. My comments also apply to S.B. No. 3125, S.D. 2, which is essentially a companion piece of legislation and the two are linked together.

"This bill establishes a candidate advisory council for the Board of Regents of the University of Hawaii to assist the Governor in determining criteria for and identifying recruiting qualified candidates for membership on that board. It retains the Governor's right to choose and the Senate's right to advise and consent.

"I believe this is an important bill and a follow-up bill that takes the next step that the voters of this State took in 2000 when they approved a constitutional amendment increasing autonomy for the University of Hawaii.

"The bill was supported by the University of Hawaii Professional Assembly, representing 3,300 faculty members. It was supported by the UH Student Caucus, the Associated Students of UH Manoa, the Association of Governing Boards of Universities and Colleges based in Washington DC offered strong support. It was also endorsed by the former Republican Governor of Illinois, Jim Edgar, and the Secretary of Education of Virginia representing the Office of a Democratic Governor, Mark Warner.

"There was no testimony, to my knowledge, in any of the many hearings that happened, no testimony in opposition whatsoever. I believe that's the case even in both the Education hearings as well as the Judiciary hearings.

"The Honolulu Advertiser recently posted an editorial just a day or two ago saying the change in the regent selection is sensible. I'll quote from a portion of this: 'For far too long the university and the regents have been seen as overly politicized. This has damaged the university in recruiting, in fund-raising and in many other ways. National publications often cite political meddling in university affairs as one of the major failings of our system.'

"The Association of Governing Boards of Universities and Colleges states they applaud the intention to strengthen this election process for the University of Hawaii Board of Regents through the proposed amendments in the legislation that we have before us today. They say it contains the necessary elements of an effective screening and nominating panel. They go on to say, 'We believe very strongly that governors should have the authority and privilege of appointing public university trustees and regents, but we also believe that independent screening bodies to assist with the nominating process to identify outstanding citizens is also very important. Nonpartisan advisory and nominating committees to recruit, screen, and recommend board candidates as embodied in these bills are an important tool to ensure that the best candidates are considered for these important positions.'

"In additional testimony submitted by the Commonwealth of Virginia, 'We commend this process to other states seeking to improve the quality of their university of their higher education board appointments.'

"The University of Hawaii Professional Assembly states, 'This proposal will move the appointment process away from just a political appointment to the development of a concern group from the community working for the benefit in improvement of the University of Hawaii. This provides better opportunity for the education of our students.'

"Again, there was no opposition testimony in either hearing. Why? Why was there no opposition testimony at either hearing? Perhaps, Mr. President, colleagues, I would suggest that because this is in fact a 'new beginnings' bill. This is a good government bill.

"This bill opens up the process to all in our community that are qualified. No longer will the appointments be tied purely to political connections. It is a positive step down the road to increased professionalism in the management of the university.

"Our Governor, Governor Lingle herself has said in writing that she supports genuine autonomy for the Board of Regents in running the university system.

"While there was no opposing testimony at the hearing, I'm sure there will be opposition here in this room today. The opposition in the past, and the opposition today, will offer allegations that we almost, almost, almost passed a bill that was unconstitutional. Oh my word . . . scary thoughts indeed. But I'm happy to report that that issue has been resolved, and the allegation now is used only for theatrics and bears no relevance to the fundamental policy question that is before us.

"Therefore, what will the opposition focus on? Now the outrage will focus on that we are taking power away from the executive branch, and essentially we'll be told that for 40 years you guys have been appointing your friends to these powerful positions, and by golly, now it's our turn.

"I would suggest, Mr. President, that we live in a different time today than we did 40 years ago, 30 years ago, and 20 years ago. Myself, I only came into this environment two years ago, 18 months ago. I believe there are many things that we've done for 40 years as a body that we can do differently and better in the future. I believe there is no time to start, no better time to start than now, and even more so because four years ago, again, the citizens of our State voted overwhelmingly to grant the University of Hawaii autonomy. And now this is an important next step.

"This is a genuine 'new beginning' initiative, a genuine good government policy, and maybe that's why no one showed up to testify in opposition. This bill represents good public policy, generally good public policy, and the only arguments against this bill are political arguments. Therefore, I ask our members to support this bill unanimously.

"Thank you."

At 1:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:34 o'clock p.m.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2628 was adopted and S.B. No. 3125, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2631 (S.B. No. 2682, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2631 be adopted and S.B. No. 2682, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Espero.

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

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

“Very quickly, I am all for energy efficiency. What I am all opposed to is mandating, and we’re mandating that all new construction have these solar panels. I remember a couple of years ago we tried to mandate that government buildings, schools, and other public buildings be mandated to have panels, and after the bill passed, it was vetoed by the former administration as being too costly.

“We can’t even set the model ourselves in government, and I think it’s too costly to require it. I think we should encourage it.

“Thank you.”

Senator Hooser rose in support of the measure and said:

“Madame President, I rise in support of this bill.

“This bill is a good bill. It’s a forward-thinking bill. It’s a win/win for everyone. It’s the right thing to do.

“This bill would immediately create 700 new jobs, significantly expanding and developing the solar panel manufacturing and installation industry in Hawaii. The bill would prevent the purchase and burning of nearly 20,000 barrels of oil, costing half-a-million dollars annually. Instead of being shipped offshore, these dollars will stay in Hawaii and be re-circulated.

“The savings grow cumulatively. At the end of 10 years, the annual savings will equal 400,000 barrels of oil and over \$11 million annually. The bill will immediately save the average homeowners approximately \$25 net per month and considerably more in the future as energy costs continue to rise. The bill results in annual reductions of tons and tons and tons of pollutants.

“The bill supports the goal of energy security as it immediately will result in an additional annual cushion of the state oil capacity in every year it grows. The bill further saves consumers money as it provides additional capacity for electrical generators, delaying the cost to invest in a new power generation.

“For these and many other reasons, I encourage my colleagues to vote in support.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2631 was adopted and S.B. No. 2682, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Whalen). Excused, 1 (Menor).

Stand. Com. Rep. No. 2632 (S.B. No. 2903, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2632 be adopted and S.B. No. 2903, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Espero.

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

“Madame President, I rise in opposition to this measure which was originally presented to protect consumers.

“I found that the testimony that there was no evidence presented that consumers, immigrants did not know how to get their money safely back to their own country and that the one that testified in favor would actually make more money if there was new regulation. I also find it curious that people actually believe that people that need to move their money, that got their ill-gotten gains would use these people, therefore, I’m voting in opposition.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2632 was adopted and S.B. No. 2903, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO REGISTRATION OF MONEY TRANSMITTERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2633 (S.B. No. 2498, S.D. 2):

On motion by Senator Kawamoto, seconded by Senator Espero and carried, Stand. Com. Rep. No. 2633 was adopted and S.B. No. 2498, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hogue, Slom, Trimble). Excused, 2 (Bunda, Menor).

Stand. Com. Rep. No. 2634 (S.B. No. 2080, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2634 was adopted and S.B. No. 2080, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Ige, Menor).

Stand. Com. Rep. No. 2644 (S.B. No. 3207, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2644 be adopted and S.B. No. 3207, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure as follows:

“Madame President, I speak against S.B. No. 3207.

“I will proceed very briefly. This is a noble effort. Unfortunately, it’s going to extend the life of fossil fuels and therefore does not make long-term economic nor environmental sense.

“Thank you, Madame President.”

Senator English rose in support of the measure and said:

“I rise in support.

“Well, to the previous speaker, there you go again. We’ve discussed this in Committee and the idea that this is antiquated is not quite true. In fact, it helps on many fronts, especially in keeping our open lands in open land production, because it uses cane and the byproduct of cane to produce ethanol.

“So, this is a good bill and it also was a compromise bill which the State Tax Department and the proponents of the bill worked on and came together with. So, it has the support of the administration to move forward.

“I ask my colleagues to support this measure, to support what it does, and rest assured that we will look at the emerging technologies as it becomes more mature.

“Thank you.”

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

“I rise in support. I urge my colleagues to vote in support of this bill.

“On Kauai, the district that I represent, ethanol represents great hope for the sugar industry. Our one surviving sugar industry is investing a lot of money, a lot of time, and a lot of energy in the various ethanol projects. This technology represents an opportunity to extend the life of agriculture in Kauai, and I urge your support.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2644 was adopted and S.B. No. 3207, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Hogue, Slom). Excused, 2 (Ige, Menor).

Stand. Com. Rep. No. 2646 (S.B. No. 2758, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2646 be adopted and S.B. No. 2758, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Whalen rose to oppose the measure and said:

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

“Although our intention often is directed in a good way to preserve and protect our public lands, this one goes too far, I believe, in an effort to protect one of the five purposes for ceded lands. If you notice, in the bill it prohibits us from exchanging land. One of the purposes is for hospitals and public schools, and there are times when the land that would be appropriate, for instance, for a school, especially on the neighbor islands as our areas grow, it might not be public and the landowner is willing to exchange it.

“Well, this bill would prevent us from doing what we should do, as good stewards of this public land, to accomplish one of the five purposes that is listed in our state constitution for those public lands. I think we are inappropriately tying our hands and our ability to effectively administer these lands. For those reasons, I’m voting ‘no.’”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2646 was adopted and S.B. No. 2758, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CEDED LANDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2647 (S.B. No. 2763):

Senator Taniguchi moved that Stand. Com. Rep. No. 2647 be adopted and S.B. No. 2763, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

“I rise in opposition to the bill.

“We talked about judicial salaries several years ago. We’re now talking about raising them again. The difference here is there’s a blank amount and we don’t know what the amount is going to be but we believe it’s going to be substantial. I think that it is incumbent upon us whenever we’re voting on any compensation bills that we know exactly what the cost is.

“Thank you.”

Senator Kanno rose and said:

“Please note my reservations.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2647 was adopted and S.B. No. 2763, entitled: “A BILL FOR AN ACT RELATING TO JUDICIAL SALARIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2648 (S.B. No. 2834, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2648 be adopted and S.B. No. 2834, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I rise to support the bill with reservations.

“Every year we have claims against the state, and every year as the Legislature goes on, the claims continue to increase. So, we have a moving target. Right now, the last information that I had here was that there were 29 claims totaling \$6.4 million.

“Now, most of the claims I think are legitimate claims, but there are some very spurious claims, and I’d like to see this administration, as I urged the previous administration, to get serious about separating out these claims and not making the state redact the taxpayers patsy for anybody that wants to sue deep pockets.

“So, strong reservations. Thank you, Madame President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2648 was adopted and S.B. No. 2834, S.D. 2, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2649 (S.B. No. 2840, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2649 was adopted and S.B. No. 2840, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2650 (S.B. No. 2841, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2650 be adopted and S.B. No. 2841, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

"Madame President, I stand in opposition to this.

"This bill creates a new \$20 permit and fee. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2650 was adopted and S.B. No. 2841, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2652 (S.B. No. 2976, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2652 was adopted and S.B. No. 2976, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2653 (S.B. No. 2989, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2653 be adopted and S.B. No. 2989, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

"I believe that the bill is too broad in its application and is going to set up penalties for people that simply try to provide assistance in the continuing difficulties with tax preparation.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2653 was adopted and S.B. No. 2989, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2655 (S.B. No. 3069, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2655 be adopted and S.B. No. 3069, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

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

"I think we're all concerned about the management of the Capitol for a number of different reasons. We do have to honestly take into consideration security of the building, but as we have discussed in Committee, we certainly will not support any means that will keep the people from this building or restrict them in their daily business.

"At the same time, as I said, we have continuing problems and we haven't shown solutions to several of these problems from the time of construction. But on the other hand, we don't know that a legislative management committee has any additional expertise or can do a better job.

"Madame President, I know that your great concern is getting an additional parking pass and I'm sure that we can sit down and work out a way so you can get two parking passes and still allow the executive to manage this building.

"Thank you."

Senator Ihara rose to speak in favor of the measure with reservations and stated:

"Madame President, I am in favor of this bill with reservations.

"My reservation is that I believe the committee that would govern and manage the State Capitol building should not be composed entirely of Legislators. Instead, I favor a committee that is equally balanced between the executive branch and the legislative branch because both of these branches use this building. But I do believe that this bill moves in the right direction.

"Thank you."

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

"Madame Chair, I have comments in support of this bill.

"Also, I think we will take into consideration some of the comments that the Senator from Kapahulu has made on this bill.

"Thank you."

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

"Mr. President, I rise to speak in favor of S.B. No. 3069, S.D. 2.

"Mr. President, the purpose of this measure is to transfer exclusive management of the entire State Capitol building and grounds, including parking facilities, to the Joint Legislative Management Committee.

"I support this measure because it seeks to address many issues concerning the management of our State Capitol building. Concerns about public accessibility, such as the availability of parking and access to the building itself, have been expressed by the public and have not always been addressed satisfactorily. Furthermore, because the Legislature

conducts its business in this building, we, the Legislature, should have a more meaningful and responsible role to play in operational and managerial decisions that affect the security of our staff and public alike. By transferring management of the State Capitol building and grounds, including our parking facilities, to a Joint Legislative Management Committee, we hope to provide a greater degree of accountability to the public and more democracy in the management of this wonderful building.

“For these reasons, I urge my colleagues to support passage of S.B. No. 3069, S.D. 2.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2655 was adopted and S.B. No. 3069, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE STATE CAPITOL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2657 (S.B. No. 3104, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2657 be adopted and S.B. No. 3104, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

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

“I realize that this bill, as it’s currently drafted, applies to only those running for office in the State House of Representatives, however, we have had past bills and continue to have discussion about ultimately total public funding of all elections.

“First of all, I’m opposed to that. I don’t think that just taking the taxpayer’s money makes for a cleaner or better election. What does make for better elections is transparency.

“Secondarily, I don’t think that the taxpayers who are already overburdened need to take on the burden of funding public elections further. We do have an election check off. We do have public funding of candidates who voluntarily comply with certain rules and regulations. But the direction of eliminating private funding or limiting the amounts besides its constitutional first amendment questions I think poses additional greater questions, and because this bill can very easily be amended again to include Senate races as well, I stand opposed.

“Thank you.”

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

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

“Madame President, there are not too many things the executive director of campaign spending agrees with me or I agree with him, but this one we agree on. This is a bad bill.

“This bill is the son of the former clean election bills. If you look very closely, you will see, instead of dirty money, dirty politics, you’ll see public funding for that. I disagree with this bill as far as funding is concerned because you’re going to have people that may not get public funding because of the amount of money that’s going to be spent on the people that come out

early in the part of the elections. The public funding I believe is for people to be used by all concerns and all those who want to run for office, and if you give some and leave some out, there’ll be problems with this bill.

“Therefore, Madame President, I urge my colleagues to vote ‘no’ on this bill.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2657 was adopted and S.B. No. 3104, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2658 (S.B. No. 3198, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2658 be adopted and S.B. No. 3198, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Kawamoto rose to speak in opposition as follows:

“Madame President, just a short comment. I rise in opposition to this bill.

“I believe that the campaign spending, the funds that go into it and the funds that are being used, creates the image of bounty hunting and I believe, like we’ve had in the past, that all the monies that we collect under fines and violations, the funds should be going to the general fund. The reason for that is if the campaign spending executive director loses, we have to pay through the general fund to claims against the state. Therefore, I think more so we should have the funds go into the general fund versus going to campaign spending.

“I believe that this is the proper way of doing things and if we collect money, it should be going to the general fund; if we expend money, it would be claims against the state.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2658 was adopted and S.B. No. 3198, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawamoto).

Stand. Com. Rep. No. 2660 (S.B. No. 2105, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2660 be adopted and S.B. No. 2105, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

“This bill or a bill similar to it has been bouncing around for a number of years. We certainly want to resolve complaints. I think that the problem here, though, is the complaints are now going to be kicked to the State Department of Commerce and Consumer Affairs. I don’t think DCCA wanted the complaints to go there. I don’t think they’re qualified or competent in

terms of staffing to settle those problems. And I think we had a mechanism already with the Real Estate Commission to take care of this through mediation and other means.

“So, my main objection is that we’re pushing it on the State. Thank you.”

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

“Madame President, I’d like to rise in support of this measure.

“As was stated, for many, many years homeowners of condominiums, as well as people within the condominium management industry have been looking at a way to improve their condominium dispute resolution process. Unfortunately, over the years not a lot has happened, even within DCCA and the Real Estate Commission. So, we have this measure before us where we have talked to all parties involved – the homeowners, property management companies, board of directors, attorneys – and this is an effort to assist the 100,000-plus condominium homeowners in this State to assist the hundreds of thousands of residents who will benefit from this measure, which includes mediation, a hearings officer within DCCA, and judicial review if necessary.

“So, I urge all of my colleagues to support this measure which will benefit a large segment of our population. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2660 was adopted and S.B. No. 2105, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT DISPUTE RESOLUTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2662 (S.B. No. 2528, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2662 be adopted and S.B. No. 2528, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Sakamoto rose for a conflict ruling and said:

“Madame President, I would like to declare a potential conflict. My company does hurricane and security shutters.”

The Chair ruled that Senator Sakamoto was not in conflict.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2662 was adopted and S.B. No. 2528, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2663 (S.B. No. 2595, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2663 be adopted and S.B. No. 2595, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to oppose the measure and said:

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

“Again we have another group that is coming before us seeking to have the state certify and license them. I recall on more than one occasion reading the reports of the legislative auditor suggesting that we already license and certified too many different groups and that in the long run it leads to less competition and higher prices.

“Therefore, I’m voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2663 was adopted and S.B. No. 2595, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2664 (S.B. No. 2839, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2664 be adopted and S.B. No. 2839, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

“On its face it would appear that this is a good consumer bill to protect the consumer from charitable solicitors, and by putting it in another department it would protect the consumers further. Actually, what it does is protect consumers from smaller charitable solicitors, probably giving more power and monopoly powers to larger charitable solicitors.

“In addition to that, it raises the fees from \$50 to \$250 currently, and creates special funds. So, I’ll be voting ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2664 was adopted and S.B. No. 2839, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2666 (S.B. No. 2906, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2666 be adopted and S.B. No. 2906, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose in support with reservations and stated:

“Madame President, I rise in support of the bill with reservations.

“This was a dynamite bill. It was a very positive bill. It was an opportunity for the taxpayers and business people to save money. The head of DCCA had looked around and said, here we put business people through all these hoops to make sure that they comply with all of the laws, the rules, the regulations, the taxes, and everything else, and then we make them pay for a certificate of good standing to show that they’ve done all this. And he said we really don’t need the money to do that. It is something that we should, if they’re going to do all of the hoops and everything else, that it should be reward enough that

they've done it and we should give them the certificate. He testified it didn't cost anything more. It was not a drain.

"And so, the bill that originally eliminated the fee completely was changed in Committee and reduced to a \$10 fee. I question why we need the fee when the head of the department says we don't need the fee, when there was no testimony for the fee, and it was a step in the right direction.

"So, I support the idea, but I guess some of us just can't get use to the idea that we can actually reduce taxes or fees.

"Thank you."

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

"Madame President, I'm standing in support, I guess, just in rebuttal to the previous speaker.

"I think there was some testimony from the DCCA director that there were some computer costs that could be attributed to this, so that's the reason why we left it at \$10.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2666 was adopted and S.B. No. 2906, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF GOOD STANDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2670 (S.B. No. 3049, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2670 be adopted and S.B. No. 3049, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak with reservations and said:

"Madame President, I rise with reservations.

"Yes, it makes it easier for small nonprofits to raise money. I'm concerned, however, about the safeguards that might be available provided for the donor.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2670 was adopted and S.B. No. 3049, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE ANNUITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2671 (S.B. No. 1302, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2671 be adopted and S.B. No. 1302, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame Chair, I rise in opposition to all of the bills enumerated – S.B. No. 1302 through S.B. No. 2552. I rise in opposition as a matter of principle.

"A couple of years ago, this Legislature wisely passed civil service and collective bargaining reform. And one of the hallmarks of that bill was to do away with the binding arbitration. And the arguments that were made then are still sound arguments today – that it is a win/win situation for the public bargaining unions, it is a lose/lose situation for that taxpayers in that every instance of collective bargaining, binding arbitration that we've had in the past 10 years has resulted in a significant higher increase in compensation by the unions. So basically, there's no incentive. In fact there's a disincentive for them to bargain. What they really want to do is go immediately to binding arbitration and for good reason, and we're watching as these costs continue to escalate.

"So, we're saying that the decision that was made two years ago was a correct one. The decision that was made in Special Session last year to undo that decision was an incorrect one. The argument, the debate that we had for quite a bit of time in both houses, it was a sound debate, will stand on the record of what has happened. And as a statement, as a general statement, we are going to oppose these collective bargaining arrangements today, all except the one that comes next, which is the fire fighters because we had supported police and fire fighters specifically. But all of these others are a manifestation of a failed policy which is going to have dire financial consequences for all of us in the future.

"So I urge my colleagues to join me in a 'no' vote on these particular bills. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2671 was adopted and S.B. No. 1302, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2672 (S.B. No. 2541, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2672 was adopted and S.B. No. 2541, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2673 (S.B. No. 2542, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2673 was adopted and S.B. No. 2542, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2674 (S.B. No. 2543, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2674 was adopted and S.B. No. 2543, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES,"

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

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

Stand. Com. Rep. No. 2675 (S.B. No. 2544, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2675 was adopted and S.B. No. 2544, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2676 (S.B. No. 2545, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2676 was adopted and S.B. No. 2545, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2677 (S.B. No. 2546, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2677 was adopted and S.B. No. 2546, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2678 (S.B. No. 2547, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2678 was adopted and S.B. No. 2547, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2679 (S.B. No. 2548, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2679 was adopted and S.B. No. 2548, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2680 (S.B. No. 2549, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2680 was adopted and S.B. No. 2549, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE

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

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

Stand. Com. Rep. No. 2681 (S.B. No. 2550):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2681 was adopted and S.B. No. 2550, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2682 (S.B. No. 2551):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2682 was adopted and S.B. No. 2551, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2683 (S.B. No. 2552, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2683 was adopted and S.B. No. 2552, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2684 (S.B. No. 2554):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2684 was adopted and S.B. No. 2554, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2685 (S.B. No. 2556):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2685 was adopted and S.B. No. 2556, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2688 (S.B. No. 2593):

Senator Taniguchi moved that Stand. Com. Rep. No. 2688 be adopted and S.B. No. 2593, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to oppose the measure and said:

“Madame President, I rise in opposition.

“No evidence was supported that a change is needed. No evidence was supported that the current system didn’t work and to tack on an additional process will add significantly to time and expense.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2688 was adopted and S.B. No. 2593, entitled: “A BILL FOR AN ACT RELATING TO INDEBTEDNESS TO THE GOVERNMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2689 (S.B. No. 2718, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2689 was adopted and S.B. No. 2718, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE LEGISLATIVE SERVICE AGENCIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2691 (S.B. No. 2878, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2691 be adopted and S.B. No. 2878, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I rise in opposition.

“This costs \$400,000. It is for 20 people. In Ways and Means it was suggested that they were all or almost entirely at the University of Hawaii. I suggest that it’s only appropriate that if it need be funded it come directly out of the University of Hawaii’s budget.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2691 was adopted and S.B. No. 2878, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES’ RETIREMENT SYSTEM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2696 (S.B. No. 3019, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2696 be adopted and S.B. No. 3019, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

“While we certainly support additional compensation for police officers, unit 12, and for the collective bargaining process, this bill sets a very bad precedent. What it does is interfere with that collective bargaining process and provides for a tax credit for increased healthcare costs, which is always a negotiated benefit and which is one that’s under discussion right now. As a matter of fact, we have a cement concrete strike going on and the whole issue is about the healthcare benefits and who pays even a portion of it.

“If we pass this bill, why will not the other public bargaining units come before the Legislature and ask for additional money for that too? And why won’t the private sector come too? Except for the small businesses that foot the bill for most of the healthcare costs, nobody comes to our aid. Nobody comes to look at the prepaid healthcare act, which is really the basis for why we’re having all of these substantial increases in the first place.

“So, while we can certainly support our law enforcement officers, we cannot support this interference with collective bargaining.”

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

“Madame President, I rise in support.

“I’d like to say that the men and women that serve in the police department statewide I think deserve special recognition for the work they do in our community. They risk their lives on a daily basis. We read and hear and personally know of police officers who have died in the line of duty. There’s an enormous debt that we owe these men and women that serve in our police departments, and I, for one, would like to vote in support and acknowledge that by approving this bill.

“In addition, statewide there’s a perpetual shortage of police officers, and we are constantly out recruiting and trying to find new officers. I think this measure does both. It acknowledges the good work they do in our community, and unlike any other worker in government, I believe that they put their life on the line on a regular basis. It acknowledges that as well as it provides additional incentive for recruiting new officers.

“So I encourage my colleagues to vote in support.”

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

“Madame President, I rise in opposition.

“The last speaker gave us some reasons why we should vote for it, and I think that’s the very reasons why we shouldn’t, because I just saw something on the news the other day that the highway guys that clean up the roads, that paint the lines, their lives are in danger even more so with people whipping by. They deserve this. Teacher recruitment was a thing. Teachers were constantly in shortage. We’re always talking about recruiting new teachers. They deserve it for that very same reason.

“A little while ago I voted with this body to support collective bargaining, and if we’re going to support collective bargaining, we tie the hands of one party when we statutorily put things, take it off the table, and put it someplace else so it’s

not an item that can be discussed. And that's what we're doing with this item right here. I think it's a step in the wrong direction, and the very arguments that were used recently to support it are exactly the reasons why we shouldn't do it. Because every single public worker can come in here and show how unique and special they are and why we should do it for them as well. Because, after all, aren't they important and critical to the functioning of this state? And the answer is yes, so they're entitled to it as well.

"For those reasons, I have to vote 'no.'"

Senator Baker rose in support of the measure and said:

"Madame President, I rise in support of this measure, and I would ask that the remarks of the Senator from Kauai be inserted into the Journal as my own.

"Madame President, one of the greatest needs we have on the island of Maui, the County of Maui, is for additional police officers. We have a great difficulty recruiting. And it's well-established in the laws of our state that when there is a shortage category, we find some kind of a shortage differential, whether it's pay or some other means, in order to help compensate those folks that are willing to join in that profession. And police officers certainly fit that bill.

"I think this is one small incentive that not only would help us recruit more officers to provide for the public safety, but it is, as my colleague from Kauai said, a way of recognizing and honoring their work.

"Thank you, Madame President."

Senator Slom rose to speak in rebuttal:

"Madame President, just a brief rebuttal.

"I guess there must be something wrong with this sound system . . . testing, testing, testing, because we've said over and over again – this has nothing to do with our support for the police officers. We support good pay; we support good benefits. So those people who want to demigod and try to bring this into an issue of it's against the police officers, should take heed about that. We've made it very clear and continue to do so.

"Also, my colleagues that continue to say 'I want to do this, I want to do that,' Madame President, I certainly support my colleagues who want to do that, except that, most of the times they're not reaching in their own pockets; they're reaching in the taxpayer's pockets. And that's what we're doing in this bill. And as we have said, it sets up the likelihood that we're going to see more of these requests in the future.

"Thank you."

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

"Madame President, I rise in support of the measure.

"My understanding of this measure is that this group had collectively bargained prior to resolution of some of the costs with the health benefits. And certainly, we don't want every group who collective bargains to say let's wait, let's wait, let's see what others do, let's see what others do. So I think in the spirit of better collective bargaining, when people bargain in good faith, but unfortunately, after bargaining the health costs went up, I think there is room for remedy.

"Perhaps the Governor could have reopened issues with them, in specific to their health costs, in light of what has happened. That did not happen. This Body feels that there is a remedy that can be done, and obviously we don't want to do it for everybody every time, but we believe in fairness."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2696 was adopted and S.B. No. 3019, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2699 (S.B. No. 3226, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2699 be adopted and S.B. No. 3226, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak against the measure as follows:

"Madame President, this bill attempts to create another preferred group. It is my feeling that . . ."

Senator Hogue interjected:

"Madame President, for which purpose does he rise?"

Senator Trimble answered:

"I rise to speak against this motion.

"This measure tries to create another preferred group. I believe that all public employees are hardworking and deserving, and if we do it for this small niche group that we should indeed do it for everyone. And until we do, I will oppose trying to create niche groups.

"Thank you."

Senator Slom rose to speak against the measure and said:

"Madame President, I rise to speak against the bill.

"We had a very good discussion in our Labor Committee about the bill, and the bill really is supposed to be about the children, surviving children. But what was brought out in testimony was that there seems to be a battle going on between surviving spouses, generally women, who want to remarry and then lose their benefits after they remarry. And they were talking in terms of the children and it was pointed out that our current law does provide whether someone remarries or not that the children up to their age of majority are protected. And I think that's more important than arguing whether we have multiple remarriages or whether we have stepmothers or something else.

"If it's about the children, it's about the children, and they are taken care of under existing law. Thank you."

Senator Ihara rose and said:

"Madame President, would you note my reservations?"

The Chair so ordered.

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

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

"I think post 9/11 many in our community made an extra effort to recognize those who've chosen careers where their lives are put in danger, mainly police and fire and there are many other categories as well. I think that's some of the reason why I supported the measure as it moves forward is to look . . . and this measure really is helping those families, only of those families where someone is killed in the line of duty.

"Where there is a difference with the bill having to address children is that currently if a surviving spouse remarries, then that child no longer does receive benefits past the age of 18. If the surviving spouse does not remarry, then the spouse continues to receive benefits until she passes away. So, to me the bill doesn't specifically address children, but if you think about wanting to provide for the children of somebody who's been killed in the line of duty, I believe that they should be provided benefits at least through the time that they've concluded college. Under our current law, that's not provided if the spouse remarries.

"So, to the extent that we want to support the children, honor those men and women who've died in the line of duty, I urge my colleagues to support this measure.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2699 was adopted and S.B. No. 3226, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2703 (S.B. No. 3170, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2703 was adopted and S.B. No. 3170, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2704 (S.B. No. 2281, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2704 was adopted and S.B. No. 2281, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2706 (S.B. No. 2380, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2706 be adopted and S.B. No. 2380, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

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

"We have private art galleries. We have private art museums. I've been in opposition to the creation of a State Art Museum since it was first discussed. And what makes this more difficult for me is that people will start referring to this as the SAM, the State Art Museum, and I can't have that. I already had a brown tree snake that was murdered. (Laughter.)

"So, for these and other reasons, I oppose this bill."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2706 was adopted and S.B. No. 2380, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

At 2:17 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:21 o'clock p.m., with the President in the Chair.

Stand. Com. Rep. No. 2708 (S.B. No. 2972, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2708 be adopted and S.B. No. 2972, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to oppose the measure and said:

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

"Legislative auditor has three criteria for special funds. One of them is that they offer the potential to become self-sustaining. I believe that this does not meet the third criteria.

"The second thing is that if this fund is allowed to keep the fines and penalties that are issued by this department, there will be motivation to issue fines and penalties instead of doing their or other ordinary work. It's this change in focus away from the public good that I also oppose.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2708 was adopted and S.B. No. 2972, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Ige, Ihara).

Stand. Com. Rep. No. 2709 (S.B. No. 3002):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2709 was adopted and S.B. No. 3002, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROJECT EAST INITIATIVE IN HAWAII'S PUBLIC SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ige, Ihara).

Stand. Com. Rep. No. 2711 (S.B. No. 1615):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2711 was adopted and S.B. No. 1615, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2712 (S.B. No. 2280, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2712 be adopted and S.B. No. 2280, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure and said:

"Mr. President, with all due respect to the introducer of this bill, I rise to speak against it.

"Many areas on Oahu get flooded and are in peril. I think it's a matter of priority that we should take a look at all the areas before we start funding one particular area. Therefore, I'll be voting 'no.'"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2712 was adopted and S.B. No. 2280, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2715 (S.B. No. 2438, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2715 be adopted and S.B. No. 2438, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

"First of all, I'm a little confused. In one point we're talking about the shark being amakua and we don't want to disturb the shark. Now we're going to monitor the shark. In addition to that, though, we're just going to monitor the shark on the Leeward Coast of Oahu. We're not going to monitor the shark on the neighbor islands or anywhere else.

"So, I wish we'd get it straight, but I think we should leave the sharks alone. They seem to be doing their business just fine. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2715 was adopted and S.B. No. 2438, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SHARK MONITORING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2720 (S.B. No. 3025):

Senator Taniguchi moved that Stand. Com. Rep. No. 2720 be adopted and S.B. No. 3025, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Kokubun rose in support of the measure and said:

"Mr. President, I stand in strong support of S.B. No. 3025.

"Mr. President, I just have some written comments that I want inserted in the Journal in support. Thank you."

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

"The primary and overall purpose to be achieved by S.B. No. 3025 is to assert that Executive and Administrative authority cannot override statutory intent; that is to say, changes to statutory intent rests ultimately with the legislature. The specific issue addressed in S.B. No. 3025 regarding the Office of Planning (OP) is to further clarify and re-emphasize that the Department of Business, Economic Development and Tourism (DBEDT) maintains sole jurisdiction over state planning functions and that Office of Planning shall report to no other department other than DBEDT.

"As you know, H.B. No. 1135 was an administrative proposal introduced in the 2003 Session to transfer the Land Use Commission and the Office of Planning to the Department of Land and Natural Resources (DLNR). In effect, H.B. No. 1135 proposed to allow DLNR to monopolize virtually all state-level land use regulatory and permitting decisions. After several committee hearings and adopted amendments, the measure ultimately died in the House.

"In reaction to the failure of the proposal to be adopted, the Governor issued a letter on May 12, 2003, indicating that, with the Attorney General's approval (no written opinion issued to date), she was instructing staff at OP 'to consult with and report to' the Chair of the Board of Land and Natural Resources. Additionally, the letter states that OP will 'continue to be assigned to DBEDT for administrative purposes.' A copy of the May 12, 2003, letter to Acting Director Mary Lou Kobayashi from the Governor is attached. Also attached is a memorandum dated June 9, 2003, from the Senate Majority Office to the Senate President analyzing this action. This analysis clearly sets forth the reasoning and justification for S.B. No. 3025. Additionally, a memorandum dated August 13, 2003, from the Senate Majority Office to me raised similar concerns regarding the transfer of the Land Use Commission (LUC) to another executive department; this is attached as well. This further explains why the original proposal to transfer the LUC could not be included in the administrative action of May 12, 2003. Again, this situation sets out the need for the clarifying language of S.B. No. 3025 to explicitly require that statutory amendment, not administrative interpretation, will be required to re-assign functions of OP.

"Three other critical concerns come to mind with respect to this proposal. Foremost is to establish that this attempt to transfer agency responsibility will not set precedent to allow further administrative action to supercede legislative intent. It is not hard to imagine what other agencies' roles, functions or responsibilities could be re-directed without legislative oversight and approval if action is not taken to stop this practice.

"Second, it is important to keep in mind the provisions of Chapter 205-18 HRS, that mandate OP to undertake a review of the classification and districting of all lands in the State every five years, including lands in or to be considered for inclusion

in the Conservation District. Clearly, this poses an inherent conflict for DLNR, which has sole oversight regarding Conservation District lands, to be directly involved in policy decisions regarding reclassification. For your information, the last 'boundary review' conducted by OP was in 1992. In my opinion, this statutorily mandated State Planning mechanism is extremely underutilized and, in fact, would be very useful in addressing the current dilemma in addressing the constitutional requirement regarding important agricultural lands. S.B. No. 703, S.D. 1, proposed during the 2003 session to amend HRS 205-18, is still available to further discussion on this issue. Nevertheless, the key concern is to maintain OP's independence in carrying out the provisions of HRS 205-18.

"Third, I would ask you to review S.B. No. 2077 regarding State Functional Plans (SFP). This measure amending HRS 226-55 and 56 essentially resurrects State Functional Plans as an integral responsibility of OP. The intent of S.B. No. 2077 is to require each state department to review their own current functional plans and to propose appropriate amendments to reflect changes, if any, in long range goals and implementation actions. Proposals would be submitted to the legislature for approval. The broad range of subject matter addressed by current SFP's also demonstrates why OP is established in DBEDT, due in large part to the relationship between planning and economic development. As you know, in an earlier manifestation during the Ariyoshi administration, DBEDT was the Department of Planning and Economic Development. In a sense, S.B. No. 3025 and S.B. No. 2077 can proceed in tandem given the inherent inter-relatedness between the role and function of OP.

"For these reasons, Mr. President, I ask you and our colleagues to join in supporting S.B. No. 3025."

Senator Trimble rose to speak in opposition as follows:

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

"I note that the Office of State Planning has within its confines the geographic information system, land use, coastal zone management. I believe, with the Governor, that it is most logical to put these functions and to have them report to the Department of Land and Natural Resources.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2720 was adopted and S.B. No. 3025, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING;" having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2721 (S.B. No. 3052, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2721 was adopted and S.B. No. 3052, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS;" having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2722 (S.B. No. 3129, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2722 was adopted and S.B. No. 3129, S.D. 1, entitled: "A BILL FOR AN ACT

MAKING AN APPROPRIATION TO DETERMINE AND IMPLEMENT THE BEST MITIGATION MEASURE TO CONTROL FLOODING OF LAKE WILSON;" having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2723 (S.B. No. 53, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2723 be adopted and S.B. No. 53, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

"Public safety, properly, has three components, and I believe that all three components should be county funded – fire, police, ambulance. It's only when we have one agency that is allocating the funds between three different purposes that we can optimize how and where the money is being spent.

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

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

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

"Mr. President, emergency services, of which ground ambulances are a key component, are a state service. On the island of Oahu, the state contracts with the City and County of Honolulu to provide those services. On the County of Hawaii, the state contracts with the county fire department to provide those services. On the County of Maui and the County of Kauai, they contract with independent entities to provide those services.

"Mr. President, the services proposed for Kihei/Wailea are in one of the fastest growing communities in the state for the last two decades – growing 51 percent from 1990-2000. Over 23,000 full-time residents in South Maui depend on the availability of one ambulance. Add in more than 750,000 visitors per year to South Maui, the thousands of employees that work there, and many other island locals using the amenities of South Maui, and the need for another ambulance in this part of Maui is even more critical.

"For years, the Kihei fire station has been the busiest station on Maui with 1/3 of its calls for medical services. Forty percent of those calls are first responder calls because Medic 3, which would normally take these calls, has such a huge call volume that it cannot handle any additional calls. More than 20 percent of the calls to Medic 3 are in the Wailea and Makena areas, and the response time for that area if the ambulance has to come either from Kihei, the very front part of Kihei, or Central Maui or another part of Maui, simply does not meet the state's designated response window of 15 minutes. The amount of activity that occurs throughout South Maui each day of the year, whether it's on the roadways or on beaches, is increasing dramatically and so is the risk of not being able to assist someone in need.

"Mr. President and colleagues, I submit that this measure is very necessary. It is an appropriate state function and I urge my colleagues to move this measure forward. Thank you."

Senator Trimble rose in rebuttal as follows:

“Mr. President, I rise in rebuttal.

“You can’t optimize unless you prioritize, and you can’t prioritize if one function is paid for by the state and the other two by the county. It’s not about the merits of this particular issue; it’s about a general policy statement.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2723 was adopted and S.B. No. 53, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AMBULANCE SERVICE IN THE KIHEI/WAILEA REGION OF MAUI,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 2724 (S.B. No. 2399, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2724 be adopted and S.B. No. 2399, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to oppose the measure and said:

“Mr. President, I oppose this measure.

“It properly is a county function. You cannot optimize unless you prioritize, and that is not done when the state pays for one of the three services.”

Senator Baker rose in support of the measure and said:

“Mr. President, colleagues, I rise in support of S.B. No. 2399, S.D. 2.

“This measure is very unique in that this community on the Big Island of Hawaii sought and found a grant to cover the vehicle to provide for their ambulance service. And what this bill proposes to do is to provide funds for the cost of the personnel. This is another area in our community that’s very rural, that is not well served by current ground ambulance service or, in effect, by other kinds of medical services, and this is one way of meeting the needs of this growing community.

“I urge my colleagues to vote in favor of this measure. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2724 was adopted and S.B. No. 2399, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY AMBULANCE SERVICE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 2726 (S.B. No. 2591, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2726 was adopted and S.B. No. 2591, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO FAMILY AND CAREGIVER SUPPORT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2729 (S.B. No. 2721, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2729 be adopted and S.B. No. 2721, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in opposition as follows:

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

“Perhaps if the City and County of Honolulu had to prioritize we would see a different mix between fire engines and ambulances than they currently have.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2729 was adopted and S.B. No. 2721, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 2730 (S.B. No. 2948, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2730 be adopted and S.B. No. 2948, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to oppose the measure and said:

“Mr. President, I stand to oppose this measure.

“We have a program that has been working well for 80 years without being codified in the Hawaii Revised Statutes. I suggest that codification will not accomplish anything and therefore oppose it.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2730 was adopted and S.B. No. 2948, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 2737 (S.B. No. 2226, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2737 be adopted and S.B. No. 2226, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

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

“I’m opposed this bill for a number of reasons. First of all, I don’t see the nexus between homeless services and this fund. Secondly, what it does is circumvent the review process so that we can’t look at what the specific programs are. The bill, which of course has now been blanked out, was willing to give up to \$1 million each year for homeless services and they were undefined. Thirdly, I think that the monies properly should continue to go into general funds, and then when we’re talking about shortages in education or other areas we can have that money to do that with, rather than making this unspecified allotment right now.

“Thank you.”

Senator Inouye rose for a conflict ruling and said:

“Mr. President, I’d like to make notice of a possible conflict of interest on this measure before us.

“Mr. President, I do serve on the corporate board of the Catholic Charities. They did send testimony during the committee hearings on the first committee as well, and Catholic Charities does oversee an agency that offers services for the homeless and could possibly offer to bid on a contract of the state. I’d like to at least offer my possible conflict, Mr. President.”

The Chair ruled that Senator Inouye was not in conflict.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2737 was adopted and S.B. No. 2226, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HOMELESS SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2739 (S.B. No. 2605):

Senator Taniguchi moved that Stand. Com. Rep. No. 2739 be adopted and S.B. No. 2605, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

“Mr. President, in God’s country we have over half of the care homes in the state and they do a very valuable job for our community and the state, therefore they deserve this raise.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2739 was adopted and S.B. No. 2605, entitled: “A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2746 (S.B. No. 3036, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2746 be adopted and S.B. No. 3036, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

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

“I find that the bill is going to create more than 200 new social service positions and is going to be a costly measure.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2746 was adopted and S.B. No. 3036, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2750 (S.B. No. 2044, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2750 was adopted and S.B. No. 2044, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS’ TRAINING CORPS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (English).

Stand. Com. Rep. No. 2751 (S.B. No. 2054, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2751 be adopted and S.B. No. 2054, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise to speak in opposition to this particular measure which would assess the taxpayers a \$20 fee for textbooks if they send their children to public schools.

“We already pay taxes for public schools. Sometimes we pay too much. Sometimes we would love to have even more money for public schools. We’re going to have to prioritize here. But we cannot be assessing people additional monies for something that should already be there – namely, textbooks.

“We already had a bill go through, an appropriation for textbooks, and that is a step in the right direction. This sets up a bad precedent where we not only start assessing for textbooks, but other items as well which are necessities. I don’t think that we should cross that line and I would urge all my colleagues to vote ‘no’ against this affront to our taxpayers.

“Thank you.”

Senator Trimble rose to speak in opposition as follows:

“Mr. President, I also rise in opposition of this measure.

“If you read the bill carefully, it does a lot more. It would encourage many of our more entrepreneurial teachers to develop their own instructional materials for which the school could charge the students in their respective classes. I don’t know if this was the intent of the bill, but it appears to be what it could be used for.

“Thank you.”

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

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

“First, to the point of the last speaker, perhaps if there’s something related to entrepreneurial teachers selling material we should clarify that. That was not the intent of the measure.

“As we talk about education reform, certainly one of the issues before us is the shortage of textbooks. And as noted by the speaker from Kailua, certainly, dollars do help.

“And as we talk about reform, as the bill we passed previously – weighted student formula, empowering the principals, empowering the schools, creating a new system, creating more flexibility – this measure does several things. And certainly one of the things it does is empower the school to

charge up to \$20 for the students for their books. Some would say, why so? This Body has attempted to provide more funds for education, but was rebuffed by other parties or other parts of the system. And I believe many people in the schools do want to provide their children, their students with the material they need.

"In visiting Edmonton and talking to one high school there, they charge \$51 for their books. And this is by no means something that if all things being equal, certainly all the books, some of the previous speakers certainly do know that schools like Punahou, you buy your own books every year. The university, you buy your own books. So, buying books isn't something that's new, isn't something that's treading new ground, but it certainly would allow people, parents, and the school community, to make the decision. And if they're saying the school community can't make these decisions up to \$20, what are we saying?"

"Also, this bill would provide an opportunity for parents to look at the list of instructional materials, and if they so choose, they could buy their own materials or find those materials.

"So, Mr. President, I believe to address the shortage, certainly the 1.8 million or 5 million or some million dollar single appropriation will be a big boost, but that in itself will not solve the long-term problem. So I as for my colleagues to support this measure as it goes forward."

Senator Hemmings rose to speak against the measure as follows:

"I rise to speak against this legislation, Mr. President.

"The parents at Punahou, and the University of Hawaii, and Edmonton are not in a school program that's sucking 1,726,000,000-plus dollars out of the taxpayers' pockets of Hawaii. The money is there to pay for books; it's just not being spent appropriately. And that's the foundation of the quest to reorganize the Department of Education as Pat Hamamoto so appropriately said in her unprecedented state of education speech to this Body.

"This system is obsolete, and buying textbooks with more money when you're spending \$1,726,000,000 does not make sense when the taxpayers are being asked to pay for that added burden.

"Thank you, Mr. President."

Senator Hooser rose in support of the measure and said:

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

"First, I'm not sure if I heard correctly, but I believe the very first speaker stated that this bill would assess a charge against students, and that's an incorrect statement if that's in fact what was said. This bill does not assess a charge. This bill empowers schools may assess and collect. So it's up to the individual school community.

"It's not a charge that we're putting on anyone right now. What we're doing really . . . and there's been a lot of talk about managing schools and a lot of discussion, and I thought the discussion was focussing on empowering local schools, and empowering principals, asking them to work with their school communities to make their own decisions. And what this does is provides them a valuable tool to do so. It provides them with the opportunity to charge \$20 if the school community and the principal agree they want to do that. I think this is an important

power and relatively modest power that we could bestow on principals in schools.

"I'd like to further point out that students who are eligible to receive free and reduced lunch will not be required to pay this annual fee. So, we protect those in our community who most need it and we empower schools and principals in school communities to make these important decisions.

"I'd like to again repeat what I said before that the differences of opinions in this room I believe that we should invest in education. I don't see this as sucking money from the taxpayers. The people in my community when asked what's the single most important thing that we can do to improve schools say resoundingly it's to spend more money, invest more money in our schools and in our children.

"So with that, I encourage my colleagues to vote in support."

Senator Hogue rose to speak in rebuttal and stated:

"Mr. President, I rise in rebuttal.

"The point that I want to make here is that by empowering we're going across the line. I agree with the previous speaker – education should be our number one priority, and in the budget, it is. I fully agree with that statement. We are in total agreement. But once we empower anybody for any amount of money for their ability to charge fees, whether it is \$5, \$15, \$20 or \$10,000, we have crossed the line where we are no longer in control of the budget because people are empowered all over the place to charge whatever kind of fees they want.

"So, just think about that when you're crossing this line. It may be \$20 now, but in the future it could be a whole heck of a lot more.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2751 was adopted and S.B. No. 2054, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2753 (S.B. No. 2065, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2753 be adopted and S.B. No. 2065, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hogue rose to speak in opposition as follows:

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

"I really admit that I don't have a complete and total understanding of this particular bill and so in some regards I'm hoping that the Chair of the Education Committee, who I think has good intent with this particular measure, can stand up and justify it. But as I look at it here, it appears that there is something that will hamstring principals in regards to the timeline for hiring their teachers. It talks about having the principals the authority to make their final decisions and make that known at the end of the previous school year. If I'm correct in that assessment, and please correct me if I'm wrong, then that's going to hamstring the principals when in fact we would like to empower them, as I've been hearing on the Floor here for the past several weeks.

“So, if I’m wrong, please correct me, but I think that that’s what is the wording in the bill. Thank you.”

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

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

“As last summer came about, and reading in the newspaper about problems, people saying ‘I’m qualified or my husband’s qualified but we’re sitting around and we’re not being called,’ part of the frustration on some of us, our parts, were, why aren’t qualified teachers . . . ‘I graduated from the University of Hawaii and nobody’s calling me, or they call me and tell me they’ll let me know later.’

“If we want qualified teachers or we want qualified people in any company, we’d like them to have an assurance – come August 15, September 1, July 15, you have a job, and prior to that, please be ready. I believe this isn’t pointed at principals derelict in their job. Perhaps it’s a little bit of the bureaucracy of the hiring process. Mainland candidates are up there trying to get jobs, maybe when they fall out of the system then a local candidate gets hired. It’s not any one problem, but the goal certainly is not to pick on a principal, but the goal would be to have the qualified teachers on board early enough that they can get ready for their new job during summer. They can do pre-service either paid for or otherwise, but certainly so our children can have teachers ready and willing, not just jumping at the last moment, September 3rd, being hired very, very late.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2753 was adopted and S.B. No. 2065, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TEACHERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2754 (S.B. No. 2108, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2754 be adopted and S.B. No. 2108, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to oppose the measure and said:

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

“If this isn’t micromanagement by this Body, I don’t know what is. On one hand we say that we want to pass the authority down to the schools, and on the other hand we dictate to very small infinitesimal amounts.

“Thank you, Mr. President.”

Senator Sakamoto rose to respond and said:

“Mr. President, just a brief response.

“I believe if the weighted student formula and those measures go forward, measures like this will not be here in the future.”

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

“Mr. President, I just want to voice my enthusiastic support for this particular measure and the next one.

“Both of them get into a field which I really appreciate, and that is the field of athletics. That is a part of our educational system that we don’t endorse enough. It is people who are of good health and good spirit and participatory in their athletic endeavors who absolutely are in the best position to learn and learn very well. This will support them through athletic trainers and having others who are helpful in that particular system because we want healthy students who do participate and are very involved and can get a good education.

“Thank you so much, Mr. President.”

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

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

“Mr. President, I’d like to underscore, parenthetically to this conversation, the importance of sports in our culture. We are one of the great sports capitals of the world. Children go to school to get a well-rounded education. I can guarantee you that there are many people, very successful people in our society, who have made a substantial living out of sports.

“I think if you added up the total economic impact, Mr. President, of sports in Hawaii you’d see that it far exceeds the impact, for instance, of agriculture. Sports is an industry in Hawaii and it should be supported most especially in schools.

“More importantly, sports teach children something that oftentimes is not taught in the classroom. I know because I’ve learned. They teach children how to win, but very importantly, they teach children how to lose and to pick themselves up and continue to compete in the game of life.

“This is a good investment in our children’s future and I support it.”

Senator Taniguchi rose and said:

“Mr. President, could I have the remarks of the previous two speakers put into the Journal as my own, except for the remarks regarding agriculture. (Laughter.)”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2754 was adopted and S.B. No. 2108, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 2755 (S.B. No. 2113, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2755 was adopted and S.B. No. 2113, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATIONAL PROGRAMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2756 (S.B. No. 2114):

Senator Taniguchi moved that Stand. Com. Rep. No. 2756 be adopted and S.B. No. 2114, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

“When the University of Hawaii seems incapable of making a budget which provides for the safety of their own students and we have to do this, is this not an indictment of their poor management?

“I will be voting against this measure because I believe that both the Department of Education and the University of Hawaii ought to set their own priorities and figure out what they’re going to do, and I don’t think that we should be involved in micromanagement.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2756 was adopted and S.B. No. 2114, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SAFETY AND SECURITY IMPROVEMENTS FOR UNIVERSITY OF HAWAII CAMPUSES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Hogue).

Stand. Com. Rep. No. 2757 (S.B. No. 2115, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2757 be adopted and S.B. No. 2115, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise for the same reason that I spoke just before.

“I think that the Department of Education should be held accountable for making the appropriate budget.

“Thank you.”

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

“Mr. President, I would like to rise in support, noting my reservations.

“I’m just looking at this. Currently on Maui, I think we take care of our athletic events without having a statewide specialist coordinator. I’m not sure how this position would best try to coordinate some of the events that go on in the neighbor islands. So, support with reservations.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2757 was adopted and S.B. No. 2115, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Hogue).

Stand. Com. Rep. No. 2758 (S.B. No. 2171, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2758 be adopted and S.B. No. 2171, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak against the measure as follows:

“Mr. President, aren’t we, as Senators, wonderful? We have a school system that can’t determine how much textbooks they need, so we have to leap in at the last moment.”

Senator Baker interjected:

“Mr. President, for what purpose does the Senator rise?”

Senator Trimble responded:

“I rose to speak against the measure.

“Mr. President, not only do we need to provide for the sports equipment and the athletic trainers, but if it weren’t for us Senators, they wouldn’t have textbooks. My, we must be important people.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2758 was adopted and S.B. No. 2171, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TEXTBOOKS FOR PUBLIC SCHOOLS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Hogue).

Stand. Com. Rep. No. 2760 (S.B. No. 2197, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2760 be adopted and S.B. No. 2197, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to support the measure with reservations as follows:

“Mr. President, I rise in support of the measure with reservations.

“I have supported school work-study programs all along. This bill, however, talks about real world experience and then says that the student is going to be an employee of the State of Hawaii so that the state can pay workers compensation expenses. If we want real work experience, let the students go out there and find out how much an employer has to pay. And I don’t know why the student can be both a student and an employee of the State of Hawaii.

“I think if we’re really interested in work-study, then we should put the emphasis on work in this particular program and separate that student from the state government, unless all we’re trying to do is create future state employees.

“Thank you.”

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

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

"I guess, in part, the measure is to clarify that the student, just as in other measures, would be covered under workers comp, whether they work for a private organization or NELHA or the UH or some other program. It wasn't my intention to have them being an employee of the State, but I will look into that and see how we can address that issue."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2760 was adopted and S.B. No. 2197, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL WORK-STUDY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2761 (S.B. No. 2201, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2761 be adopted and S.B. No. 2201, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2761 was adopted and S.B. No. 2201, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Hogue).

Stand. Com. Rep. No. 2763 (S.B. No. 2256):

Senator Taniguchi moved that Stand. Com. Rep. No. 2763 be adopted and S.B. No. 2256, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

"I think a request of this magnitude ought to be within the Department of Education's budget.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2763 was adopted and S.B. No. 2256, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEPARTMENT OF EDUCATION PERSONNEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2765 (S.B. No. 2320, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2765 be adopted and S.B. No. 2320, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

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

"Again, we're sending mixed signals here. If we really are talking about decentralization and we're allowing the schools to

determine its principals and putting power in the principals, then why is the Legislature appropriating money for 10 new vice-principal positions?"

"Thank you."

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

"Mr. President, I rise in support. A brief response.

"If indeed the weighted student formula goes ahead and they do have this new system, again, this is not yet, there are currently the problems in the schools. The department and the board asked for \$51 million and got a pittance, so perhaps there are other issues we still need to deal with."

Senator Slom rose on a point of information and said:

"Mr. President, a point of information, since this is the second bill that the good Senator mentioned. If, in fact, the weighted student formula is passed and goes into effect, will the Majority Party next year be calling for the elimination of these bills that we're passing today?"

"Thank you."

Senator Sakamoto responded:

"Clarification or support.

"In Edmonton, when the dollars do go to the high school, the middle school, the elementary school, whether they hire one, or two, or no vice principals, it's based on the budget and how that school and that school community make their decisions. When it's implemented to that degree, it certainly would be my hope that if they need an athletic trainer, if they need an additional counselor, if they need an additional vice principal, those decisions would be more in the realm of the school and the school community than in this realm."

Senator Slom rose to be recognized.

President Bunda then stated:

"Senator Slom, I believe you have spoken twice."

Senator Slom responded:

"Well, I'm just trying to get a clarification, Mr. President, because I heard the good Senator say before that the only reason we need these bills was because we don't have the weighted student formula yet. So I'm trying to get a clarification – if in fact we pass the weighted student formula . . ."

Senator Baker interjected:

"Point of order, Mr. President, he's speaking rather than just asking a question."

President Bunda stated:

"Senator Slom, you are not recognized."

Senator Slom responded:

"I was asking a question."

President Bunda replied:

"You have already asked your question."

Senator Slom inquired:

“Could I get an answer to the questions I asked?”

President Bunda stated:

“Senator Sakamoto, will you answer that question?”

Senator Sakamoto rose and replied:

“Part of the issue of the weighted student formula is who does the asking and where the resources are? Part of it does deal with other sufficient resources to have the vice-principals, the athletic trainers, the teachers, the counselors. I think one of the issues is, ‘are there adequate resources that a school and school community could want?’ And in that part, I think there will always be a need for more resources.

“The part regarding who will be asking for an additional vice principal or not, with the weighted student formulas Edmonton has implemented, those decisions are made at the school level and with the school community, and perhaps in our case, involving the school complex for positions that may be complex related.

“I think at that point, some of these measures would not be before this Body as we see them today.”

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

“Mr. President, I rise in support with a brief comment.

“I just want to point out to those of you that are following the educational debate and the various reform proposals that are on the table and being discussed in both the House and the Senate, I believe virtually every single one of them calls for increased work, increased responsibility, and increased accountability by principals. With many, many schools that don’t even have a vice-principal, let alone a second one for schools that have 1,000; 2,000; 1,200; 1,400 students, there’s a need, a great need, as we’re asking principals to do more work to provide principals with more support. I believe this measure addresses some of those concerns.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2765 was adopted and S.B. No. 2320, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO VICE PRINCIPALS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2766 (S.B. No. 2379, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2766 be adopted and S.B. No. 2379, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

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

“We certainly want research wherever we can get it. But I think in terms of the construction industry, we’ve discussed over the past several years that there are a number of sources that provide us information. There is the University already providing us information on the industry. There is the

Department of Business and Economic Development. There is the Building Industry Association. There is the General Contractors Association. There is the ABC Group. There are private economists, like Leroy Laney and Paul Brewbaker. I think we’ve got plenty of research already. I don’t think we need to start a new program on research.

“What we have to do, is to solve some of the problems that the industry has already talked to us about and to put people back to work, like in the concrete industry right now.

“So, I’ll be opposed to this bill. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2766 was adopted and S.B. No. 2379, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO A CONSTRUCTION RESEARCH PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2768 (S.B. No. 2426, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2768 was adopted and S.B. No. 2426, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2769 (S.B. No. 2429, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2769 be adopted and S.B. No. 2429, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

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

“Certainly, as a former student of the University of Hawaii, I want the students to have resources for student governance, but I note that currently the student government gets \$60,000 from the president’s fund. Again, we are always talking about university autonomy, so I think that the students should learn autonomy firsthand and get the money from the university budget rather than from the Legislature.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2769 was adopted and S.B. No. 2429, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2770 (S.B. No. 2478, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2770 be adopted and S.B. No. 2478, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

“This is the second bill that we’re talking about in terms of impact fees, and I certainly appreciate comments that I had before from some of my colleagues that ultimately the idea is to meld these two bills together and that there will be more specific developments mentioned and so forth. Until that time, we only have the bill that’s before us and it will continue to increase the cost of housing and development, so I’m voting ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2770 was adopted and S.B. No. 2478, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO IMPACT FEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2771 (S.B. No. 2538, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2771 was adopted and S.B. No. 2538, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Baker, Hooser, Tsutsui).

Stand. Com. Rep. No. 2772 (S.B. No. 2613, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2772 was adopted and S.B. No. 2613, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILIES FOR RESOURCES FOR EARLY ACCESS TO LEARNING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2773 (S.B. No. 2671, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2773 was adopted and S.B. No. 2671, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Baker, Hooser, Trimble, Tsutsui).

Stand. Com. Rep. No. 2774 (S.B. No. 2790, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2774 was adopted and S.B. No. 2790, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Baker, Hooser, Trimble, Tsutsui).

Stand. Com. Rep. No. 2775 (S.B. No. 2791, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2775 was adopted and S.B. No. 2791, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC.,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Baker, Hooser, Trimble, Tsutsui).

Stand. Com. Rep. No. 2776 (S.B. No. 3011, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2776 be adopted and S.B. No. 3011, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

“Simply stated, this measure provides a 10-year exemption from continuing education for retired teachers. I am curious if the function of requiring people to have continuing education is the need that they maintain their proficiency or is it instead that they’re on a career track and get higher salaries? If it is not the need for proficiency, then we should not require it. If there is a need for proficiency and that’s why we require or ask for continuing education, then a two-year exemption for retired teachers is too long.

“Thank you, Mr. President.”

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

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

“In clarifying the previous speaker’s comments, without this measure, many retired teachers feel forced to take a 33-hour course by the Department of Education before they can substitute teach. And certainly if you’ve just retired or recently retired, at least it’s the feeling of the members who have moved this forward at this point, that we shouldn’t require those teachers to take that course.

“Certainly this hasn’t anything to do with continuing education if they want to improve themselves professionally, but to be a substitute teacher, having been a retired teacher, we’re trying to relieve them of that burden.”

Senator Hogue rose in support of the measure and said:

“Mr. President, I rise in support.

“Mr. President, this bill makes absolute sense. We have a shortage of substitute teachers and a shortage of qualified teachers. This exemption that allows retired teachers – those that have been in the classroom who know, frankly, what in the world they’re doing – the exemption from having to go to extra classes will allow us to recruit them into the system where they are needed as substitutes.

“So, I am glad that the Senate Chair of Education has gone forward with this particular measure and I think it will be helpful to all involved.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2776 was adopted and S.B. No. 3011, S.D. 1, entitled:

“A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 2779 (S.B. No. 3086):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 2779 was adopted and S.B. No. 3086, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Baker, Hooser, Tsutsui).

Stand. Com. Rep. No. 2782 (S.B. No. 3231, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2782 be adopted and S.B. No. 3231, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

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

“Very briefly, here we have yet another item that wasn’t included in the Department of Education supplemental budget. Sooner or later we’re going to have to require them to get most of what they want in their budget.

“Thank you, Mr. President.”

Senator Sakamoto rose in support of the measure and said:

“Mr. President, I rise in support.

“Just briefly, this isn’t a budget item, but a clarification. When I try to get people to volunteer for schools or volunteer here, sometimes they say, ‘Well, pay me lunch money. Help me with my parking money.’ Many schools do have available funds. This isn’t necessarily a budget item from us. But, to clarify that if we do pay a volunteer or helper some stipend, it shouldn’t be taxable, and it doesn’t make them an employee. But certainly, any way we can help schools have people help them, either for free or for a small stipend, would go a long way in improving public education.”

Senator Hogue rose to inquire:

“Mr. President, just a quick questions, if I could, for the Senate Education Chair, because I was going to vote ‘no’ but I think your explanation is a good one here. Is this money coming out of like a petty cash fund?”

Senator Sakamoto answered:

“We’re not appropriating it out of general funds. If Kailua Inter had money that they wanted to pay stipends either to university students or senior citizens, it would come out of how the school would choose to use their funds. That would be the intention that I have, as opposed to appropriated funds.”

Senator Hogue replied:

“Thank you.”

The Chair inquired:

“Senator Trimble, are you voting ‘no?’ Senator Trimble is voting ‘yes.’”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2782 was adopted and S.B. No. 3231, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2784 (S.B. No. 2017, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2784 be adopted and S.B. No. 2017, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose in support with reservations and stated:

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

“I think it’s very good that we’re moving along a measure that has to do with racing. We have already seen on the news the horrible accidents that cause death, destruction, terrible, terrible tragedies. So I think that this is a step in the right direction.

“However, there’s a problem here with the forfeiture part of the bill. Essentially, what will happen if this measure moves forward is that the registered owner of the car would have to forfeit their vehicle if someone else was racing. It’s back to the VanCam debate. And I realize that we talked a lot about this in the Judiciary. We moved this forward. A lot of people had reservations on it. Even the police department had reservations about it. There’s some way that we need to cleanup that particular matter so that the person who does the crime is the person who suffers the punishment – not a grandfather, or auntie, or a dad who loaned somebody the car, who three years ago the kid was caught racing and now they do it again, and all of a sudden the family is without the car. So, we’ve got to figure out that particular part of this. We’ve also got to figure out the objections that the police department has as well.

“I hope that we can figure out those particular problems as we move this important bill forward. Thank you.”

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

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

“First of all, I would like to thank the Judiciary Chair for pulling it out and hearing the bill.

“Secondly, as far as the concern about ownership of the vehicle, again, you must make the people realize that for the second and third offense that they will forfeiture their car. And owners of cars must realize whom they are loaning their cars to. If the guy is a bad driver, he’s a racer, you know, he’s not going to drive my car. So that’s the owner’s responsibility to look at that.

“The second thing, Mr. President, is that the police have some problems because they’re concerned about the monies that would have to be spent from their pockets. We gave the Attorney General the capability of having a fund, and this fund is to maintain the cars and maintain whatever contraband they

have. So, we have that in the legislation and these funds will come from the AG's office.

"Thank you."

Senators Slom, English, Hanabusa, Kim, Ihara, Ige and Taniguchi requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2784 was adopted and S.B. No. 2017, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2785 (S.B. No. 2018, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2785 be adopted and S.B. No. 2018, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Tsutsui rose for a conflict ruling as follows:

"Mr. President, I would like to declare a potential conflict.

"I guess with the passage of this bill, owning a baby store, I guess we could see an increase of sales in the amount of booster seats and car seats that we carry."

The President ruled that Senator Tsutsui was not in conflict.

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

"Mr. President, I rise in opposition.

"We passed something out similar to this a couple of years ago, and the then Governor, Cayetano, vetoed it because of the reality of having kids going to school carrying their backpacks, their books, their lunches and their booster seats strapped on to their back because they have to catch another ride home. Although it sounds kind of funny and people might think I'm exaggerating, but for many people . . . I hate to keep harping on the neighbor island thing, I just haven't lived here in so long and I don't know exactly how it works here anymore. But on, at least, the Big Island, a lot of parents, because there's no public transportation, one parent will go drop of the child, another parent will pick them up, or they'll carpool and things like that.

"And even for little kids, you don't have like a storehouse, other than the wonderful Senator from Maui who can just grab a car seat when he needs one. Most of us will buy them because we have a little child, and that's it. You don't have an extra five or six laying around in case you're going to take some friends to the beach or your kid's friends to the beach. And this still does not take into account the reality of limiting people's mobility to be able to go and do things. All of the neighbor islands are like this. And especially the Big Island, distances are far – you can't just walk to the corner and get something; you have to go a long distance.

"With the seat belt thing that we did previously, and this bill here, I don't think it takes into account at all the reality that this is a state of varying places with different needs and different areas. And this bill puts a severe hardship on at least the people in my district and I dare say the whole state for the reality of what we have right now.

"I appreciate Governor Cayetano for vetoing it last time. I know it's not going to be voted down today, but I hope we begin to look at things in a practical manner instead of just saying if it saves one life it's worth it, because that's really not our motivating goal here. There are a lot of things we could do to save one life, but we don't do it.

"The practical reality is this will put a severe hardship on many people, and I wish we would not pass this type of thing."

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

"Mr. President, I rise in favor of this bill.

"Mr. President, the number one killer of children from 3 to 19 is car accidents. Throughout the country, car accidents are the number one killer for the National Transportation Department. This is one of three bills that we have for safety.

"Mr. President, like the previous speaker said, you save one life, it's worth it – and I believe that. How much does it cost for a seat? Maybe 50 bucks, maybe 75, I don't know how much the Senator from Maui sells his car seats for, but you know, it's worth it to save one life.

"This is a national trend throughout the country. And this is idea, the Keiki Caucus, those people endorsed it. So again, I'd like to thank the Judiciary Chair for hearing the bill and passing it out.

"Thank you."

Senator Whalen rose to speak in opposition as follows:

"I guess I wasn't clear and I standup again in opposition.

"If it was really our idea or our policy – if it saves one life, it's worth it – then we would just ban everyone from cars. We would set all speed limits like at five miles an hour or have cars that have bumpers that are ten feet wide and made of down. Because if that was really our goal, there's a lot we could do to save a lot more lives than just what this would do.

"I've read the statistics and the studies, and very few of them, almost none of them, have a differentiation between if a child was even in a seat belt, period, or an 18-year-old that flies out back of a truck because of whatever reason, or their drunk, or whatever. There are a lot of reasons why they die. We just passed the speeding bill and that statistic is in there as well.

"So, yes, people die, but it is not our overall policy if it saves one life, it's worth it. We do not legislate in that manner. And this again, not to harp on it, but it is impractical for us to pass it.

"Thank you."

Senator Kim rose to oppose the measure and said:

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

"Mr. President, obviously our Senator from Waipahu hasn't had children for a long time. And you know, just buying a booster seat is not as simple as \$50. Obviously, they are very bulky, and if you have more than one child, several children that have to fit in the back seat, if you have a child like mine who at seven years old was quite large, I don't know if there would have been a booster seat that he could sit in. Certainly, he did not even want to sit in a car seat when he was four years

old. So, I think there are practical issues surrounding this measure.

"I also think that parents have to take a responsibility. It bothers me every time we have to legislate for practical things that adults and parents should be responsible for. And I believe that we need to be responsible for our children and we need to exercise these kinds of decisions. We need to stop meddling in people's lives all the time and dictating what they should and shouldn't be doing. So, if I am a parent and I feel my child should be sitting in a booster seat, then I should do that.

"So for these reasons, I will be voting against this. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2785 was adopted and S.B. No. 2018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2786 (S.B. No. 2024, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2786 be adopted and S.B. No. 2024, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to speak in favor of the measure with reservations and stated:

"Mr. President, I rise in favor of this legislation with reservations.

"I think it was abundantly clear, and I think that is the appropriate word here, that this measure might have some problems in Judiciary, because there was a discussion there, and I won't go into all of the details, in which one of the Senators was asking one of the enforcing police officers exactly what would the pedestrian be responsible for and exactly what would the driver of the vehicles be responsible for on the highway? And I think that wording eventually was put forward in the committee report by the good Chair of the Judiciary Committee that we need to be absolutely clear, because you can't go and look at the law when you're halfway through the intersection.

"So, it's important, as this particular measure moves forward, that we make it absolutely clear what the responsibilities of each of the parties are, so somebody doesn't have to worry about whether they're half way through the intersection, whether there is a median there, etc., etc., etc.

"So, let's be thinking about realities as we move this forward. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2786 was adopted and S.B. No. 2024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (English, Hemmings).

Stand. Com. Rep. No. 2787 (S.B. No. 2088, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2787 be adopted and S.B. No. 2088, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Whalen rose to speak in opposition as follows:

"Mr. President, I rise in opposition.

"Mr. President, the way I read this bill is that by taking out 'terminally illness,' this would apply to anyone in the 'do not resuscitate' category. I've talked to a few people just today, young people, who, at the urging of various advertisements and what not, have filled out the living will thing and do not resuscitate, etc., so they will qualify under this if they are terminally ill.

"With this bill, you could have a 20-year-old who's trying to take care of whatever problems down the line, fill out the form, stick a screwdriver in a socket by mistake because they're working on something, get shocked and their heart stops. Holy smoke, he's got a wristband on or the bracelet on or whatever. The paper is there. Don't bring him back to life. Just treat him for his burns. He's not in pain. Just let him keel over and die. In other words, don't try to resuscitate the guy.

"I don't think there's enough safeguards in it by just taking out 'terminally ill.' I'm not saying that anyone is going around trying to kill anyone, but the safeguards being removed in this manner, the person could have unintended consequences. I'll leave it at that.

"Thank you."

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

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

"Mr. President, it was the paramedic community, as well as other health providers, that brought this need to our attention, because so often there are situations now, where paramedics find that they are being called to a scene and there is a request by the patient or the family member not to resuscitate, but they're not allowed to honor those decisions because of the way the current law is written. In fact, in testimony before your Health Committee, the Department of Health supported this measure to amend Section 321-23.6, Hawaii Revised Statutes, to delete terminal condition as the sole circumstance for when a person can declare comfort care only, do not resuscitate protocols for use by emergency response personnel. This measure provides consistency with other provisions for advance directives in hospitals and other healthcare institutions.

"The paramedic community testified, as well, saying that while hospitals, care homes, and other facilities must abide by advanced directives, signed by the patient and or their families, current law mandates that all of these people have the full measure of paramedic response. This often places paramedics at odds with the wishes of patients and their families.

"I think this is an important measure because it puts control with the patient. It does have safeguards in that you have to have the bracelet on. It's not just something that's done willy-nilly, and I think this is an important measure for our emergency medical services community.

"I urge all of my colleagues to vote in favor of this measure. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2787 was adopted and S.B. No. 2088, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Whalen). Excused, 1 (Menor).

Stand. Com. Rep. No. 2789 (S.B. No. 2237, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 2789 and S.B. No. 2237, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were recommitted to the Committee on Judiciary and Hawaiian Affairs.

Stand. Com. Rep. No. 2791 (S.B. No. 2395, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2791 be adopted and S.B. No. 2395, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

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

"Mr. President, I want to acknowledge the good work that the proponents of this bill have accomplished up to this point. The bill is greatly improved, and it does not limit public disclosure of convention center booking records for all time, but just for the first 10 days after the convention is completed. However, I have a number of concerns still remaining.

"The State Convention Center lessees and licensees do not currently have confidentiality. I believe that this policy should remain. Not knowing who will use the convention center, our public convention center, denies the public the right to protest any users that they feel that they would like to protest. I believe that citizens of our state do have a right to express their views on matters, particularly involving the use of state resources. It also keeps the convention center area residents from anticipating impacts, traffic impacts, from large convention users.

"Additionally, in the bill is a nondisclosure for confidential business information, proprietary information. This type of information is already protected under current law. There is no public policy rationale given by the proponents to suggest 10 days, allowing the public to see booking records of the convention center 10 days after the convention is completed. I asked the proponents, why not one day? What is the rationale between one day and ten days? And I received no response and I have not received any response as of today.

"Also, I believe the licensees should not control when their information, the booking information, whether the information will be publicly available or not, because they control whether they want to have their information be confidential simply by saying I need it in order to book your convention center in Hawaii.

"Also, there is no written requirement. There is no requirement for written documentation that there is a need for nondisclosure. And also, the Tourism Authority is the decision-maker here to determine whether certain records should be kept confidential. I believe, as the Office of Information Practices recommended, that an independent body should review the

records and make their own decision whether these records should be disclosed or not.

"Mr. President, I believe that this bill presents a valid policy choice between public access to records in government files versus allowing the convention center to be competitive in the marketplace. And on this matter, Mr. President, I must stand on the side of open records.

"Thank you."

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

"Mr. President, I rise to speak in favor.

"Mr. President, we are a visitor destination. Our economy is highly, highly dependent upon visitors. This Body has spent millions, \$350 million to build a first class convention center. The convention center is there to hold and host large conventions. Obviously, the people surrounding that area know that that's the purpose of the convention center.

"If we are going to remain competitive, if we are going to compete for large conventions around the world, there are going to be certain conventions that come here and request confidentiality – which we don't have a lot as it was testified to in the Committee. But every now and then there is one or two or three that come that will not hold their convention unless their records be kept confidential, then we're not going to be able to compete. I think it is clear that it is only in those cases when they ask or request that their information be kept confidential.

"The bill has been changed quite a bit and it is only ten days after. Also, if a booking is in fact canceled, then that information will be released. I think that we have to balance the need for information along with the need to be competitive. It is a business. It is a business, and here and now in this time when funds are very tight and our budgets are dependent upon the income that comes in from a number of user fees, we have to make that balance work.

"Thank you."

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

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

"I sat in on all the discussions of the bill, and if I had to err, I would err on the side of the good Senator from Kaimuki.

"I don't think we're faced with an either/or decision – either we keep information confidential or we have a competitive facility. In all the years leading up to this Session, I never once heard this issue come forward, never once heard that this was a problem, never once heard that this had anything to do with our competitiveness. All of a sudden it came and the first name that we heard was that of Mr. Bill Gates of Microsoft Corporation.

"I think that it is true that money has been spent, hundreds of millions of dollars, but we would remind you that that money was not ours. The money was the taxpayers. It is a public facility.

"We heard during the discussion that many hotels who have convention facilities, as a matter of practice, keep this information confidential. And that is all right. I have no problem with that because they are private facilities. This is not a private facility. The public has the right to know. Ten days

after the event is ten days too long. I have not seen the evidence that, as I say, this is a bar to our competitiveness. I think our cost, our distance, other things that we have that are real problems, those are the bars right now.

“So again, if we had to err anywhere, let’s err on the side of openness in government and let’s not go behind closed doors and give certain individuals special privileges.

“Thank you.”

Senator Ihara rose again and said:

“Mr. President, a follow up in opposition.

“Mr. President, if the convention center was competitive now, as are other public convention centers around the country, I do not think that this bill would be sought. So, the question is, does this mean that if and when our convention center becomes successful and competitive, that we will no longer require the secrecy?

“Thank you.”

Senators Inouye, Hooser and Ige requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2791 was adopted and S.B. No. 2395, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2795 (S.B. No. 2607, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2795 was adopted and S.B. No. 2607, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ADOPTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 3:36 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:12 o’clock p.m.

Stand. Com. Rep. No. 2797 (S.B. No. 2779, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2797 be adopted and S.B. No. 2779, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2797 was adopted and S.B. No. 2779, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Kokubun, Taniguchi, Whalen).

Stand. Com. Rep. No. 2803 (S.B. No. 2579, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2803 be adopted and S.B. No. 2579, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

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

“Again, it further puts additional mandates and costs on the prepaid health care act. It’s paid mainly by small business employers.

“Thank you.”

Senator Trimble rose to oppose the measure and said:

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

“This is a simple case of 101 economics. You increase the cost of a service and less people will be covered by it. We have had no estimation in terms of the reduction of the coverage because there are fewer workers in the workplace being covered.

“Thank you.”

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

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

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

“Mr. President, colleagues, this measure completes the work we started last Session. We’re extending and improving the definition of mental health illnesses that are covered and for which they must be treated equally with a physical disease. This year we’re completing the task by completing the definition of mental illnesses covered and also by adding substance abuse – alcohol and other drug abuse.

“I would note for the record, Mr. President, that HMSA announced at the end of last Session that they were going to include all of the mental illnesses with their implementation of the parity law we passed. They were taking their cue from the Legislature and it did not in any way have anything to do with increasing their premiums.

“I would also note that in previous studies by the auditor, and we will continue to wait for another one, that in other places where they have added substance abuse treatment parity, it has been insignificant in terms of any increase in premiums.

“I also checked with HMSA and others in term of the usage of mental health and substance abuse services. You know, we spent a lot of time talking about the need for treatment for ice addiction, the need for rehab and it’s important that people be able to access their benefits. Up until this point, people have been reluctant to access benefits, they haven’t been utilized simply because doctors didn’t want to prescribe because there was this lifetime benefit – two treatment episodes per lifetime. In talking with HMSA, they said that since 1998 only 167 private business members have incurred a second lifetime episode, and only 12 of these members received treatment beyond their second lifetime episode.

“So, the kind of parameters that we’re putting in this measure to provide for parity is not going to be a significant impact for their members, but it’s going to ensure that people who do need the treatment will be able to get the treatment and we will have treatment access available for individuals who are suffering from alcohol or substance abuse. In many ways, it’s going to help employers because it will make sure that the employees are healthy.

“Thank you, Mr. President.”

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

“Mr. President, I’m going to speak in support of this with reservations.

“I think the reservations noted by the business community are noteworthy. However, having gone through this as a parent with a child with one of these disorders, I actually have seen how important it is that we have this measure actually go forward. We ran into this problem as a family a couple of years ago with a cap that was on it, and this past year we were able to go beyond that and it turned out that it was important for the health and wellbeing of a child.

“Also, testimony has come forward from other states that have used the parity situation, specifically, Minnesota and New Hampshire. And we just also heard recently from HMSA that premiums have not increased and that getting the patient into important care early on has actually cut down on the progression of the illness and the progression of the cost.

“So, for these reasons, I still want to hear the final figures, but I will support the bill at this time. Thank you.”

Senator Slom rose to speak in rebuttal and said:

“Mr. President, just a very brief rebuttal.

“HMSA just raised rates on small businesses in excess of 14 percent. This was the third raise in the last year. They’re promising additional raises.

“While the major cost driver has been medicine, prescription drugs, every cost component goes into the rate-making process, and I’ve never heard them say that these things do not cost something. The cost, of course, goes to the small businesses that pay the predominant share of the premiums.

“Secondarily, while certainly we want to encourage people to use services if they are ill, whether it’s a physical illness or a mental illness, I don’t think that the people that are accessing the substance abuse, including mental health coverage right now, are those people that we’re concerned about from the criminal aspect. They are people such as parents, such as people that have problems within their families, but they’re not the vast majority of people that we’re trying to address in other measures.

“Thank you.”

Senator Ige rose and said:

“I’d like the record to note my reservations.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2803 was adopted and S.B. No. 2579, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MENTAL HEALTH

AND ALCOHOL AND DRUG ABUSE INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Slom, Trimble). Excused, 3 (Kokubun, Taniguchi, Whalen).

Stand. Com. Rep. No. 2812 (S.B. No. 2404, S.D. 2):

Senator Aduja moved that Stand. Com. Rep. No. 2812 be adopted and S.B. No. 2404, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator English.

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

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

“This bill has had a very interesting history in the hearings that we’ve had. A public relations specialist for the city and county came forward, and the original bill was over a million dollars, and that bill was subsequently amended to pare it down to half-a-million dollars. And now there’s a blank amount with some provisions for matching. But from the very outset, Mr. President, I asked for a budget, what the expenses were for – never saw a budget. First bill – never saw a budget. Second draft – never saw a budget. The current draft.

“We did see possibly on television last night, several of us, that the city council has doubled and is now proposing tripling their travel allowance for their members to go traveling to the mainland so that they can see how conventions work so that they will be in a position to host this convention next year. I don’t think that’s a good expenditure of money, and I don’t know why this state is supporting this particular project.

“The city and county has indicated that from the beginning they didn’t want to put any money into it. It was suppose to be for a benefit for all neighbor counties statewide. And yet, the neighbor counties do not put any money into it. So I don’t think that we should be financing this particular measure.

“Thank you.”

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

“Mr. President, I rise in support of the bill.

“Mr. President, again, like the proposal of the bill, the proponents of the bill thought that the state would benefit from all these activities and the visitors that come here. So we felt that, at that time, both the Tourism and the TMG Committees felt that they deserved some money from the state.

“So, I think it was passed on and it’s zero dollars, and that’s where it lies.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2812 was adopted and S.B. No. 2404, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Slom, Trimble). Excused, 3 (Kokubun, Taniguchi, Whalen).

Stand. Com. Rep. No. 2816 (S.B. No. 2997, S.D. 2):

Senator Aduja moved that Stand. Com. Rep. No. 2816 be adopted and S.B. No. 2997, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator English.

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

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

“What we apparently are doing are providing high school students with scholarships so that they can become engineers so that they can work for the Department of Transportation. My problem is that we are identifying a high school student and giving him a fast track to be a DOT employee. I don’t think that’s the way the system is supposed to work.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2816 was adopted and S.B. No. 2997, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION’S ENGINEERING SCHOLARSHIP PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Slom, Trimble). Excused, 3 (Kokubun, Taniguchi, Whalen).

Stand. Com. Rep. No. 2817 (S.B. No. 2998, S.D. 1):

Senator Aduja moved that Stand. Com. Rep. No. 2817 be adopted and S.B. No. 2998, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

Senator Trimble rose to speak in opposition as follows:

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

“Again, we have a case where we’re exempting a fee from central services and administrative fees. I don’t think that we should do this as independently one fund at a time. I think it is appropriate that the legislative auditor review all of them all at one time, make recommendations to us and then we decide which special funds will be exempted from paying the administrative services and central services fees.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2817 was adopted and S.B. No. 2998, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Slom, Trimble). Excused, 3 (Kokubun, Taniguchi, Whalen).

Stand. Com. Rep. No. 2818 (S.B. No. 3080, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2818 be adopted and S.B. No. 3080, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

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

“This is a bill to address the grievances of the airport concessionaires, but actually it’s one concessionaire. We have supported assistance to the concessionaires and flexibility on

the part of Department of Transportation since 9/11. I think that that flexibility was needed. I think that there were specific problems. Most of those problems have been resolved with the individual concessionaires. There’s one concessionaire left, and having talked to him directly and also to the Department of Transportation, they are in negotiations right now. So, I don’t see a need why we need legislation.

“We got the DOT off the dime. We got them to negotiate. That’s what they’re doing right now. We should wait and see what the results of the negotiations are.

“Thank you.”

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

“Mr. President, I rise in support of the bill.

“Again, this bill has been in the hopper for a couple of years now. Basically, this bill is the one that was the driving force to bring the administration to the table and ensure that to happen. Why they chose not to settle with one particular individual, I don’t know what the reasons are.

“We’re using this bill again to bring the administration to the table and address all the concessionaires. And one individual, not the only one, but he’s the smallest and he’s the oldest. He’s been there some thirty-some-odd years. So we don’t know why they chose not to work with him, and work with him at the last minute.

“Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2818 was adopted and S.B. No. 3080, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2819 (S.B. No. 3189, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2819 be adopted and S.B. No. 3189, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Slom rose to speak in opposition as follows:

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

“I’m voting against the bill because it does two things that are negative. I think we certainly need enhanced 911 service. But first of all, we’ve got so many fees on your cellular phone bill right now. Take a look sometime and see how many fees you’ve got. This adds another fee, which is an increase in tax, and in addition to that, creates yet another new special fund.

“Thank you.”

Senator Trimble rose to speak with reservations and stated:

“Mr. President, I rise with reservations.

"It is my understanding that the technology that is being considered for Hawaii is that of triangulation. I don't think that will pinpoint location with a precision that is available with GPS technology. And so my concern is that we impose a fee and then we use a technology that is inferior.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2819 was adopted and S.B. No. 3189, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hemmings, Slom). Excused, 2 (Taniguchi, Whalen).

Stand. Com. Rep. No. 2820 (S.B. No. 2835, S.D. 1):

Senator Kokubun moved that Stand. Com. Rep. No. 2820 be adopted and S.B. No. 2835, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Trimble rose to oppose the measure and said:

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

"This measure would allow the attorney general's office to put fines and penalties into a special fund for future use. I think that this will change the focus of the operation and I don't think that the attorney general's office should be entrepreneurial when they approach their duties, as it will relate to a less than good public policy being pursued.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2820 was adopted and S.B. No. 2835, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Slom, Trimble). Excused, 3 (Baker, Taniguchi, Whalen).

Stand. Com. Rep. No. 2823 (S.B. No. 2558, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2823 be adopted and S.B. No. 2558, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

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

"If Hawaii is not competitive in the aftermath of 9/11 in the film industry, then it will never become competitive, because we are, being on US soil, a preferred location for filming. Therefore, it is inappropriate to have a tax credit that we will continually have to renew to continue to support this industry. And for that reason, since it is not a temporary tax credit, I will oppose this measure."

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

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

"A couple of points in rebuttal to the last speaker. Number one, this tax credit is for a five-year period. It proposes to make Hawaii a lot more competitive because in light of the post 9/11 timeframe, many other states have come up with far more competitive tax credits, and you know, time is money. And when we are as far from the US mainland as many other jurisdictions – New Mexico, Louisiana, Oklahoma – we face increasing competition for film production.

"Thirdly, with respect to burgeoning digital media industry, as many among us have pointed out, it's no longer a matter of simply film and motion picture production. It's a matter of games development. Games and video games have surpassed box office receipts as a much more vibrant and exciting industry to get into.

"So, this bill takes the administration's proposal and tries to incorporate the many facets of digital media, which we think will be very beneficial to many of the parts of Hawaii that are most attractive to digital media creation.

"The bill incorporates a number of the concerns that local film and digital media producers have incorporated. And for those reasons, I'd like to urge my colleagues to vote in support of this measure.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2823 was adopted and S.B. No. 2558, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Trimble). Excused, 3 (Baker, Taniguchi, Whalen).

Stand. Com. Rep. No. 2825 (S.B. No. 2396, S.D. 1):

Senator Kokubun moved that Stand. Com. Rep. No. 2825 be adopted and S.B. No. 2396, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

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

"It is my understanding that contributions to charitable organizations are not subject to the general excise tax. I don't know why that was inserted into this bill. I oppose it.

"Thank you."

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

"Mr. President, I rise in support.

"Mr. President, what this bill will do is exempt the general excise tax for certain charitable organizations in a situation where they rent out the convention center and they rent out exhibition space. They do have to pay the general excise tax. What happens is, when they resell that space to their members to pay for the convention costs, then they are supposed to pay another excise tax on that resale. So it's like a double pyramiding type of tax, and that's the portion that we're asking that they be exempt from.

“Currently, and the tax department has admitted this, they have not been collecting for that tax. Recently, one group went in and asked if they owed a tax, and of course if you’re going to ask the Tax Department if you owe a tax, they’re going to say ‘yes.’ And so they had to come up, I think, with like \$40,000 to pay for that tax, and so that is what prompted this bill.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2825 was adopted and S.B. No. 2396, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Trimble). Excused, 3 (Menor, Taniguchi, Whalen).

Stand. Com. Rep. No. 2826 (S.B. No. 2711, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2826 be adopted and S.B. No. 2711, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Slom rose to speak in opposition as follows:

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

“This is the annual ‘take your attorney to work’ bill. It’s a bill that would give the HTA power to hire their own attorneys in addition to the attorney pool that they have with the State Attorney General’s Office. Every year we’ve gone through this. There’s always an example of where there has been a delay in terms of attorney general providing services, so the question to the attorney general was, do they feel that they’re capable of ending these delays and making more judicious decisions and so forth? And the answer was ‘yes.’ And so, instead of going department by department and adding more attorneys, we should put the heat on the attorney general’s office to make sure that they do comply in a timely matter, or in the opposite, we could reduce the attorney general’s staff and then put attorneys in every other department instead.

“Thank you.”

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

“Mr. President, I rise to speak in favor.

“It’s interesting, Mr. President, because our attorney general last year came before the Committee and said, yes, they’re going to take care of the problems that we’ve had in the past, that they’re going to work in a new timely basis and it shouldn’t take more than a couple of weeks to get approval from an outside attorney for cases that the HTA had regarding special contracts. Well, low and behold, this year in July, HTA sent a letter to the AG’s office asking them for permission once again to hire these contract attorneys. And they waited almost six months, Mr. President. They did not get approval until December 2nd from the attorney general, even when the attorney general knew this was an issue, even though the Governor vetoed a measure. They still took six months to get this attorney approved when it was suppose to only take three weeks.

“So, it was on this attorney general’s watch, and when he was confronted with the information, he had no excuse for it. He admitted he had no excuse for it. And so, based on that, I think we need to pass something like this again.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2826 was adopted and S.B. No. 2711, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2827 (S.B. No. 3043, S.D. 1):

Senator Kokubun moved that Stand. Com. Rep. No. 2827 be adopted and S.B. No. 3043, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Slom rose to speak in opposition as follows:

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

“While I certainly think that we should have more patrols to protect our tourist, I would prefer to see that we do put more of our money into existing law enforcement personnel. And I note that the primary area was Waikiki, although not limited to Waikiki. But, in Waikiki, they even have a special tax assessment district where businesses kick in even more money, in addition to the taxes they pay, for more security.

“So, while it’s a good idea to have more security, I think it should come from existing sources and predominately the HPD. Thank you.”

Senator Kim rose and said:

“Mr. President, can I just insert some remarks into the Journal.”

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

- “Tourism is a vital part of the economy for the State of Hawaii.
- The Aloha Aina Patrol would establish within the county police departments additional security for our tourists.
- The Aloha Aina Patrol would be beneficial to all counties.
- Aloha Aina Patrol would assure our visitors and residents alike, that they are safe and welcomed at our more popular and highly visited parks and beaches.
- The intent is to have the Aloha Aina Patrol Officers in aloha attire, instead of police uniforms, so that the aloha spirit is stressed.
- These patrols would not only provide additional security, but also serve as ambassadors of Aloha.
- The State of Hawaii has an opportunity right now to become even more desirable as a visitors’ destination. With world events, such as they are, Hawaii is now viewed as a safe vacation destination for those that had previously considered international travel. The creation of the Aloha Aina Patrol would provide additional hospitality and safety for Hawaii’s visitors.
- The importance of this service to Hawaii’s tourist should not be understated.
- The project will provide great benefits to Hawaii’s.
- The presence of the Aloha Aina Patrol members along with the marketing result of visitors interacting with this patrol will provide a great asset for our State’s visitor industry.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2827 was adopted and S.B. No. 3043, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN ALOHA AINA PATROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2828 (S.B. No. 3116, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2828 be adopted and S.B. No. 3116, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against S.B. No. 3116.

"Mr. President, this bill is very well intended and we certainly want to keep our environment clean, but the cruise ship industry has a memorandum of agreement that seems to be working very well with the State of Hawaii. There has been no evidence of the cruise ships having any pollution dumped in our waters, so there's no definitive need.

"I might add that we have a much more serious problem, and there seems to be a double standard, in that the City and County of Honolulu, in the last several weeks due to rain, has been responsible for some very, very serious pollution problems with untreated sewage going into the environment far in excess of what cruise ships could do in a thousand years. Therefore, this bill should really be directed at the City and County of Honolulu and governments who are polluting the environment quite extensively.

"Also, just for the record, because there were some questions regarding it, my friends in Washington, the Environmental Protection Agency, do have the right and do have the mandate to severely fine the county government for their failure to protect the public interest. So, this bill is very well intended, but it's directed at the wrong organization. Therefore, I will be voting 'no.'"

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

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

"Mr. President, I want to be part of this valuable membership of this Conference Committee, so I'm W/R. Again, the protection of our commercial harbors is in the TMG's purview, and therefore I rise with reservations on this bill.

"Thank you."

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

"Mr. President, I rise in support.

"You know, we've heard all sorts of discussion about this, but the fact of the matter remains that we're dealing with one industry and one issue here, which is the cruise ship regime in Hawaii, which we do not have. We have the Sham Law, which is a memorandum of understanding which many people in the public don't feel provides enough protections for our environment.

"You know, the bill is pretty balanced because we harmonized it with most of the federal laws that apply to it, and we've had long discussions with the EPA regarding this and they've actually asked for advice on how to redraft some federal laws that they're working on. So, it's working both ways and I think it's been very productive.

"Different opponents of this bill have brought up issues along the way, one of which, of course, has been, well, we're dealing with the city and county; we're dealing with other ships, other vessels. And you know what? All of that make a lot of sense. I encourage these people to draft the bills for it and introduce them as part of the legislative package either next year or along the way here, because they're correct. The City and County of Honolulu exists on certain exemptions that allow them to dump a low grade of sewage into the oceans. And the good Senator from Kaneohe has every right to introduce that bill and to draft it, but to date, he has not. So, stop whining about this and introduce the bill to deal with that. That is the way to deal with it.

"The second point, is the issue of other ships, and this is the straw man argument that has been presented throughout – that well, why go after the cruise ships, we have other ships that pollute. Yes, indeed we do. We do have other ships that pollute. But if you look at the numbers, and this is from LRB that did a study for us earlier this summer, a good 80 percent of the pollution that comes out into the oceans here comes from the large cruise ships, just from the sheer size. So, while I agree with the opponents of this particular measure – that there are other ships polluting and that we should go after them as well – we can do so in another measure at another time, but right now it's going after the larger polluters.

"I always believe that an ounce of prevention is much better than a pound of cure. So, others have said that we have to, well, they haven't polluted yet, so why put anything in place? I think that's very uninformed and myopic in view. Because if we take that point of view, we end up with a major problem at some point in time, and people say why didn't you guys do anything to take care of this. Where was the foresight? Where was the vision? Where was the ability and the wherewithal to put something in place?

"So, I ask my colleagues to support this measure. It's quite balanced. It allows the State Department of Health to implement and to monitor many federal laws. That's how the EPA advised us to draft the bill, and that's how it is drafted.

"I also have to point out that we created an incentive program which the EPA liked very much as well. And this incentive program simply says that if you exceed the federal standards, we will reward you by lowering some of the fees that you would have to pay to dock in our facilities. So, we're encouraging higher and cleaner technologies than is required by federal law, and it's purely voluntary for the industry.

"All in all, it's a good bill. I ask for the member's support on this. Thank you."

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

"Mr. President, please note my vote with reservations.

"My major concern is the criminal penalties, which include \$25,000 to \$50,000 per day, as well as prison terms of possibly three years and six years.

"Thank you, Mr. President."

Senator Hogue rose to speak with reservations and stated:

“Mr. President, please note my reservations as well.

“I think, as was noted by some of the testimony in the cruise ship industry, that this bill is well intended. And really, honestly, Senator from Hana, not whining, but you should come out and look at Kailua Bay right now. It’s brown. It just absolutely looks horrible. We’re going to take you up on your offer, and we’re going to see if we can find a title, and we’re going to come through with some sort of an amendment so it will take care of the problems that we have in Kailua Bay, which are a lot worse than what is going on right now with regards to the cruise ships.

“As people have noted to me, this is the worst that they have ever, ever seen. So, I would hope that all the environmental groups and people in the community would get themselves very active. We’ll take you up on your offer; we’ll move something along forward, and we look forward in working with you.

“Thank you.”

Senator Hemmings rose to speak in rebuttal and stated:

“Mr. President, I rise to rebut.

“First of all, I’m not uninformed. I did talk to the EPA in Washington DC, and they’re very alarmed at the sewage spills here in Hawaii, massive sewage spills by the City and County of Honolulu. There are good reasons for it, which I’m very informed on. The City and County of Honolulu, for instance, has spent \$300 million, or thereabouts, in the last five years on vision teams. You might see \$600,000 signs in Nuuanu, while the sewer system is over \$1 billion in disrepair.

“Mr. President, for the record, I’m not myopic. I had laser care autonomy. I can see far into the future, and very well.

“Thirdly, Mr. President, I’ve never been a whiner, and I’ve gotten my lickins sometimes, but I’m willing to stand up and fight for balanced legislation. I think, as I said earlier, that this intent is good, but we really should address the issues which some of the previous speakers brought up. A \$25,000 fine for a company that could dump a small amount of untreated waste in an accident into the ocean pales in comparison to the hundreds of thousands of gallons dumped recently by the City and County of Honolulu.

“I think the good Senator from Kaneohe, my astute colleague who’s also informed and not myopic, has a very good proposal if we amend the appropriate bill to deal with that, and I’m looking forward to working with the good Senator from Hana to take care of this very serious problem in our environment.

“Thank you, Mr. President.”

Senator Hooser rose in support of the measure and said:

“Mr. President, I rise in support.

“This issue is very important to constituents in my community, Mr. President. In my opinion, it’s long overdue. I encourage my colleagues to support the measure and would like to ask that the comments of the senator from Hana be incorporated into the record as if they were my own.”

The Chair so ordered.

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

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

“Mr. President, although much of what we do is not perfect, and neither is this bill, it’s certainly a step in the right direction. I believe that it is a proactive measure. I don’t think any of us want to allow the waters around our islands to get to the point that they would be described as Kaneohe Bay was described from my colleague across the way. This is exactly why we need something like this in place that has some teeth, so that it’s not just an MOU and not just a handshake. I think there need to be some real consequences.

“Thank you, Mr. President.”

Senator English rose to speak in rebuttal and said:

“Mr. President, point in rebuttal.

“I’d like it to be understood that what has happened around this bill has actually been very good, the discussions, because it allowed the Senator from Kaneohe to bring up consistently and constantly his particular issue, which is one that I’m very concerned about because you know we have Kahului Harbor, we have all sorts of other places where sewage is a problem. But, the point that I’m trying to make is that the good Senator should take the initiative, and I’m glad that he will, to put something together, because this has been an ongoing problem. I’ve heard it in Ways and Means, and I’ve heard it on this Floor for a number of years about this particular issue in Kaneohe, and yet the Senator from that district has not drafted anything, not introduced a bill, not put forward the legislation to deal with it.

“So, at this point we have to look for something for them to hitchhike it on. But really, the responsibility lies with that Senator to draft a bill to deal with an issue in his district, which has been long standing. And I really commend him for now taking it up, and you know I’ll help him try and find something to deal with it. But, the cruise ship bill is dealing with cruise ships.

“I have to bring up something else that some others didn’t bring up here but is another major polluter of our waters – and that’s the near-shore vessels – things like I guess what’s commonly called the ‘booze cruises,’ the near-shore tours that go in and out, especially on Maui. And the issue is really one of government. We never provided the pump-out stations at the small boat harbors and at the harbors for them to come in, dock, pump out the sewage. So what did they do? They have to dump it in the waters. The near-shore pollution, at least in Maui County, comes from these people. And you know, they’re aware of it. They’re not sure what to do because we have not put in the pump-out stations.

“So, we have bills moving, and we’ve asked for your support on that as well, to put in these pump-out stations in Maui so that we can help cleanup the near-shore waters as well.

“I’m really, really pleased to see the concern that has come out from other Senators about pollution in general and pollution in our waters, because, Mr. President, if we don’t protect our oceans and our waters, there’s a whole ecosystem that collapses and a whole life system that collapses.

“The people that are in my district, for the most part rural communities, depend on fishing and depend on the livestock out of the ocean, depend on the clean waters so that we have clean food and we have an abundant supply of food. In my home villages of Hamoa and Hana the people still do hukilau and we still do community fishing, where the whole community, if

there's a school of fish out there, we're all going to get together and go out and catch that fish. And then we mahele the fish and it gets delivered to all the old people that can't come down to help take out the fish. It gets distributed amongst the whole town. But, if the fishing stocks disappear because of pollution in the water, that lifestyle will disappear as well.

"So, I want to thank all of those Senators that have raised issues around it and I put out this challenge to them – draft the measures that will take care of those issues. Put them forward, if not in this Session, because now we have to look for bills to hitchhike them on to, in the next Session, and let's deal with a comprehensive package for clean waters in Hawaii.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2828 was adopted and S.B. No. 3116, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRUISE SHIPS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2829 (S.B. No. 2063, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2829 be adopted and S.B. No. 2063, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Trimble rose to oppose the measure and said:

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

"If students intentionally destroy school property, equipment, and books, there is already a process – they shouldn't be in school. The wording in this bill, the change in the wording of this bill, is too broad. It also does not apply to other Department of Education employees.

"Our textbooks are old – a student picks them up; the book may fall apart. Is he going to be asked to pay for that book? I think that what is going to happen if we pass this bill and it's actually used, is that we are going to encourage children to point fingers at other children and we'll create an environment that would not constitute an appropriate learning environment.

"Thank you, Mr. President, I'll be voting against this measure."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2829 was adopted and S.B. No. 2063, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Taniguchi, Whalen).

Stand. Com. Rep. No. 2830 (S.B. No. 2066, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2830 be adopted and S.B. No. 2066, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

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

"The title says it all. It is creating the Hawaii Medical Education Special Fund. I'll be voting 'no.'

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2830 was adopted and S.B. No. 2066, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL EDUCATION SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2833 (S.B. No. 2428, S.D. 2):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 2833 was adopted and S.B. No. 2428, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2834 (S.B. No. 2789, S.D. 1):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 2834 was adopted and S.B. No. 2789, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER SALARIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2836 (S.B. No. 3020):

Senator Kokubun moved that Stand. Com. Rep. No. 2836 be adopted and S.B. No. 3020, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Trimble rose to speak against the measure and said:

"Mr. President, I'll be voting against this issue because we have yet another bill that is not in the Department of Education's budget.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2836 was adopted and S.B. No. 3020, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Taniguchi, Whalen).

Stand. Com. Rep. No. 2837 (S.B. No. 1556, S.D. 2):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 2837 was adopted and S.B. No. 1556, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Taniguchi, Whalen).

Stand. Com. Rep. No. 2838 (S.B. No. 2097, S.D. 1):

Senator Kokubun moved that Stand. Com. Rep. No. 2838 be adopted and S.B. No. 2097, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

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

"This bill apparently seems to be assuming a conclusion. There is no need for this Legislature to fix rates or fees at this moment. We can always have that policy, and if we find that the Department of Land and Natural Resources somehow seeks to do in our constituents, we can go back and fix it. But, I don't think that we should be tying their hands and fixing rates at this particular time.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2838 was adopted and S.B. No. 2097, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2839 (S.B. No. 2125, S.D. 1):

Senator Kokubun moved that Stand. Com. Rep. No. 2839 be adopted and S.B. No. 2125, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

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

"The bill increases the conveyance tax again. We just increased the conveyance tax a couple of years ago. And as I pointed out in Committee, it affects local residents who are buying houses and transferring fees. We note that the median price of a house on Oahu now is \$410,000. It's gone up a lot more. But in addition, a lot of my colleagues were not aware that when you record any kind of conveyance, including a rental agreement, a lease, whether it be a residential or commercial, you're also paying this additional fee.

"Thank you."

Senator Hooser rose in support of the measure and said:

"Mr. President, I rise support.

"I just want to point out for the record that this bill does not raise conveyance taxes for homes purchased in the price range of less than \$500,000. So, anyone concerned about local residents' taxes going up, again, the vast, vast, vast majority of local residents cannot afford homes, period, let alone homes in excess of \$500,000. So, this does not affect the vast majority of people here. It affects primarily those in the higher income ranges.

"In my community, Mr. President, those homes are taking up valuable land that would otherwise be used for local residents. There's a project we have now that's building over 1,500 homes on land that was priorly designated for residential use. These will be residences, but the starting prices are around \$1 million. They will be used primarily for vacation rentals. This bill provides a small measure of support that some of the money generated from these will go into the housing rental trust fund and be used for environmental protection purposes, and therefore I stand in support.

"Thank you."

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

"Mr. President, I also rise in support.

"I would like to state for the record that a couple of weeks ago when the Mayor had his state of the county address on Maui, it was noted that 98 percent of all real estate purchases over \$600,000 were made by nonresidents. I think, again, that this measure isn't intended to affect the residents of our state.

"Thank you."

Senator Hogue rose to oppose the measure and said:

"Mr. President, I rise in opposition.

"I just wanted to point out that although I live in a middle-income or have lived in a middle-income neighborhood in Enchanted Lake in Kailua, that the home prices are selling for now in excess of \$600,000. These are local residents buying homes to live here, okay. We've now affected them.

"So the intent of this, which I'm not for anyway, is to try to get these nonresidents, but there's all this talk about middle class. Well, I live in a middle-class neighbor and the prices are that high. So you've just included us.

"Thank you."

Senator Ige rose and said:

"Mr. President, I just would like to note my reservations. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2839 was adopted and S.B. No. 2125, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2840 (S.B. No. 2516, S.D. 2):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 2840 was adopted and S.B. No. 2516, S.D. 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE EXPANSION OF THE KAHUKU AGRICULTURAL PARK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Taniguchi, Whalen).

Stand. Com. Rep. No. 2843 (S.B. No. 2573, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2843 be adopted and S.B. No. 2573, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Trimble rose to oppose the measure and said:

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

“We have again another tax credit. All of these tax credits are for worthy causes. But perhaps if we had fewer tax credits, we’d be able to raise the standard deduction and the personal exemption for all taxpayers in Hawaii, which would benefit most of those at the lowest income streams. And again, for that reason, I have to oppose this tax credit.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2843 was adopted and S.B. No. 2573, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CAREGIVER TAX CREDIT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Trimble). Excused, 3 (Ige, Taniguchi, Whalen).

Stand. Com. Rep. No. 2844 (S.B. No. 2654, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2844 be adopted and S.B. No. 2654, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

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

“Well, I’m going to do the politically incorrect thing. I’m going to vote against this bill and the next bill as well, not because I’m not concerned about immigrants, not concerned about their health, or their pregnancy, but I’m getting a little weary. We’re talking about the health concerns of our residents and then we here from various immigrant groups that they came in here seeking employment opportunities, which is fine, and healthcare. If we’re not going to prioritize where that healthcare is going to go and we’re going to continue to bloat our health care costs, we’re going to have continuing problems along this way.

“But in addition to that, we’re putting up a sign saying ‘come here get your free healthcare’ whether you be in a union environment or you be in an immigrant environment. The poor people that live here that have to pay and subsidize everyone else, I think, are getting an unfair burden.

“So, it’s not to single out any group, but it is to say that this kind of legislation, in fact, does just that – it singles out groups for special care. So I’m going to be voting ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2844 was adopted and S.B. No. 2654, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH CARE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Taniguchi, Whalen).

Stand. Com. Rep. No. 2845 (S.B. No. 2936, S.D. 2):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 2845 was adopted and S.B. No. 2936, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Taniguchi, Whalen).

Stand. Com. Rep. No. 2846 (S.B. No. 607, S.D. 1):

Senator Kokubun moved that Stand. Com. Rep. No. 2846 be adopted and S.B. No. 607, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Trimble rose to speak in opposition as follows:

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

“There are no limits to our imagination of how we can create new and different tax credits, but it represents a new and different tax credit, and it is going to be paid for by everybody else in Hawaii in the form of higher taxes than they would have in its absence.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2846 was adopted and S.B. No. 607, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO QUALIFIED IMPROVEMENT TAX CREDIT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Taniguchi, Whalen).

Stand. Com. Rep. No. 2848 (S.B. No. 2641, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2848 be adopted and S.B. No. 2641, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Kawamoto rose to oppose the measure and said:

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

“I don’t know how to get the attention of this Body, but, Mr. President, maybe I can cite my wife. She belongs to a group of ladies that meet twice a week and they make quilts, baby quilts – 30-plus quilts a month. This has been going on for four years. You times 30, times 12, times 4 . . . that’s a lot of quilts. And the demand is still greater. All these quilts go to drug babies, babies that come from drug parents and this is enormous.

“Again, the accessibility of drugs may be legal or illegal. Medical marijuana is legal in this state. But, marijuana is illegal federally. The departments, you know, the Department of Health opposed this bill. Public Safety opposed the bill. Public Safety operates 24/7 and has the knowledge of controlling this illegal drug. The Department of Health doesn’t have the personnel or maybe the equipment or the surveillance capability to control this illegal marijuana.

“We talk about transportation, about duplication of government, parks duplication of government. And my

colleagues on the other side of the aisle always say we need to stop duplication. We don't need to grow government. For once, I believe they're right, because that's what is going to happen. The Department of Health is going to come in and say we need personnel, we need expertise, like they do at public safety, which does this work of the surveillance of illegal drugs. They're the same people, Mr. President. And yet we say, we can do this.

"One of the testifiers at our hearing said the State of Oregon, I think it was the State of Oregon, I may be mistaken, but one of those states out there have 150 requests per day – 150 requests per day. I remember, like my good colleague and classmate told me, that it wasn't in 1998 but in the year 2000 when we passed this medical marijuana. I remember sitting right there, and I remember the other Senator sitting down there, a proponent of medical marijuana. The concern was to provide this medical marijuana for the very sick – those in hospice – maybe 200 to 300 patients.

"Mr. President, today we already have 1,000 certificates out there – 1,000 users of this thing. Who's to say that we're going to have the expertise in the Department of Health to control this substance to what is rightfully so to control and have compassion for the very sick? That's the reason why we passed that bill.

"Mr. President, two weeks ago, I went to Honowai Elementary School for 'Drug-Free Day.' I wore red – red tie, red ribbon – and support drug free. In my speech, I spoke on behalf of the Waipahu Legislators. I said, we are going to do our best to again curtail the drug activity in our communities. We marched around the block telling people that we are going to do this. And yet, we provide the capability or the management of medical marijuana, which is still an illegal drug, to a department that don't want it.

"I'm concerned. I'm concerned, again, about the accessibility of these things. I'm concerned about the kids running around the house and with this guy in so much pain that he needs to have this medical marijuana to reduce that pain. Who's going to tell those kids that you cannot run around the house, you've got to go outside the house now because we're smoking marijuana?

"It's not a coincidence that the County of Hawaii has over 50 percent of these certificates and they have only 15 percent of the state's population. It's not a coincidence that last year we had to give federal dollars in the millions to help them with the ice program in Hawaii County. It's not a coincidence that Mr. Ed Kubo indicated to us throughout all the hearings on ice and has said the leading drug to ice is marijuana.

"Mr. President, this is a bad bill. This is a bad bill. If you want to control illegal drugs in the State of Hawaii, we start with this bill.

"Thank you."

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

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

"I have a great deal of respect for my colleague, my classmate, and his steady focus and consistency on this bill. And I do recall, Mr. President, that when we had the original debate on this bill, it lasted nearly four hours, and the final vote was a vote of 13 to 12. We didn't have any problem like that today. There were no bills that anybody felt that were that

compelling that we had to have even a close vote on any of them. So I remember those days quite a bit.

"But I think we're losing track of the focus, because I, too, support all of the anti-drug bills. I support more enforcement. We're not talking about recreational drug use. We're not talking about legalizing drugs here. We're not talking about loosing drugs on the school campus or anything else. What we have talked about from the outset was pain management and an alternative for those people that needed something that they couldn't get with other drugs, legal or illegal. And that's what the debate was about then; that's what the debate is about now.

"In terms of controls, of course the use and the certificates are already controlled. So that really is not an issue. If, however, there are abuses – if people on the Big Island are in more pain than elsewhere – then maybe we can take a look at that. But let's make sure what we're talking about here. We are talking about pain management. We are not talking about recreational drugs.

"Now, just across the way, Mr. President, that other Chamber, they're talking right now about how to put people to death, how they can help them along on that final ride there in a very inexpensive way. They're not talking about pain management. They're saying, if somebody wants to die, let's get a physician and help them do that. We're not doing that in this Body, yet, though the Session is not over.

"It's interesting that that 13 to 12 vote has seemed to meld away, because I think most colleagues believe that there is a problem here, that medical marijuana has been beneficial to a number of people, and that while there may be abuses, the idea is to fix the abuses and not to throw out this part of the law. And who better to administer the law than the Department of Health?

"Certainly, my colleague is correct, that their objections to this bill were based on staffing requirements and monetary resources. Don't we hear that all the time, Mr. President? We even hear it from the HPD. They don't want to take speeding cars because they say they have no place to put them. It's not that they are against getting speeding cars off the road. It's not that the Department of Health is against taking care of these certificates and this enforcement.

"And with all of the discussion that's been going on for the last couple of months here about drug use of any kind being a medical rather than a law enforcement problem, I would think that all of my colleagues would welcome this transfer.

"And so, while I continue to say I don't seek the position of poster boy for drugs of any kind, of any use, I believe that this is the right thing to do, and that's why I support this bill today and urge my colleagues to do likewise.

"Thank you."

Senator Sakamoto rose to support the measure with reservations as follows:

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

"I heard good comments by both previous speakers, although there is a concern of are we getting too lax in terms of the drug control side? Certainly, there is compassion for the real serious who really need this, but it's a matter that we should be very concerned about."

Senator Baker rose in support of the measure and said:

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

“Mr. President, I just want to associate myself with the supportive remarks of my colleague from across the way, the good Senator from Hawaii Kai. I almost never thought I would have that opportunity, and I’m so pleased that I do.

“I have some remarks in support of this measure that I’d like inserted into the Journal, specifically, the testimony that was presented to us by the Drug Policy Action Group.

“I would just note for my colleagues that of the seven states that have medical marijuana like Hawaii does, six of them are in the Department of Health and one, Nevada, is in the Department of Agriculture.

“So, I think this is an important bill because the Legislature in 2000 had significant foresight in looking at ways to manage pain and relieve suffering of individuals. But, yes, I think the administrative body to house this program really ought to be the Department of Health and not PSD.

“Thank you.”

The Chair having so ordered, Senator Baker’s insert of the testimony presented by the Drug Policy Action Group reads as follows:

“TO: SENATE COMMITTEES ON HEALTH & JUDICIARY & HAWAIIAN AFFAIRS

FROM: PAMELA LICHTY, PRESIDENT

RE: SB 2641 RELATING TO CONTROLLED SUBSTANCES – IN SUPPORT

DATE: FEBRUARY 12, 2004

The Drug Policy Action Group strongly supports this bill which would move the state’s medical marijuana program from the Department of Public Safety to the Department of Health and make several other changes to the law.

As one of the chief proponents of the program, and as publishers of a booklet on the law, we receive many comments and inquiries from patients, prospective patients, physicians and care-givers. The Drug Policy Forum has attempted to represent patient concerns since the Act was passed and signed into law in 2000. The changes proposed in this measure were developed in response to the comments we have heard from these various parties over the program’s existence of the last 3 years.

The consensus among these parties is that it is extremely intimidating to have the program housed in the Narcotics Enforcement Division (NED) of the Department of Public Safety. Terri Hurst, an MSW candidate at the University of Hawai’i, is conducting research as a DPFH intern this year in which she is interviewing a sample of physicians and medical marijuana patients. Among other things, she is seeking their input into how the program is working, its effect on the patients’ quality of life, etc. Virtually everyone she speaks with has a strong preference that the program be moved to DOH.

We strongly believe that placement of the medical marijuana program in a law enforcement agency is antithetical to the legislative intent of the measure when it was enacted in 2000. The program was conceived out of compassion for seriously ill people and its placement in NED, a politically necessary compromise at the time, was in retrospect a mistake. Of the seven other states that allow the use of medical marijuana, patient registration, if required, is done through the Department

of Health (with the exception of Nevada where the program registry is with the Department of Agriculture.) There is no other state where the registry is with a law enforcement agency. We contend that the use of medical marijuana is properly regarded as a health issue, not simply as an exception to our state laws on controlled substances.

The other changes proposed in this measure were likewise developed in response to the comments of both patients and physicians. These include expanding the number of patients that a caregiver can take care of from one to three. In many instances several certified patients live in an apartment complex or close to each other, but do not have the space or the capacity to cultivate their own supply of medicinal marijuana. And knowledgeable and willing caregivers, for these seriously ill patients are not always available. There is also a security rationale for permitting this 1:3 ratio. We all want to keep the supply of marijuana grown for medical use, away from our youth, and prevent it from being diverted onto the black market. If there are four people involved in keeping tabs on a specific supply, then one of them is more likely to be available to keep an eye on the crop so that it is not stolen or otherwise diverted.

The original legislation had a provision that the Department of Health could develop a process whereby new conditions could be added to the list of qualifying conditions, as new research warranted - pursuant to a petition by a patient or physician. This has not taken place. There is new language in this measure which sets up a procedure for doing so. It is modeled on similar provisions in Washington and Oregon.

In section 3 of the bill the distinction between ‘mature’ and ‘immature’ plants is eliminated. This is a confusing requirement which puts law enforcement officers in the business of acting as botanists to make this assessment. There have been very few problems arising regarding law enforcement and patients who are certified under this program. But in one high profile case, which is now being litigated, this mature/immature distinction was the bone of contention. The overall limits specifying how much marijuana a patient may have on hand have not been amended.

The program’s current forms, in our view, contain unnecessarily threatening language that discourages all but the most determined applicants. We believe that by making the program less intimidating and more user friendly (for example by posting application forms and information on the departmental website as the Department of Health in Oregon does) the state could increase access for seriously ill patients who may be reluctant to register with NED. NED does not maintain a website on the program nor have any interface with patient applicants except for an intimidating written form which emphasizes the risks to the patient or caregiver.

Broadening outreach in this manner could prove especially useful in reaching medically underserved populations or groups like Native Hawaiians who might have reservations about dealing with a law enforcement agency, and yet may be inclined to try an herbal medication more akin to traditional healing therapies. The Department of Health would be better suited to make such changes than the Department of Public Safety.

In addition NED prevents patients from personally obtaining applications for certification whereas other states (e.g. Oregon and Colorado) accept forms from patients themselves (the legitimacy of the physicians’ recommendations are then checked by the Department of Health.)

We have also been made aware that the current program’s requirement that the physician specify which of the qualifying conditions the patient has, may be in conflict with our state’s

privacy laws surrounding HIV/AIDS status and the disclosure of those conditions. Therefore Section 6 of this measure amends this provision to ensure the confidentiality of the diagnosis.

In closing, we want to acknowledge the Legislature's compassion and foresightfulness in passing the enabling legislation for the medical marijuana program in 2000. The more than one thousand patients who are certified under the program express their thanks every day.

We hope the Committees will see fit to amend this historic law now that some time has passed and we can see what is working and what is not. We urge you to pass this measure today as the first step towards improving this historic public health measure.

Thank you for the opportunity to testify."

At 5:14 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:15 o'clock p.m.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2848 was adopted and S.B. No. 2641, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Kawamoto). Excused, 2 (Taniguchi, Whalen).

Stand. Com. Rep. No. 2849 (S.B. No. 2690, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2849 be adopted and S.B. No. 2690, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Slom rose to speak in opposition as follows:

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

"I certainly support the emergency medical services part of this bill, and since we've had several other bills, maybe it is time that we really take a look at the relationship between the state and the counties in this area.

"The first thing is, we want to make sure that people are covered and that the ambulance services and medical services are provided. However, this bill increases the motor vehicle registration fee, again, at the state level by \$10 and also creates a special fund, and therefore, I can't support it on those bases. But as I said, I'd be very happy to work with any of those people that want to iron out the differences and the problems between state and county distribution of medical services.

"Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2849 was adopted and S.B. No. 2690, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2850 (S.B. No. 3024, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2850 be adopted and S.B. No. 3024, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

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

"There is no free lunch – risk is being assumed by someone. It's either being assumed now, or it's being assumed later.

"This bill would create a tax credit for some future time. I agree that we need, as a society, to generate money for venture capital. Instead of playing a shell game with risk, why don't we take the direct approach? The Employee Retirement System supposedly is already investing some percent of their money, I think it is 8 percent, in funds of which are invested in venture capital firms. However, none of those fund managers make venture capital loans to companies in Hawaii.

"I think the direct approach is to put pressure on the Employee Retirement System to have confidence in the future of our state and to suggest to their fund managers that they look for investment opportunities in Hawaii, and if those fund managers are incapable of doing it, that they find fund managers who are.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2850 was adopted and S.B. No. 3024, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL FORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Taniguchi, Whalen).

Stand. Com. Rep. No. 2851 (S.B. No. 214, S.D. 3):

Senator Kokubun moved that Stand. Com. Rep. No. 2851 be adopted and S.B. No. 214, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

"Mr. President, I rise in support of the measure with reservations.

"I'm all for programs of education and certainly programs of workforce development. This is a specific program directed to Leeward Community College to help assimilate members of the Freely Associated States, namely the Marshallese, Palauan, and Micronesian communities at large.

"We heard testimony that they, in fact, are very special and very unique and different from other immigrant communities. I think that's part of the problem, and that's what I was trying to get at in one of the earlier bills – and that is, we're dividing people up in these different categories rather than putting them together and trying to work on education and workforce development that's going to help everybody.

"I guess I'm from the old school, but I think that all the immigrants that have come before us have had the same kinds of problems of assimilation and somehow they've done it. What we're doing now is, as I say, we're separating them out and giving specific appropriations.

"In addition to this, I do fully feel that it is the federal government's requirement because of the compact that they made with these areas to help. So, in terms of appropriated amounts from the state, there should be very little, if any at all, and we should redouble our efforts to get federal assistance in this matter.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2851 was adopted and S.B. No. 214, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ige, Taniguchi, Whalen).

Stand. Com. Rep. No. 2852 (S.B. No. 2002, S.D. 1):

Senator Kokubun moved that Stand. Com. Rep. No. 2852 be adopted and S.B. No. 2002, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Trimble rose to speak in opposition as follows:

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

"Since this is the last one we have this month on retirement, I wanted to reflect for a moment my experience as a public employee. I remember that my colleagues used to spend enormous amounts of time planning what their lunch for the day was going to be. I also knew of many other of my colleagues that were counting the number of days until they retired. What I did not expect and I didn't anticipate is the number of state employees that are continually seeking to readjust their employment, the employment criteria, and their employment benefits to their selective benefit.

"It is my preference, looking forward to next year, that we direct the Employee Retirement System to come up with a plan that has as many options as government employees might want to use and make them conveyable so that any time an employee wanted to have a different retirement plan, he could do so without going to his legislator.

"I think enormous amounts of time are being spent. The employees of the Employee Retirement System are being misused by constantly having to figure out the cost of new and different systems. I also note that in this particular case, we combined about two or three different groups together into one bill. While I might have supported one, I didn't support the other.

"I will be voting against this measure. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2852 was adopted and S.B. No. 2002, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Trimble). Excused, 3 (Ige, Taniguchi, Whalen).

Stand. Com. Rep. No. 2859 (S.B. No. 3228, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2859 be adopted and S.B. No. 3228, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Ihara rose to support the measure with reservations as follows:

"Mr. President, I rise in support of this bill with reservations.

"Mr. President, my concern is a lack of a definition for natural disaster emergency. There is still no dollar amount of the damages mentioned or any other criteria in the bill. Without a definition, I'm concerned that the emergency and budget reserve fund may be unnecessarily depleted. For example, if there are five disasters this year of the natural type, the bill could reduce the rainy day fund by about 50 percent. I also note that for each natural disaster, 10 percent of whatever monies that are in the fund at that moment may be removed and expended by the Governor. And this does not include any amounts of legislative appropriations that the Governor has not yet released.

"I hope, Mr. President, that these concerns are addressed in Conference Committee should this bill hopefully get there.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2859 was adopted and S.B. No. 3228, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hogue, Slom, Trimble). Excused, 3 (Ige, Taniguchi, Whalen).

Stand. Com. Rep. No. 2860 (S.B. No. 3193, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 2860 be adopted and S.B. No. 3193, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

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

"This bill is not relating to consumers. This bill is relating to price fixing and anti-competitive market. This is the so-called gas cap bill which was passed a couple of years ago, but the proponents did not have the courage to put the bill into effect at that time, because had they done so, we would have seen that our cost of gasoline in Hawaii would have risen above the West Coast index that was used in the original bill.

"Now we come back with a tinkered version of this measure, and we're going to use a different kind of index, but the object is the same - we're going to be the state that controls prices. We're going to be the state that tells the refiners and the wholesalers what to do. A new wrinkle on the current version of the bill is, however, there are no price controls on the retailers. So one might think or one might ask the question, how is that going to keep prices down?

"The larger question is, what it does for our image as a business or investment place. And the fact is that it still is going to have a great deal of pain for the neighbor island independent dealers. Maybe that's why they need more medical

marijuana over there, I'm not sure. In any event, what this does is to guarantee that our prices will always remain high, if not the highest, because right now, Mr. President, as most of my colleagues know, we've slipped to number two, behind California. And if we go ahead with this insane legislation, we will be able to recapture the number one spot, not because of market forces, but because of what has happened in this Legislative Body.

"Are gasoline prices high? You bet! Are they really high and cause us a great deal of problems? You bet! Have they been high for a long time? Yes, they have. But as my good colleague from Kailua likes to point out, so have Wheaties. And today we discussed housing prices, and we discussed health prices. So actually, if we're really going to help the consumers, I guess what we have to do is try to price fix all of these commodities, because if you look at the differences that have occurred over the last 10 years on a percent basis, gasoline falls way behind some of these other commodities. And they're still falling behind.

"Let's wake up. Let's look at what's happening across the nation. The prices are going up 40, 50, 60 cents per gallon in a very short period of time. That's why California was able to go ahead of us. And the reason they are is because of the problems with the lack of refinery capability, taxes, regulations, and environmental handicaps that have been placed on this industry for years.

"In addition to all that, this Body, the Majority Party of this Body, had helped select a consultant and a study to be done a couple of years ago. It was your decision, not ours. And the decision was for Stillwater and Associates to do a study. The study came back and, oh gee, it didn't have the kinds of recommendations that the supporters thought that they would get and what they wanted, so they threw out the study. It's only another couple hundred thousand dollars that we've wasted here.

"If you think that this is going to help the consumers, if you think this is going to help the small independent businesses, if you think this is going to lower the cost of gasoline on a permanent basis, you are incorrect.

"The other argument that had been given, for years now, was that one of the refiners is making so much money – obscene profits, I think, have been used many, many times – that we've got to stop that from happening. If in fact that were true – and it is not – but if in fact that were true, we would find people rushing, rushing to fill the needs in this marketplace. But we don't. We don't see it because that's another part of the problem – and that is our geographical location, our small population, our separation between counties and so forth.

"So, all in all, this is a bad bill. It was bad when it was drafted. It's bad now, and it's fooling the public if we say that we're going to help them and lower their prices. You want to lower prices, drive over to Costco. It's \$1.84 a gallon right now. Or right up the street on Dillingham, Tony's, the independent service station, it's \$1.89 a gallon. Or if you really want to help the consumers, then drop the fuel tax, which at 56 cents combined is the highest fuel tax in the nation.

"This is a bad bill and has nothing to do with helping consumers! Thank you, Mr. President."

Senator Hemmings rose to speak against the measure and said:

"Mr. President, I rise to speak against this legislation.

"In addressing this legislation, Mr. President and colleagues, I'd like to say, first and foremost, that the good news about this bill is it indeed validates what we said previously about the alleged gas cap legislation. This is a tremendous retreat from the original bill that was passed, but it is incredibly – and I can't use this word so I'll use another one . . . I can't use the word disingenuous (laughter) – vexatious in that:

1. It doesn't cap consumer prices. It caps wholesale prices. So this bill is indeed a lie.
2. The good Senator from Hawaii Kai enunciated what we have said all along – that most costs here in Hawaii are extensively high.

The record should also reflect that Judge Mollway in her findings on the divorce law, regarding gas stations, one of the findings clearly said that gas prices are no higher than most other consumer products in Hawaii and many indeed, in fact, are much higher. So there's no justification for capping gas prices, which leads to the question, why? Well, I think those of us who have been around for a while know why. This is a political bill and it is designed to curry favor with people who are being misled on the need for this bill and, more importantly, are being tremendously misled on the impact of this bill.

"Mr. President, you and the Chairman of the Judiciary Committee and others did receive this morning a letter from the attorney general that validates what Judge Mollway said regarding the divorce law and capping lease rents by the refineries. This is a wrongful taking. It's right in Article V of the Bill of Rights. It says 'nor shall private property be taken for public use without just compensation.'

"Also, it's a wrongful taking because there's no guarantee that capping wholesale prices are indeed going to be passed on to the consumers – something that Judge Mollway also reiterated and also something that you know via the attorney general's letter to us, which you are in receipt of.

"Additionally, the price could be confiscatory because it can get so low that the wholesale dealer cannot realize a reasonable profit on the gas. It's beyond the wholesaler's control.

"Mr. President and colleagues, this bill is absolutely incredible that you would have the gall to bring it to the Floor for a vote. Number one, it completely validates our 'no' votes against the original legislation that allegedly was a gas cap. But more importantly, you're bringing to the Floor a bill that most everybody knows is unconstitutional. And I might add, when it was discussed to separate the retail price from the wholesale price and just cap the wholesale price, even former Attorney General Earl Anzai said it was unconstitutional.

"So, what you're doing today, if you pass this bill, is you're passing an unconstitutional piece of legislation. And I'm going to reserve my rights guaranteed to me by the Chairman of the Ways and Means Committee under the freedom of speech of the United States Constitution, to say that this is more of a political ploy to fool the people of Hawaii than it is good legislation to protect them as consumers. Therefore, I urge – I urge – the Majority Party to vote this bill down or recommit it. It is unconstitutional. It is unnecessary. And it is a falsehood.

"Thank you, Mr. President."

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

"Mr. President, I rise to speak in favor of S.B. No. 3193, S.D. 2.

“Mr. President, as you know, the purpose of this measure is to amend certain provisions of Act 77, which was passed by the Legislature in 2002, relating to the imposition of price caps on the sale of gasoline in the state. The amendments to this bill or to Act 77, as contained in this bill, are discussed in the committee report that is attached to this bill. So, in the interest of moving this debate along, I’m not going to go into any detail regarding those particular amendments.

“Mr. President, as I’ve stated on numerous occasions, I believe that Hawaii’s gasoline consumers continue to pay the highest gasoline prices in the country, without acceptable justification. We need to bring meaningful and effective relief to Hawaii’s consumers from high gasoline prices, and I believe that this measure will further that objective.

“Now, Mr. President, I recognize that there are critics of this bill, and of course they include several of my colleagues from across the aisle, and they’ve made some comments to which I strongly disagree. First of all, I think that the comments that have been made by the Minority Leader trying to attribute a political motivation to this bill is really unfortunate because of the fact that by doing so, I think that he himself is injecting partisan politics into this discussion about a very important issue. And I view this issue, Mr. President, not as a partisan issue, but rather as a consumer issue, because the fact is that high gasoline prices affect all consumers irrespective of their party affiliations and backgrounds. So I think that the previous speaker has done a real disservice to the people of Hawaii by injecting partisan politics into this debate when instead we ought to be focusing on the merits of this legislation.

“Now, focusing on the merits, I have problems with the arguments that have been raised thus far because I believe that they continue to perpetuate certain myths and fallacies. First of all, the critics of the measure are saying that the bill has been weakened because we’ve eliminated the retail price cap. I think it really is interesting that the opponents of Act 77 opposed that particular law because it contained a retail price cap. And now, they continue opposing this particular legislation that’s before us because it eliminates the retail price cap. I see an inconsistency in their argument and it leads me to believe that the opponents of this measure will try to find any fault in an attempt to derail this important and badly needed consumer legislation.

“Moreover, I’d like to say that I definitely support the amendment that we’ve made to eliminate the retail price cap because of the fact that it narrowly focuses this measure on the area where the problem really lies – which is the lack of competition on the wholesale level.

“Another myth or fallacy that the critics of this measure continue to assert is that Hawaii’s gasoline prices are set in a free competitive market. Mr. President, this argument is absolutely ludicrous and ignores reality. For clarification, I wanted to offer the following points: first of all, the attorney general’s antitrust investigation several years ago demonstrated that the gasoline market in Hawaii is dominated by a non-competitive oligopoly. Major oil producers in this state are able to extract and realize profit margins on wholesale prices that are significantly higher than those on the mainland. And the reason why they can, Mr. President, is because of the market power that they exercise.

“Now, in support of this contention I sight a statement made by an attorney, Maxwell Blecher, who gave an opening statement on behalf of all of the oil companies in the state’s antitrust litigation. As an oil company attorney, Mr. Blecher stated, quote, ‘Once you decide it’s an oligopoly, you’ve got an

explanation for the phenomenon of the high prices, the high margins, the high profits, the lack of vigorous price competition. That explains it all,’ close quote. Again, that statement was made by the oil company’s attorney.

“Even the Stillwater report, upon which the critics of Act 77 have relied, made the same finding. That’s why I think the previous speakers need to read the Stillwater report more carefully. For example, the report begins with the conclusion that the, quote, ‘high profitability of Hawaii’s gasoline market, relative to other markets, is indicative of the use of market power in an oligopoly.’ In addition, on page 61 of the report, Stillwater admits that higher prices on the neighbor islands, such as Maui, are a result of monopoly power. These findings, Mr. President, including the findings of the state’s antitrust investigation are supported by a considerable amount of evidence and expert testimony that were generated in the antitrust lawsuit.

“I believe that all of these findings provide a strong indication that Hawaii’s oil producers are earning huge profit margins relative to what their mainland counterparts are earning. Therefore, a key objective of this price cap legislation is to try to moderate these excessive profits as a way of assuring fairer and more reasonable prices for Hawaii’s consumers.

“Now, another myth that the law’s opponents continue to perpetuate is that Hawaii’s gasoline prices are the highest in the nation because of costs and taxes. These myths ignore the indisputable evidence generated in the attorney general’s investigation, which demonstrate that excessive profit margin, and not taxes and costs, are the primary drivers behind the high prices that Hawaii’s consumers are now having to pay. In fact, the attorney general’s investigation indicated that it actually costs less to make gasoline in Hawaii than in comparable mainland markets. And it should be emphasized that the numbers used by the state’s attorney general’s office in their litigation where after tax, and they show consistent super contempt competitive profits on consumer gasoline in Hawaii on an after tax basis.

“Moreover, it only costs about 4 cents per gallon to ship crude oil into Hawaii and about 3 cents per gallon to transport and ship refined gasoline to the neighbor islands. Therefore, it’s clear that the shipping costs that have often been referred to by the critics as the boogiemans, don’t explain the high prices on Oahu, and the exorbitant prices that are being charged on the neighbor islands.

“Moreover, there is data to indicate that Hawaii’s gas prices would still be higher than mainland prices, even if you factor in Hawaii’s higher business costs and taxes. For example, industry analysts have indicated that Hawaii’s higher gasoline taxes and higher cost of doing business should add about, anywhere from 22 cents to 32 cents to the national average retail price. However, just this past summer, if you look at the statistics, Hawaii’s average gas prices were 61 cents higher than the national average. Why? The answer again is that high profit margins, and not taxes and costs, have made Hawaii’s gasoline prices higher than they should be.

“Another criticism is that the implementation of the gas price ceilings under this bill will lead to higher prices at the pump. This criticism is also not valid to the extent that it ignores the important amendments that have been made to Act 77 which this bill contains. For example, the price ceiling under this bill would be based upon the oil price national average spot price instead of the spot prices in the western regions of Los Angeles and San Francisco and the Pacific Northwest where prices seem to be more volatile and higher than the rest of the country.

Therefore, the use of this national benchmark will result in lower prices over the long term for Hawaii's consumers.

"It's also going to insure, Mr. President, that Hawaii's gasoline prices will more closely track mainland pricing trends in which gasoline prices rise and fall depending upon the price of crude oil. In my mind, gas prices should follow crude oil prices to the extent that they represent the largest component of the price of gasoline. However, this has not been the case of in Hawaii, where oil companies have kept gasoline prices at high levels, notwithstanding the fact that crude oil prices have been falling nationally. This is why Hawaii's gas prices have been the highest in the nation even though mainland prices have been plummeting to correlate to the reduction in the cost of crude oil prices in that part of the country.

"It's only right that the people of Hawaii benefit when crude oil prices decline like the rest of the country, and this is what S.B. No. 3193, S.D. 2, accomplishes.

"Now, the organization against price gouging, which has worked with me in developing this legislation, has recently compiled estimates based on publicly available information of the effect of the wholesale price caps if they were to be in place today. These estimates clearly indicate that the price caps would reduce gas prices for consumers in Hawaii. For example, for the period September 1, 2003, for regular unleaded gasoline, consumers on Oahu would save approximately 25 cents per gallon; on Maui, 39 cents per gallon; on the Big Island, 35 cents per gallon; and on Kauai, 23 cents per gallon. So, based on these estimates, it's not true, as the critics have contended, that a gas price cap will generally increase prices.

"I also ask my colleagues to step back for a moment and to use some logic and common sense. If the oil companies, as they contend, believe or say that a price cap approach will increase the cost of gasoline at the pump, if they truly believe that, then why is it that they are so sharply opposed to the price caps that are contained in this bill? Is it because they have suddenly become consumer advocates? I don't think so. I think that the reason why they really oppose this measure is not because it's going to increase prices, but because the oil producers know that the implementation of this cap will cut into their massive profits and assure fairer prices for consumers in Hawaii.

"Another concern that's been raised that really has not been supported by any testimony is that these price caps will drive certain companies out of business and will result in shortages. That's not true, the data clearly contradicts that assertion. And a final criticism that has been raised today by some of my colleagues across the aisle is that this bill is unconstitutional, and I have several responses to give in that regard.

"First of all, I would like to point out that the proponents of this measure, the citizens against price gouging, consulted with a number of constitutional attorneys who specialize in that area of the law, and were informed that the amendments would not present constitutional problems. I would also like to point out that two members of the coalition, Professor Emeritus Richard Miller, who is a former Dean and Professor of Law at the University of Hawaii Law School and Mr. Ted Clause a former Deputy Attorney General who was involved in the investigation of the gasoline industry in the 1990's, are knowledgeable about constitutional issues, and they had no problem with this particular bill.

"Moreover, I believe that this measure will withstand a legal challenge because it will advance an important compelling state interest. It will encourage competition in the gasoline industry. It will accomplish this objective by addressing a problem that

makes it difficult for dealers to price compete. At present, many dealers operate on a low margin, and therefore, when the oil companies increase wholesale prices, they are forced to increase prices at the pump in order to maintain their limited margins. Therefore, by reducing wholesale prices, gas price caps will give the dealers more room and more flexibility to be able to price compete and to lower their prices as a way of attracting more business to their stations. And I think that competition is going to especially occur with respect to those gasoline stations that operate these profit centers, such as convenient stores, repair shops, or car washes, which can account for 30 to 50 percent of a dealer's profit. By pushing wholesale prices down and lowering the cost of doing business for these dealers, it's going to make it possible for these dealers to be able to reduce their pump prices in order to enhance their profit centers.

"So, Mr. President, I really believe that this bill is justified on its merits, and accordingly I would ask my colleagues to vote in favor of this pro-consumer measure, S.B. No. 3193, S.D. 2.

"Thank you."

Senator Trimble rose to oppose the measure and said:

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

"Earlier today, I presented a different proposal. I might as well have been talking to the Washington Monument. What we have before us right now is something that will not work. There is no point in creating more government bureaucracy. You know, we have what? The highest electrical prices in the nation and yet we have the PUC regulating it. Our shipping costs to Hawaii are at least double what they would be because there is no effective competition.

"When we think about what we can do, the first thing we do is encourage competition. We don't increase government interference in the marketplace. If you want something that works, think about what was introduced as Floor Amendment 7 early today.

"Thank you, Mr. President."

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

"Mr. President, I speak in support of the measure with reservations.

"In the interest of time, Mr. President, I will be submitting my comments into the Journal, as well as, just to point out that the good Senator from Mililani has convinced me that he has addressed a lot of the concerns that I had. That's also the concerns I had with the present Act 77.

"Though I still have reservations about the so called gas cap concept, I believe that I like the language in S.D. 2 much better than the existing statute, and with that, I can live with the language and hopefully support the measure with reservations.

"Thank you, Mr. President."

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

"Mr. President, I speak in support of S.B. No. 3193, S.D. 2, with reservations.

"Though I spoke against this measure in the Ways and Means Committee, the amendments in S.B. No. 3193 address

my grave concerns, as presented by the good Senator of Mililani.

"I also did not support the bill of 2002 that is now Act 77. However, S.B. No. 3193, S.D. 2's language is much better than the present statute.

"I have still some grave concerns on gas cap measures. I will support S.B. No. 3193, S.D. 2.

"Thank you."

Senator Slom rose and said:

"Mr. President, Roll Call vote, please.

The Chair so ordered.

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

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

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

"First, I'd like to congratulate our Chair of CPH for all the work he has done on this matter, this issue.

"There's a question raised as to why we're doing this by the loyal opposition, and quite frankly it was simple – because many of our residents have asked us to look into this. The price of gas is very high and this is an attempt by your State Legislature to deal with this matter and take it head on.

"Right now, I don't hear a lot from the loyal opposition or from our executive branch on how they are going to deal with this issue, and I don't think they have anything out there. So, we have been looking at this for a few years and I think an important part of this bill on the gas cap is Section 5, which deals with the Governor's emergency powers. Quite frankly, this legislation can be suspended by the Governor. With her written determination and publication of that written determination, she could suspend this legislation so it doesn't happen. So there is, in a sense, a veto power given to our Governor, if in all of her wisdom, and knowledge, and authority she feels this bill is not necessary.

"So, we do have that in here, and I urge all of my colleagues to vote on this measure to help us deal with the high price of gas.

"Thank you, Mr. President."

Senator Hemmings rose to speak in rebuttal and stated:

"Mr. President, I rise on a point of rebuttal.

"Mr. President, I am certainly glad the good Senator from Mililani chose to emphasize my assertions that this is more political than substantive to help the consumers. The evidence is overwhelming that I'm correct. In the last election, there were hit pieces sent out by the Majority Party, the Democratic Party, on candidates for public office that outright lied to the people of Hawaii – very political. One of them said, Representative Blundell from Maui voted against the gas cap. One of them said, Carol Phillips from your district, Mr. President, on the North Shore, voted against the gas cap. They weren't even in office. They couldn't have because they weren't there to vote – talk about politics; talk about misrepresentation; talk about lies. It is political. It was used

very effectively. And unfortunately, the public, who did not know the difference, took some of those lies to heart.

"This is political. Make no bones about it. It's a liberal wing of the Democrat Party trying to find a monster in big oil, and they're going to take them down.

"Number two, it completely ignores the evidence which even good Judge Mollway, with strong Democrat roots tied to Senator Inouye and others, in her finding says, 'at the wholesale and retail levels, because of the high taxes, high concentration at the wholesale level, and high barriers to entry that they de-sawed new companies from entering the market. These barriers include substantial fixed costs, regulatory impediments to building new terminals, an oversupply of gasoline stations in the market, and an adverse political climate.' It's not me that's saying it. Judge Mollway said it in her findings, which were sent back to Hawaii from the Ninth Circuit, probably one of the most liberal courts in the nation. It is political, and it does stink!

"On the constitutional question, you have a handful of coalition people that have been lobbying for this made up of a couple of disgruntled former gasoline dealers, and a couple of extremely anti-free enterprise alleged intellectuals. It mentioned Ted Clause, former Deputy Attorney General. What was not mentioned, was that Ted Clause's boss, Earl Anzai, specifically, specifically, said when the attempt was made several years ago when Act 77 was being discussed here, that you could not cap wholesale prices because it would be unconstitutional takings. Judge Mollway says it. And our present attorney general in a letter, Mr. President, that you and the very learned Chairman of the Judiciary Committee received, says it.

"But we're supposed to swallow the opinion of one special interest spokesperson, Ted Clause. Well, I'm not swallowing and I'm not biting. This is unconstitutional. It's political, Mr. President, and it is an attempt to fool the people of Hawaii once again that prices are being capped to their benefit. And what is most ludicrous about it is the assertion that we, who had the guts to speak out against it two years ago, are being disingenuous. Excuse me, Chairman of the Ways and Means Committee . . . or vexatious, as the case may be.

"We have been tremendously consistent, Mr. President. We're not doing a 180 on capping retail prices at the consumer level. You are, good Chairman from Mililani. You're doing a 180! You're being duplicitous. You're the one that's abandoning consumer protection at the retail level and changing it. We are very consistent. We oppose price caps at the retail level, and we oppose price caps at the wholesale level, especially in view of the fact that price caps at the wholesale level are consistently recognized by every leading constitutional scholar in Hawaii that's worth anything, to be unconstitutional. I recommend the Majority Party, especially the good Senator from Mililani, read again the United States Constitution and Article V regarding takings.

"I hope, I hope, that this bill will be completely killed and will repeal this foolish notion and the falsehood that the great Majority Party is going to rise to protect the consumers while they continue to pay punitive prices on most every consumer product for the reason so eloquently enunciated by Judge Mollway in her findings on the divorcement law.

"I'm proud to have voted against the gas cap legislation, alleged gas cap, then, and I'm really proud to speak out against this 'shibai' legislation.

"Thank you, Mr. President."

Senator Hooser rose to support the measure with reservations as follows:

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

“Disingenuous is the word of the moment, I think, and I have to say that the arguments based on political rhetoric are the most disingenuous of them all. When speakers are unable to attack the substantive nature of the policies, over and over today we’ve got this boogiemer of politics. It’s all about politics. It’s all about Democrats. It’s all about Republicans. This about consumers being ripped-off by big oil companies.

“Consumers in my district cannot drive to Costco. They cannot drive to Aloha Petroleum. They have to pay the prices that are given to them, and they are being ripped-off by big oil, not by the retail stations, but by the big oil companies. It’s been proven over and over again. They’re overcharging our consumers.

“To say that prices are high all over . . . we’re getting ripped-off in real estate, we’re getting ripped-off by medical insurance, so let’s just take the rip-off by the oil companies too. It’s like the same argument with the pollution from the cruise ships. Well, they’re going to pollute, so let everybody pollute.

“I won’t buy it, Mr. President. I think we should take a tough stand. While I don’t agree with all aspects of this bill – I have some concerns – I think the Chairman has done a darn good job over these past few years researching, studying the issues and coming up with a proposed solution that deserves further debate, further dialog, and ultimately, hopefully goes on to success.

“I would just like to encourage all the members to vote to support this measure. Thank you.”

Senator Menor rose to speak in rebuttal and stated:

“Mr. President, just a very brief rebuttal.

“In regards to the constitutional legal issues, I really think that the previous speakers on the other side of the aisle really need to take a closer look at them and do a more careful analysis of those issues. The opinion to which the Minority Leader has been referring is a federal district court case, which occurred several years ago, in which Chevron filed suit against the State of Hawaii to avoid a lease rent cap in gas stations. So, in that regard, we’re talking about an unrelated case – lease rent cap versus the gasoline price ceilings that are contained in this bill.

“Now, the court ruled in favor of the oil company because the judge felt that the state wasn’t able to produce sufficient evidence to support the particular state interest that was being articulated by the attorney general’s office, which is the reduction of gasoline prices. What the opponents of this measure failed to note is the fact that there are several important difference between the case that was before Judge Mollway, several years ago on the unrelated issue of lease rent caps and the legislation that is before us today. First of all, since Judge Mollway came out with her decision, a considerable body of evidence has been developed, since the federal district court decision on the lease rent cap, to indicate that there will be plenty of competition among dealers on the retail level.

“For example, the preamble of the bill that’s before us makes reference to the findings of the state’s antitrust litigation and the Stillwater report regarding the adequacy of competition in the retail level. Therefore, if this bill is challenged in court, the state will have armed with it substantial evidence to be able to

argue that when these gas price caps are implemented and when they push prices down, as we anticipate that they will, then these savings will be passed on to consumers by many dealers who will price compete in an attempt to increase their sales volumes. That’s significant difference number one.

“The other difference between this bill and the lease rent cap law is that, as mentioned earlier, it will further an additional important compelling state interest – which is to foster and further price competition in the gasoline market in Hawaii. And as I already discussed in rather great detail in my earlier remarks, this increased competition will occur for the various reasons that I have offered previously.

“And finally, with respect to the attorney general’s opinion, I have a great deal of respect for the attorney general, but in my mind, it’s not surprising that the office would render that sort of an opinion given the strong position that the Governor has taken on this particular issue.

“So again, I think you have to weigh the merits, look at the pro and cons, and I think that when you weigh the merits, you’ll come to the conclusion that this is a pro-consumer measure and it ought to be passed by this Body and the Legislature.

“Thank you.”

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

“Mr. President, point of personal privilege.

“Mr. President, could I ask the members to turn on their microphones, so that when you read and when you say your aye or nay, that the viewing public will know. Because I’ve gotten complaints in the past and they’re watching with bated breath on the vote and they don’t really know how we vote. And that’s a request I’d like to put out there.

“Thank you.”

Senators Aduja, Ige, Kim and Kokubun requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2860 was adopted and S.B. No. 3193, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONSUMERS,” having been read throughout, and Roll Call vote having been requested, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Hemmings, Hogue, Kawamoto, Slom, Trimble). Excused, 2 (Taniguchi, Whalen).

At 6:06 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:08 o’clock p.m.

THIRD READING

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

S.B. No. 2207, S.D. 1:

By unanimous consent, S.B. No. 2207, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE,” was recommitted to the Committee on Commerce, Consumer Protection and Housing.

REFERRAL OF HOUSE BILLS

MATTERS DEFERRED FROM
FRIDAY, MARCH 5, 2004

The President made the following committee assignments of House bills received on Thursday, March 4, 2004, and Friday, March 5, 2004:

House Bill Referred to:

No. 1712 Committee on Ways and Means

No. 1713, H.D. 2 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

No. 1727, H.D. 1 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs

No. 1770, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 1773, H.D. 1 Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs

No. 1818, H.D. 1 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs

No. 1856, H.D. 1 Committee on Education, then to the Committee on Ways and Means

No. 1859, H.D. 2 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

No. 1875, H.D. 1 Committee on Education, then to the Committee on Ways and Means

No. 1885 Committee on Human Services, then to the Committee on Ways and Means

No. 1892, H.D. 1 Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs

No. 1901, H.D. 1 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs

No. 1907, H.D. 1 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 1925, H.D. 1 Committee on Education, then to the Committee on Ways and Means

No. 1926 Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs

No. 1928, H.D. 1 Committee on Education, then to the Committee on Ways and Means

No. 2048, H.D. 1 Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing

No. 2074, H.D. 1 Jointly to the Committee on Energy and Environment and the Committee on Economic Development

No. 2137, H.D. 1 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 2156, H.D. 1 Jointly to the Committee on Education and the Committee on Human Services, then to the Committee on Ways and Means

No. 2196, H.D. 1 Committee on Judiciary and Hawaiian Affairs

No. 2250, H.D. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2265 Committee on Labor, then to the Committee on Ways and Means

No. 2286, H.D. 1 Committee on Education, then to the Committee on Ways and Means

No. 2292, H.D. 1 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2293 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2295, H.D. 1 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2296, H.D. 1 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2337, H.D. 1 Committee on Ways and Means

No. 2338, H.D. 2 Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 2375, H.D. 1 Committee on Judiciary and Hawaiian Affairs

No. 2379, H.D. 1 Committee on Judiciary and Hawaiian Affairs

No. 2385, H.D. 1 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

No. 2411, H.D. 1 Committee on Commerce, Consumer Protection and Housing

No. 2414 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2472, H.D. 2 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs

No. 2495, H.D. 1 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

No. 2511 Committee on Ways and Means

No. 2516, H.D. 1 Committee on Ways and Means

No. 2642 Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs

No. 2661, H.D. 1 Committee on Economic Development, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 2715, H.D. 1 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

No. 2716 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2784, H.D. 1 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development, then to the Committee on Ways and Means

No. 2815 Committee on Education, then to the Committee on Ways and Means

No. 2871, H.D. 2 Jointly to the Committee on Labor and the Committee on Education

No. 2883, H.D. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2966, H.D. 2 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 2969, H.D. 1 Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing

No. 2985, H.D. 2 Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Wednesday, February 25, 2004; Wednesday, March 3, 2004; Thursday, March 4, 2004; and Friday, March 5, 2004:

Senate
Concurrent
Resolution Referred to:

No. 37 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing

No. 38 Committee on Transportation, Military Affairs, and Government Operations

No. 39 Committee on Human Services, then to the Committee on Ways and Means

No. 40 Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 41 Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs

No. 42 Committee on Education, then to the Committee on Ways and Means

No. 43 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 44 Jointly to the Committee on Health, the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 45 Jointly to the Committee on Human Services and the Committee on Health

No. 46 Committee on Education

No. 47 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means

No. 48 Committee on Education, then to the Committee on Ways and Means

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Wednesday, February 25, 2004; Wednesday, March 3, 2004; Thursday, March 4, 2004; and Friday, March 5, 2004:

Senate
Resolution Referred to:

No. 19 Committee on Transportation, Military Affairs, and Government Operations

No. 20 Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 21 Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs

No. 22 Committee on Education, then to the Committee on Ways and Means

ADJOURNMENT

At 6:09 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 11, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

THIRTY-SECOND DAY

Thursday, March 11, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Bob Hogue, 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 Thirty-First Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 365 to 367) were read by the Clerk and were placed on file:

Gov. Msg. No. 365, dated January 12, 2004, transmitting the Aloha Tower Development Corporation's Annual Report for Fiscal Year Ending June 30, 2002.

Gov. Msg. No. 366, dated February 24, 2004, transmitting the High Technology Development Corporation's 2003 Annual Report, pursuant to Chapter 206M, HRS.

Gov. Msg. No. 367, letter dated March 1, 2004, transmitting notification that she has approved the expenditure of non-appropriated federal funds for the Department of Transportation in the amount of \$2,253,534, pursuant to Act 200, SLH 2003.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 29 and 30) were read by the Clerk and were placed on file:

Dept. Com. No. 29, from the State Auditor dated March 5, 2004, transmitting a report, "Study of Separation Incentives Provided to Public Employees Under Act 253 of the 2000 Legislature," (Report No. 04-04).

Dept. Com. No. 30, from the State Auditor dated March 8, 2004, transmitting a report, "Financial Audit of the Department of Health," (Report No. 04-05).

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 148 to 287) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 148, transmitting H.B. No. 33, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 33, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 149, transmitting H.B. No. 87, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 87, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed First Reading by title and was deferred.

Hse. Com. No. 150, transmitting H.B. No. 267, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 267, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed First Reading by title and was deferred.

Hse. Com. No. 151, transmitting H.B. No. 432, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 432, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STREAM EROSION," passed First Reading by title and was deferred.

Hse. Com. No. 152, transmitting H.B. No. 537, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 537, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed First Reading by title and was deferred.

Hse. Com. No. 153, transmitting H.B. No. 634, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 634, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIANAEO COAST COMPREHENSIVE HEALTH CENTER," passed First Reading by title and was deferred.

Hse. Com. No. 154, transmitting H.B. No. 680, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 680, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed First Reading by title and was deferred.

Hse. Com. No. 155, transmitting H.B. No. 698, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 698, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed First Reading by title and was deferred.

Hse. Com. No. 156, transmitting H.B. No. 706, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 706, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON," passed First Reading by title and was deferred.

Hse. Com. No. 157, transmitting H.B. No. 1071, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1071, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed First Reading by title and was deferred.

Hse. Com. No. 158, transmitting H.B. No. 1103, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1103, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed First Reading by title and was deferred.

Hse. Com. No. 159, transmitting H.B. No. 1259, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1259, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed First Reading by title and was deferred.

Hse. Com. No. 160, transmitting H.B. No. 1335, H.D. 3, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1335, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," passed First Reading by title and was deferred.

Hse. Com. No. 161, transmitting H.B. No. 1374, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1374, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed First Reading by title and was deferred.

Hse. Com. No. 162, transmitting H.B. No. 1472, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1472, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARES," passed First Reading by title and was deferred.

Hse. Com. No. 163, transmitting H.B. No. 1634, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1634, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed First Reading by title and was deferred.

Hse. Com. No. 164, transmitting H.B. No. 1710, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1710, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 165, transmitting H.B. No. 1717, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1717, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed First Reading by title and was deferred.

Hse. Com. No. 166, transmitting H.B. No. 1729, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1729, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed First Reading by title and was deferred.

Hse. Com. No. 167, transmitting H.B. No. 1743, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1743, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," passed First Reading by title and was deferred.

Hse. Com. No. 168, transmitting H.B. No. 1758, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1758, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING PROJECTS," passed First Reading by title and was deferred.

Hse. Com. No. 169, transmitting H.B. No. 1762, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1762, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading by title and was deferred.

Hse. Com. No. 170, transmitting H.B. No. 1765, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1765, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT BOARDS, COMMISSIONS, AND AGENCIES," passed First Reading by title and was deferred.

Hse. Com. No. 171, transmitting H.B. No. 1769, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1769, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT CONTRACTS FOR BROADCAST INDUSTRY EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 172, transmitting H.B. No. 1774, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1774, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," passed First Reading by title and was deferred.

Hse. Com. No. 173, transmitting H.B. No. 1780, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1780, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed First Reading by title and was deferred.

Hse. Com. No. 174, transmitting H.B. No. 1786, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1786, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 175, transmitting H.B. No. 1792, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1792, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed First Reading by title and was deferred.

Hse. Com. No. 176, transmitting H.B. No. 1796, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1796, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY," passed First Reading by title and was deferred.

Hse. Com. No. 177, transmitting H.B. No. 1805, H.D. 3, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1805, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLAN," passed First Reading by title and was deferred.

Hse. Com. No. 178, transmitting H.B. No. 1806, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1806, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY INSTALLATIONS," passed First Reading by title and was deferred.

Hse. Com. No. 179, transmitting H.B. No. 1839, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1839, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PAIN PATIENT'S BILL OF RIGHTS," passed First Reading by title and was deferred.

Hse. Com. No. 180, transmitting H.B. No. 1840, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1840, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," passed First Reading by title and was deferred.

Hse. Com. No. 181, transmitting H.B. No. 1848, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1848, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES," passed First Reading by title and was deferred.

Hse. Com. No. 182, transmitting H.B. No. 1894, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1894, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT HEALTH," passed First Reading by title and was deferred.

Hse. Com. No. 183, transmitting H.B. No. 1898, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1898, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY FOR YOUTH MONTH," passed First Reading by title and was deferred.

Hse. Com. No. 184, transmitting H.B. No. 1906, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1906, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 185, transmitting H.B. No. 1919, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1919, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 186, transmitting H.B. No. 1924, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1924, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER COMPENSATION," passed First Reading by title and was deferred.

Hse. Com. No. 187, transmitting H.B. No. 1937, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1937, H.D. 2, entitled: "A BILL

FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 188, transmitting H.B. No. 1980, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1980, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed First Reading by title and was deferred.

Hse. Com. No. 189, transmitting H.B. No. 1987, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1987, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed First Reading by title and was deferred.

Hse. Com. No. 190, transmitting H.B. No. 1991, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1991, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," passed First Reading by title and was deferred.

Hse. Com. No. 191, transmitting H.B. No. 2002, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2002, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 192, transmitting H.B. No. 2015, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2015, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed First Reading by title and was deferred.

Hse. Com. No. 193, transmitting H.B. No. 2022, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2022, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," passed First Reading by title and was deferred.

Hse. Com. No. 194, transmitting H.B. No. 2023, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2023, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE APPEALS," passed First Reading by title and was deferred.

Hse. Com. No. 195, transmitting H.B. No. 2025, H.D. 3, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2025, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO EQUAL PAY," passed First Reading by title and was deferred.

Hse. Com. No. 196, transmitting H.B. No. 2034, H.D. 3, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2034, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO BIOPROSPECTING," passed First Reading by title and was deferred.

Hse. Com. No. 197, transmitting H.B. No. 2061, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2061, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed First Reading by title and was deferred.

Hse. Com. No. 198, transmitting H.B. No. 2088, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2088, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS," passed First Reading by title and was deferred.

Hse. Com. No. 199, transmitting H.B. No. 2098, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2098, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," passed First Reading by title and was deferred.

Hse. Com. No. 200, transmitting H.B. No. 2136, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2136, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed First Reading by title and was deferred.

Hse. Com. No. 201, transmitting H.B. No. 2142, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2142, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS PRACTICES," passed First Reading by title and was deferred.

Hse. Com. No. 202, transmitting H.B. No. 2143, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2143, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," passed First Reading by title and was deferred.

Hse. Com. No. 203, transmitting H.B. No. 2158, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2158, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE STATEMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 204, transmitting H.B. No. 2172, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2172, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed First Reading by title and was deferred.

Hse. Com. No. 205, transmitting H.B. No. 2181, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2181, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING FINANCING PROGRAMS," passed First Reading by title and was deferred.

Hse. Com. No. 206, transmitting H.B. No. 2184, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2184, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 207, transmitting H.B. No. 2186, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2186, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FILIPINO CENTENNIAL CELEBRATION COMMISSION," passed First Reading by title and was deferred.

Hse. Com. No. 208, transmitting H.B. No. 2191, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2191, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed First Reading by title and was deferred.

Hse. Com. No. 209, transmitting H.B. No. 2206, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2206, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed First Reading by title and was deferred.

Hse. Com. No. 210, transmitting H.B. No. 2215, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2215, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed First Reading by title and was deferred.

Hse. Com. No. 211, transmitting H.B. No. 2229, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2229, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT RECORDS," passed First Reading by title and was deferred.

Hse. Com. No. 212, transmitting H.B. No. 2230, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2230, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SHORTAGE CATEGORIES," passed First Reading by title and was deferred.

Hse. Com. No. 213, transmitting H.B. No. 2251, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2251, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 291E," passed First Reading by title and was deferred.

Hse. Com. No. 214, transmitting H.B. No. 2254, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2254, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 707, HAWAII REVISED STATUTES," passed First Reading by title and was deferred.

Hse. Com. No. 215, transmitting H.B. No. 2259, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2259, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MISUSE OF 911," passed First Reading by title and was deferred.

Hse. Com. No. 216, transmitting H.B. No. 2262, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2262, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed First Reading by title and was deferred.

Hse. Com. No. 217, transmitting H.B. No. 2273, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2273, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 218, transmitting H.B. No. 2280, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2280, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed First Reading by title and was deferred.

Hse. Com. No. 219, transmitting H.B. No. 2290, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2290, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed First Reading by title and was deferred.

Hse. Com. No. 220, transmitting H.B. No. 2291, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2291, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed First Reading by title and was deferred.

Hse. Com. No. 221, transmitting H.B. No. 2294, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2294, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ADMINISTRATIVE COSTS IN TRAFFIC CASES," passed First Reading by title and was deferred.

Hse. Com. No. 222, transmitting H.B. No. 2301, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2301, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed First Reading by title and was deferred.

Hse. Com. No. 223, transmitting H.B. No. 2320, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2320, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION," passed First Reading by title and was deferred.

Hse. Com. No. 224, transmitting H.B. No. 2321, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2321, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed First Reading by title and was deferred.

Hse. Com. No. 225, transmitting H.B. No. 2359, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2359, H.D. 1, entitled: "A BILL

FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 226, transmitting H.B. No. 2361, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2361, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC AGENCY MEETINGS," passed First Reading by title and was deferred.

Hse. Com. No. 227, transmitting H.B. No. 2370, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2370, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," passed First Reading by title and was deferred.

Hse. Com. No. 228, transmitting H.B. No. 2378, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2378, entitled: "A BILL FOR AN ACT RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS," passed First Reading by title and was deferred.

Hse. Com. No. 229, transmitting H.B. No. 2396, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2396, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 230, transmitting H.B. No. 2398, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2398, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed First Reading by title and was deferred.

Hse. Com. No. 231, transmitting H.B. No. 2403, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2403, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM," passed First Reading by title and was deferred.

Hse. Com. No. 232, transmitting H.B. No. 2404, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2404, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX

QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM," passed First Reading by title and was deferred.

Hse. Com. No. 233, transmitting H.B. No. 2408, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2408, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading by title and was deferred.

Hse. Com. No. 234, transmitting H.B. No. 2444, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2444, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MILITIA," passed First Reading by title and was deferred.

Hse. Com. No. 235, transmitting H.B. No. 2459, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2459, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed First Reading by title and was deferred.

Hse. Com. No. 236, transmitting H.B. No. 2458, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2458, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," passed First Reading by title and was deferred.

Hse. Com. No. 237, transmitting H.B. No. 2455, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2455, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," passed First Reading by title and was deferred.

Hse. Com. No. 238, transmitting H.B. No. 2462, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2462, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 239, transmitting H.B. No. 2464, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2464, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 240, transmitting H.B. No. 2466, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2466, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM," passed First Reading by title and was deferred.

Hse. Com. No. 241, transmitting H.B. No. 2467, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2467, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed First Reading by title and was deferred.

Hse. Com. No. 242, transmitting H.B. No. 2520, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2520, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed First Reading by title and was deferred.

Hse. Com. No. 243, transmitting H.B. No. 2527, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2527, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL INTEREST VEHICLES," passed First Reading by title and was deferred.

Hse. Com. No. 244, transmitting H.B. No. 2529, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2529, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS LAND," passed First Reading by title and was deferred.

Hse. Com. No. 245, transmitting H.B. No. 2539, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2539, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," passed First Reading by title and was deferred.

Hse. Com. No. 246, transmitting H.B. No. 2573, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2573, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS," passed First Reading by title and was deferred.

Hse. Com. No. 247, transmitting H.B. No. 2579, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2579, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 248, transmitting H.B. No. 2581, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2581, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed First Reading by title and was deferred.

Hse. Com. No. 249, transmitting H.B. No. 2608, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2608, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed First Reading by title and was deferred.

Hse. Com. No. 250, transmitting H.B. No. 2611, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2611, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY," passed First Reading by title and was deferred.

Hse. Com. No. 251, transmitting H.B. No. 2633, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2633, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MONOPOLIES; RESTRAINT OF TRADE," passed First Reading by title and was deferred.

Hse. Com. No. 252, transmitting H.B. No. 2645, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2645, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 253, transmitting H.B. No. 2657, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2657, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed First Reading by title and was deferred.

Hse. Com. No. 254, transmitting H.B. No. 2659, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2659, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed First Reading by title and was deferred.

Hse. Com. No. 255, transmitting H.B. No. 2662, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2662, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed First Reading by title and was deferred.

Hse. Com. No. 256, transmitting H.B. No. 2667, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2667, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE MEDIUM EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 257, transmitting H.B. No. 2674, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2674, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed First Reading by title and was deferred.

Hse. Com. No. 258, transmitting H.B. No. 2691, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2691, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," passed First Reading by title and was deferred.

Hse. Com. No. 259, transmitting H.B. No. 2703, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2703, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed First Reading by title and was deferred.

Hse. Com. No. 260, transmitting H.B. No. 2713, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2713, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY FOR PUBLIC EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 261, transmitting H.B. No. 2717, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2717, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIENS," passed First Reading by title and was deferred.

Hse. Com. No. 262, transmitting H.B. No. 2722, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2722, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI WATERSHED IMPROVEMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 263, transmitting H.B. No. 2740, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2740, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF EMPLOYMENT CHANGES," passed First Reading by title and was deferred.

Hse. Com. No. 264, transmitting H.B. No. 2741, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2741, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS," passed First Reading by title and was deferred.

Hse. Com. No. 265, transmitting H.B. No. 2742, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2742, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed First Reading by title and was deferred.

Hse. Com. No. 266, transmitting H.B. No. 2743, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2743, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed First Reading by title and was deferred.

Hse. Com. No. 267, transmitting H.B. No. 2748, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2748, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed First Reading by title and was deferred.

Hse. Com. No. 268, transmitting H.B. No. 2749, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2749, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed First Reading by title and was deferred.

Hse. Com. No. 269, transmitting H.B. No. 2759, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2759, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND IN PUPUKEA-PAUMALU, OAHU," passed First Reading by title and was deferred.

Hse. Com. No. 270, transmitting H.B. No. 2768, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2768, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION," passed First Reading by title and was deferred.

Hse. Com. No. 271, transmitting H.B. No. 2786, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2786, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed First Reading by title and was deferred.

Hse. Com. No. 272, transmitting H.B. No. 2788, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2788, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," passed First Reading by title and was deferred.

Hse. Com. No. 273, transmitting H.B. No. 2792, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2792, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE ROADS," passed First Reading by title and was deferred.

Hse. Com. No. 274, transmitting H.B. No. 2796, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2796, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed First Reading by title and was deferred.

Hse. Com. No. 275, transmitting H.B. No. 2809, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2809, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOTEL PROJECT TAX CREDIT," passed First Reading by title and was deferred.

Hse. Com. No. 276, transmitting H.B. No. 2814, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2814, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT," passed First Reading by title and was deferred.

Hse. Com. No. 277, transmitting H.B. No. 2864, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2864, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed First Reading by title and was deferred.

Hse. Com. No. 278, transmitting H.B. No. 2873, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2873, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS," passed First Reading by title and was deferred.

Hse. Com. No. 279, transmitting H.B. No. 2894, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2894, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO REAL PROPERTY," passed First Reading by title and was deferred.

Hse. Com. No. 280, transmitting H.B. No. 2911, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2911, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed First Reading by title and was deferred.

Hse. Com. No. 281, transmitting H.B. No. 2956, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2956, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MASS TRANSIT," passed First Reading by title and was deferred.

Hse. Com. No. 282, transmitting H.B. No. 2960, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2960, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT," passed First Reading by title and was deferred.

Hse. Com. No. 283, transmitting H.B. No. 2961, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2961, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," passed First Reading by title and was deferred.

Hse. Com. No. 284, transmitting H.B. No. 2964, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2964, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE INSPECTIONS," passed First Reading by title and was deferred.

Hse. Com. No. 285, transmitting H.B. No. 2976, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2976, H.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO THE WEED AND SEED STRATEGY," passed First Reading by title and was deferred.

Hse. Com. No. 286, transmitting H.B. No. 2968, H.D. 2, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2968, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed First Reading by title and was deferred.

Hse. Com. No. 287, transmitting H.B. No. 2974, H.D. 1, which passed Third Reading in the House of Representatives on March 9, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2974, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," passed First Reading by title and was deferred.

SENATE COMMUNICATION

Sen. Com. No. 1, notice to the Governor dated March 11, 2004, transmitting S.B. No. 2843, S.D. 1; S.B. No. 2846, S.D. 1; S.B. No. 2851, S.D. 1; and S.B. No. 3125, S.D. 2, which propose amendments to the Hawaii State Constitution, was read by the Clerk and was disposed of as follows:

By unanimous consent, the following notice was sent to the Governor:

"March 11, 2004

The Honorable Linda Lingle
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

S.B. No. 2843, S.D. 1
'PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII.'

S.B. No. 2846, S.D. 1
'PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 14, OF THE HAWAII CONSTITUTION.'

S.B. No. 2851, S.D. 1
'PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII.'

S.B. No. 3125, S.D. 2
'RELATING TO EDUCATION.'

Respectfully,

/s/ Paul T. Kawaguchi
PAUL T. KAWAGUCHI
Clerk of the Senate'

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2868) recommending that the Senate advise and consent to the nominations to the Hawai'i Medical Education Council of the following:

SHERREL L. HAMMAR MD, in accordance with Gov. Msg. No. 259;

CHRISTI L. KELIPIO, in accordance with Gov. Msg. No. 260;

LESLIE J. KRENK RPH, CDE, in accordance with Gov. Msg. No. 261;

SUSAN REHBERG MERRILL, in accordance with Gov. Msg. No. 262;

LAWRENCE O'BRIEN, in accordance with Gov. Msg. No. 263;

ARTHUR USHIJIMA, in accordance with Gov. Msg. No. 264;

JOSEPH G. WEBB JR., in accordance with Gov. Msg. No. 265; and

MARY EVELYN WORRALL, in accordance with Gov. Msg. No. 266.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2868 and Gov. Msg. Nos. 259, 260, 261, 262, 263, 264, 265 and 266 was deferred until Friday, March 12, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2869) recommending that the Senate advise and consent to the nomination of DAVID SPROAT to the Commission of Transportation, in accordance with Gov. Msg. No. 298.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2869 and Gov. Msg. No. 298 was deferred until Friday, March 12, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2870) recommending that the Senate advise and consent to the nomination of CYNTHIA LYNN STINE to the Advisory Board on Veterans Services, in accordance with Gov. Msg. No. 299.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2870 and Gov. Msg. No. 299 was deferred until Friday, March 12, 2004.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2871) recommending that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

EIRAYNA K. ADAMS, in accordance with Gov. Msg. No. 252;

CAROLEE K. ARICAYOS, in accordance with Gov. Msg. No. 253;

ELAINE NICKIE HINES, in accordance with Gov. Msg. No. 254;

WHITNEY G.K. SMITH, in accordance with Gov. Msg. No. 255;

JENNIFER L. VIERNES, in accordance with Gov. Msg. No. 256; and

BENJAMIN J. YIM, in accordance with Gov. Msg. No. 257.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2871 and Gov. Msg. Nos. 252, 253, 254, 255, 256 and 257 was deferred until Friday, March 12, 2004.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2872) recommending that the Senate advise and consent to the nomination of BOB DEWITZ to the Board of Directors of the Hawai'i Strategic Development Corporation, in accordance with Gov. Msg. No. 293.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2872 and Gov. Msg. No. 293 was deferred until Friday, March 12, 2004.

ORDER OF THE DAY

THIRD READING

S.B. No. 3030, S.D. 2:

On motion by Senator Chun Oakland, seconded by Senator English and carried, S.B. No. 3030, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Kawamoto). Excused, 2 (Hanabusa, Kim).

S.B. No. 1362, S.D. 3:

On motion by Senator Chun Oakland, seconded by Senator English and carried, S.B. No. 1362, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Hanabusa, Kim).

S.B. No. 2474, S.D. 3:

Senator Menor moved that S.B. No. 2474, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

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

"Let me say that I absolutely support the concept of renewable energy and I voted for many bills over the past several years that would give us incentives to do that. However, this bill again is a bill that mandates the utility not only that it must do certain things, it must do them by a certain date, but also picks percentages of its total sales as to what it should be.

"These percentages, I've never seen any testimony that has had a basis for where these percentages have come from, and they certainly have not come from anybody in the energy

industry, whether it be regular, or alternative, or whatever. I noted the other day that we have had bills in the past where we've suggested that the government lead the way by example by having schools and other public buildings using renewable energy, and when the bills were passed they were vetoed by the former Governor as being too costly.

"So, here again we are just looking at the private sector. I think that the public sector could go a long way as being a model for renewable energy if we did that, but we're not doing that. And in addition, instead of providing incentives, we're providing penalties. So I cast my 'no' vote.

"Thank you."

Senator English rose to speak in support and stated:

"Mr. President, I rise in support.

"Well, there you go again comparing apples and oranges. You know, the thing that we talked about earlier – that was mentioned by the speaker earlier – was requiring use of solar energy on government buildings. I still think it's a great idea, but the mandate that comes out of this particular bill requires everyone to meet a new standard – not just the private sector, government as well.

"I have to say that these numbers are important, and they're important because it's supported by the administration and supported by many of us. The administration came out with the number that they picked that sounded very nice. They proved to the Committee that they could meet those numbers. And when you have things that are very easy to meet, you always want to set a higher standard. So what we did was set a higher standard for Hawaii and asked for even higher renewables because if we can meet 20 percent by the year 20 and the administration says 'yes we can, this is our goal,' then we said let's try and strive for 30 percent, 10 percent more. Because if it's too easy to do, then there's really no challenge. So now, the administration is working very hard, along with industry, to come up with how we're going to meet these numbers.

"As you know, this goes over to the House for discussion. I think that we'll come out with a nice number at the end, but at this point, I think our position is firm at 30 percent. So I ask for your continued support.

"Thank you."

Senator Slom rose in rebuttal and said:

"Mr. President, just a very brief rebuttal.

"Again, when we first started this kind of legislation years ago, we could use words like strive. But this bill, and the reason I'm voting against it, does not talk about strive. It is a mandate. It is compulsory. It is forced. It's not a goal; it is a standard.

"Thank you."

Senator English rose to respond as follows:

"Mr. President, just so that the record is absolutely clear, that's the exact same mandate that was sent down by the administration. They wanted the exact same type of mandate. So, we're simply helping to accommodate that and moving a compromised hybrid bill forward.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 2474, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, MARCH 9, 2004

Stand. Com. Rep. No. 2862 (S.C.R. No. 5):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 5, entitled: "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES," was adopted.

Stand. Com. Rep. No. 2863 (S.C.R. No. 6):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 6, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK," was adopted.

Stand. Com. Rep. No. 2864 (S.C.R. No. 7):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 7, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT SPRECKELSVILLE, WAILUKU, MAUI, HAWAII, FOR MAINTENANCE OF ROCK GROIN PURPOSES," was adopted.

Stand. Com. Rep. No. 2865 (S.C.R. No. 8):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 8, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF BREAKWATER PURPOSES," was adopted.

Stand. Com. Rep. No. 2866 (S.C.R. No. 23):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 23, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND REQUIRE AS PART OF THE CURRICULUM AN ELEMENTARY SCHOOL-LEVEL PHYSICAL EDUCATION PROGRAM," was adopted.

Stand. Com. Rep. No. 2867 (S.R. No. 12):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 12, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND REQUIRE AS PART OF THE

CURRICULUM AN ELEMENTARY SCHOOL-LEVEL PHYSICAL EDUCATION PROGRAM," was adopted.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

REFERRAL OF HOUSE BILLS

MATTERS DEFERRED FROM TUESDAY, MARCH 9, 2004

The President made the following committee assignments of House bills received on Tuesday, March 9, 2004:

House Bill Referred to:

No. 1747, H.D. 2 Committee on Education, then to the Committee on Ways and Means

No. 1756, H.D. 2 Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 1778, H.D. 2 Committee on Labor, then to the Committee on Ways and Means

No. 1784, H.D. 1 Committee on Ways and Means

No. 1793, H.D. 2 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 1860, H.D. 1 Committee on Human Services, then to the Committee on Ways and Means

No. 1893, H.D. 2 Committee on Education, then to the Committee on Ways and Means

No. 1904, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 1908, H.D. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education

No. 1929, H.D. 1 Committee on Education, then to the Committee on Ways and Means

No. 1944, H.D. 1 Committee on Energy and Environment, then to the Committee on Ways and Means

No. 1946, H.D. 1 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2009, H.D. 1 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2057, H.D. 1 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

No. 2092, H.D. 2 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2093, H.D. 1 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 2109, H.D. 2 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 2170, H.D. 1 Committee on Health, then to the Committee on Ways and Means

No. 2297, H.D. 1 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2314, H.D. 2 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 2322, H.D. 1 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 2341, H.D. 1 Committee on Water, Land, and Agriculture

No. 2354 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2394, H.D. 1 Jointly to the Committee on Water, Land, and Agriculture, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2397, H.D. 1 Committee on Ways and Means

No. 2446 Committee on Labor, then to the Committee on Ways and Means

No. 2463 Committee on Labor

No. 2493, H.D. 1 Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 2498, H.D. 1 Jointly to the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture

No. 2523, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2528, H.D. 2 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2547, H.D. 2 Committee on Education, then to the Committee on Ways and Means

No. 2578, H.D. 1 Committee on Energy and Environment, then to the Committee on Ways and Means

No. 2580 Committee on Labor, then to the Committee on Ways and Means

No. 2582 Committee on Labor, then to the Committee on Ways and Means

No. 2583 Committee on Labor, then to the Committee on Ways and Means

No. 2584, H.D. 1 Committee on Labor, then to the Committee on Ways and Means

No. 2596, H.D. 1 Committee on Ways and Means

- | | | |
|------------------|--|-------------------------|
| No. 2739, H.D. 1 | Committee on Science, Arts, and Technology, then to the Committee on Ways and Means | Respectfully submitted, |
| No. 2747 | Committee on Ways and Means | |
| No. 2773, H.D. 1 | Committee on Commerce, Consumer Protection and Housing | Clerk of the Senate |
| No. 2774, H.D. 1 | Committee on Commerce, Consumer Protection and Housing | Approved: |
| No. 2781, H.D. 2 | Committee on Tourism, then to the Committee on Judiciary and Hawaiian Affairs | President of the Senate |
| No. 2798, H.D. 1 | Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing | |
| No. 2803, H.D. 1 | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means | |
| No. 2840, H.D. 1 | Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means | |
| No. 2849, H.D. 1 | Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means | |
| No. 2859, H.D. 2 | Jointly to the Committee on Water, Land, and Agriculture and the Committee on Tourism, then to the Committee on Ways and Means | |
| No. 2981, H.D. 1 | Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing | |

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o'clock p.m.

STANDING COMMITTEE REPORT

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2873) recommending that the Senate advise and consent to the nomination of TED H.S. HONG to the office of Judge, Circuit Court of the Third Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 152.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2873 and Gov. Msg. No. 152 was deferred until Friday, March 12, 2004.

ADJOURNMENT

At 12:24 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 12, 2004.

THIRTY-THIRD DAY**Friday, March 12, 2004**

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend John Berger, The Cathedral of Our Lady of Peace, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Thirty-Second Day.

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:22 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 288 and 289) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 288, transmitting H.B. No. 1800, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1800, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 289, transmitting H.B. No. 2300, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 2004, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 2300, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 49 to 52) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 49 "SENATE CONCURRENT RESOLUTION URGING THE OFFERING OF CONTINUING MEDICAL EDUCATION ON PAIN MANAGEMENT."

Offered by: Senator Chun Oakland.

No. 50 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENSURE FULL COMPLIANCE WITH THAT PORTION OF THE ADMINISTRATIVE RULES THAT CALLS FOR 'APPROPRIATE INTERVENTION AND TREATMENT SERVICES' FOR STUDENTS EXCLUDED FROM SCHOOL DUE TO 'POSSESSION OF A DANGEROUS WEAPON, SWITCHBLADE KNIFE, INTOXICATING LIQUOR, OR ILLICIT DRUGS'."

Offered by: Senators Tsutsui, English, Baker.

No. 51 "SENATE CONCURRENT RESOLUTION REQUESTING OUR CONGRESSIONAL DELEGATION'S SUPPORT FOR MEASURES TO RESTORE HEALTH CARE BENEFITS TO VETERANS."

Offered by: Senator Tsutsui.

No. 52 "SENATE CONCURRENT RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES."

Offered by: Senator Kawamoto, by request.

SENATE RESOLUTION

The following resolution (S.R. No. 23) was read by the Clerk and was deferred:

Senate Resolution

No. 23 "SENATE RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES."

Offered by: Senator Kawamoto, by request.

STANDING COMMITTEE REPORT

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2874) recommending that S.C.R. No. 9, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2874 and S.C.R. No. 9, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES," was deferred until Monday, March 15, 2004.

ORDER OF THE DAY**ADVISE AND CONSENT**

Stand. Com. Rep. No. 2868 (Gov. Msg. Nos. 259, 260, 261, 262, 263, 264, 265 and 266):

Senator Sakamoto moved that Stand. Com. Rep. No. 2868 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Hawai'i Medical Education Council of the following:

SHERREL L. HAMMAR MD, term to expire June 30, 2007 (Gov. Msg. No. 259);

CHRISTI L. KELIPIO, term to expire June 30, 2005 (Gov. Msg. No. 260);

LESLIE J. KRENK RPH, CDE, term to expire June 30, 2005 (Gov. Msg. No. 261);

SUSAN REHBERG MERRILL, term to expire June 30, 2005 (Gov. Msg. No. 262);

LAWRENCE O'BRIEN, term to expire June 30, 2007 (Gov. Msg. No. 263);

ARTHUR USHIJIMA, term to expire June 30, 2007 (Gov. Msg. No. 264);

JOSEPH G. WEBB JR., term to expire June 30, 2007 (Gov. Msg. No. 265); and

MARY EVELYN WORRALL, term to expire June 30, 2005 (Gov. Msg. No. 266),

seconded by Senator Hooser.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2869 (Gov. Msg. No. 298):

Senator Kawamoto moved that Stand. Com. Rep. No. 2869 be received and placed on file, seconded by Senator Espero and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of DAVID SPROAT to the Commission of Transportation, term to expire June 30, 2007, seconded by Senator Espero.

Senator Kawamoto rose in support of the nominee and said:

"I'd like to insert language into the Journal in support of Stand. Com. Rep. No. 2869, David Sproat."

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

"Mr. President, your TMG Committee reviewed Gov. Msg. No. 298, nominating DAVID SPROAT to the Commission on Transportation for a term to expire on 6/30/07.

"Our Committee finds that the nominee has the necessary qualifications for this appointment.

"Mr. Sproat is a retired Fire Chief from the Kauai Fire Department, with 30 years of service. He graduated from the University of Hawaii with a degree in Tropical Agriculture.

"His community activities include:

- the Kilauea Neighborhood Board Association,
- Kilauea School PTA,
- Hawaiian Farmers of Hanalei,
- Waipa Foundation, and
- Mahelona Medical Center Charitable Foundation.

"Mr. Sproat also served with the Hawaii Army National Guard and had two years of active duty, including a tour in Vietnam.

"Your TMG Committee recommends that we advise and consent to this nomination."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2870 (Gov. Msg. No. 299):

Senator Kawamoto moved that Stand. Com. Rep. No. 2870 be received and placed on file, seconded by Senator Espero and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of CYNTHIA LYNN STINE to the Advisory Board on Veterans Services, term to expire June 30, 2007, seconded by Senator Espero.

Senator Kawamoto rose in support of the nominee and said:

"I'd like to insert language into the Journal in support of Stand. Com. Rep. No. 2870, Cynthia Stine."

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

"Mr. President, your TMG Committee reviewed Gov. Msg. No. 299, nominating CYNTHIA LYNN STINE as the Oahu representative to the Advisory Board on Veterans Services for a term to expire on 6/30/07.

"Our Committee finds that the nominee has the necessary qualifications for this appointment.

"Ms. Stine received a degree in occupational education from the Wayland Baptist University. She is currently a computer instructor and testing engineer. She served in the Air Force for 20 years, from 1979 to 1999, and was awarded the Air Force Commendation Medal.

"Ms. Stine is currently the Commander of Post 32 and the Vice Commander for District 2, of the American Legion. She is also an active member of the Air Force Association and the American Business Women's Association.

"Your TMG Committee recommends that we advise and consent to this nomination."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2871 (Gov. Msg. Nos. 252, 253, 254, 255, 256 and 257):

Senator Ige moved that Stand. Com. Rep. No. 2871 be received and placed on file, seconded by Senator Aduja and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

EIRAYNA K. ADAMS, term to expire June 30, 2005 (Gov. Msg. No. 252);

CAROLEE K. ARICAYOS, term to expire June 30, 2007 (Gov. Msg. No. 253);

ELAINE NICKIE HINES, term to expire June 30, 2007 (Gov. Msg. No. 254);

WHITNEY G.K. SMITH, term to expire June 30, 2005 (Gov. Msg. No. 255);

JENNIFER L. VIERNES, term to expire June 30, 2007 (Gov. Msg. No. 256); and

BENJAMIN J. YIM, term to expire June 30, 2007 (Gov. Msg. No. 257),

seconded by Senator Aduja.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2872 (Gov. Msg. No. 293):

Senator Ige moved that Stand. Com. Rep. No. 2872 be received and placed on file, seconded by Senator Aduja and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of BOB DEWITZ to the Board of Directors of the Hawai'i Strategic Development Corporation, term to expire June 30, 2006, seconded by Senator Aduja.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2873 (Gov. Msg. No. 152):

Senator Hanabusa moved that Stand. Com. Rep. No. 2873 be received and placed on file, seconded by Senator English.

Senator Ihara rose and said:

"Mr. President, I would like to enter into the Journal my objections to certain findings contained in Stand. Com. Rep. No. 2873, and I can submit these objections in writing to the Clerk."

The Chair having so ordered, Senator Ihara's objections to certain findings contained in Stand. Com. Rep. No. 2873 is identified as "ATTACHMENT A" to the Journal of this day.

The motion was put by the Chair and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of TED H.S. HONG to the office of Judge, Circuit Court of the Third Circuit, State of Hawai'i, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, seconded by Senator English.

Senator Hanabusa rose to speak in support of the nominee as follows:

"Mr. President, I rise in support of Gov. Msg. No. 152, submitting for consideration and confirmation to the Circuit Court of the Third Circuit, State of Hawaii, gubernatorial nominee Ted H.S. Hong for the term of 10 years.

"Mr. President, first I'd like to have a little leeway to thank the members of your Judiciary and Hawaiian Affairs Committee. As you are well aware of, we had a record almost nine hours. And I'd like to comment that we had absolutely no breaks – no lunch, no bathroom breaks, nothing.

"Your members were all there and it was, Mr. President, an excellent hearing. It set forth the process. It caused us who

were there to question, and I believe these are all the important aspects of what we have all been elected to do – to ask the questions and to listen. With that, Mr. President, I'd like to proceed.

"Mr. President, Ted Hong is a graduate of the University of Hawaii, earning his undergraduate degree in political science, and he is also a graduate of the UH Richardson School of Law. His present job . . . he's, of course, very well known; it's been covered in the press many times. He is the Chief Negotiator for the State of Hawaii and he is also an interim regent on the Board of Regents of the University of Hawaii. His past experience included solo practice, as well as being a practitioner in a law firm on the Big Island. He has held the position of Assistant Corporation Counsel and Deputy Corporation Counsel for the City and County of Honolulu. He has also been a Deputy Prosecuting Attorney and he served as Grand Jury Counsel as well.

"Mr. President, in my prior speeches this is where I would usually dispense with the one line that the Hawaii State Bar Association has rated the candidate as. But in this particular case, I cannot do so, because the Hawaii State Bar Association has rated Mr. Hong as not qualified. This rating caused your Committee to look into what does this rating mean, and more importantly to this speaker, how the rating was arrived at.

"We must first understand, Mr. President, that this process which the Bar Association utilized is a new process. It's been in effect from March of last year. We had Bert Sakuda, someone who is not a stranger to many of us, come forward and testify how it has been done in the past 10 years, and we had Dale Lee, the sitting president of the HSBA, who told us quite candidly, or told me quite candidly, that he didn't like this process when it first came out. And we had testimony from Doug Crosier, the former president of HSBA, who submitted testimony in support, in strong support, of Mr. Hong, who basically put this whole process into play. We had to kind of sit there and wonder what is going on.

"I can tell you what we did learn is that the bar solicits by e-mail, and it could be technology because we didn't have that technology in the past. And this e-mail solicitation, which I have forwarded on to the members to show you what it is, it's sort of a generic form that says please provide your comments and your comments will be held in confidence and it will be anonymous. Some people, of course, then choose to participate or not to participate. I choose not to participate because I believe it's a conflict sitting as the Judiciary Chair. If you do participate, then your name is redacted and the staff, not the members of the directors of the board or the president or its officers, but the staff redacts your name and it's put on a piece of paper and forwarded. If there is a lot of comments, then what they do is they summarize and these summaries are then presented to the board.

"In this case, in Mr. Hong's case, there were 56 responses. All 56 responses fit on eight pieces of paper. To put that into relative perspective, we must have had equivalent to a ream of testimony that your Committee went through. The 56 were evenly split – 28 saying that he apparently was not qualified; 28 saying that he was qualified. As a result, Mr. Lee said that the board took a secret ballot. He said that they relied on Robert's Rules, and as the chair, he decided it would be a secret ballot. They went into executive session, secret ballot, and voted, and the vote is as reflected – seven finding him not qualified, five finding him qualified, and I believe one person abstained. There are 19 members of the board and this decision was made by 13 of the members, which is the process.

“What I have taken exception to is that there is a fundamental difference between an anonymous process and a process that is confidential, and the reason is that as decision-makers, you should know who is there. Confidentiality is not unknown to lawyers. It is an understood privilege that we deal with all the time. It is a breach of that confidentiality in an attorney/client setting, for example, that can cost you your bar license. You could be disbarred if you breach that confidentiality. Now, what happened here, though is anonymity – not confidentiality, but anonymity.

“The reason I believe that confidentiality may be proper but not anonymity is because you should know who is sending in the e-mail. For example, in the Judiciary Committee, if we’d followed this process and we had a tort reform bill and everyone was in opposition and we didn’t know where it came from, would it surprise you, for example, or what weight would you give it if those in opposition happened to be plaintiff’s lawyers? What weight would you give it if you happen to question the law itself? You need to know who the parties are, because giving weight to testimony is critical. That’s something we all do. That’s something lawyers have to do. That’s something judges have to do. You have to know what the source is. That did not happen here.

“I even have problems with confidentiality, Mr. President, and that’s because I believe that if lawyers cannot come forward and speak up, if lawyers fear retribution, then what does that say about our process? How can we ask people to come forward and testify before us if lawyers themselves say things like, ‘God, we’re afraid of retribution.’ What does that tell everyone else? We lawyers, those of us who are lawyers, we know what rights are. We know about freedom of speech. We should be there defending this right. And if we say, ‘hey, we’re not going to do that,’ something is wrong. And something is more fundamentally wrong with the system.

“Mr. President, about 10 years ago, this Body – I was not a part of it; I didn’t even consider politics back then – this Body was considering the nomination of Sharon Himeno to the Supreme Court. And I remember at that time being asked if I would submit or be part of a petition that was in opposition. And they told us then, if you do that, you know there could be retribution. I felt very strongly about it, so, Mr. President, I signed . . . I signed, along with 200 other lawyers. And we signed on the dotted line because we felt that was our obligation to do so. Now, again, if lawyers can’t step up to the plate, something is wrong.

“Let me tell you what they judge a judicial candidate by. They say a candidate is to be evaluated by integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, and health – health, you’ve got to be in good health. But, a candidate receives a ‘not qualified’ rating if he or she fails to meet one or more of the criteria with regard to professional competence, judicial temperament, or integrity. Judicial temperament is comprised of 13 subparts, or 13 adjectives. So, conceivably, any one of those, if you don’t meet it, you’re supposed to then result with a ‘not qualified’ rating.

“What we did learn from the testimony is that judicial temperament was basically the common thread among the 28 or so who submitted e-mails in opposition. The question we should all be asking ourselves is, What is judicial temperament? The American Bar Association says it is a subjective judgment as to what is judicial temperament. The ABA, which by the way is what the Hawaii State Bar Association follows and which also provides guidelines for the selection of state judges, the ABA says that as a result of this, it also recommends that wide ranging interview should be undertaken to provide insight

into temperament, because it’s so subjective. The ABA also warns, and this is the American Bar Association, warns that judicial temperament can mean virtually anything to anybody, making it practically susceptible to manipulation by actors in the appointment process. They also go on to say they understand the appointment process is a political process. So, judicial temperament becomes that one thing that you can’t put your hands on, you can’t define, and it can mean almost anything to anyone.

“You know, judges have said that when they are evaluated they have at least one request, and that request is that the lawyer who chooses to evaluate them at least have appeared before them once so that there is some basis. Because they say they don’t want lawyers going out and waging some kind of a campaign against them, but at least they have to be able to say, when we are sent evaluations, that we have appeared before them once so there is a basis for that.

“I read with interest this morning former Justice Padgett’s comments that he did not submit any comments because he doesn’t know who this person is, and he had a very interesting definition of judicial temperament. I can just see Justice Padgett doing this because Justice Padgett was probably one of our better jurists, if not one the best jurists we had. But judicial temperament, as he probably implied, was not something that people may have said that he was unquestionably one who had it.

“There is also an inherent difference in our process between that which we are constitutionally mandated to do and what the Hawaii Bar Association stands for. We are constitutionally mandated in this selection process and what we do, and what the Governor does, and how a judge is selected, and that’s called the judicial selection process. And the Judicial Selection Commission is who does this, and they and we and the Governor have guidelines that we have to do. Primarily for the Governor and for us, it’s time deadlines that we must meet.

“Thanks to the good Senator from Kapahulu, the judicial selection commissioners, two of them, Mr. Edmunds, who was a former chair, and Mr. Ayabe, who is the present chair, came forward. They told us there’s very little that they can say because it’s a confidential process, but they were there to answer questions as best they could. And of course, what they were able to confirm is the fact that judicial temperament is something that is part of their evaluation. At that point, I’ll share with you, Mr. President, what I shared with the Committee. Part of its application process is the identification by the attorney applying of other attorneys who can shed light on that person. I’ve been named in that process so I’ve participated in it, and I can say to everyone, one of the most critical questions that is asked so many different ways in the questionnaire that we fill out is judicial temperament. So, they are getting feedback. And at the end, you are asked to provide other names of other attorneys who may, or anyone who may shed light on this person. And I, as a matter of course, always provide names of people who have been in opposition to this person, who’s been an adversary to this person, because I believe that that’s my duty that all this information comes forth because they have to make the best selection that is possible for them.

“One of the issues that was raised was, Can somebody who is a litigator transition to that which is a judge? Mr. President, the courtroom is litigation. That is what they do. That is why the Hawaii State Bar Association a few years ago there was a movement in there to say only if you have litigation experience can you be a judge, because it is a different situation. And yes, litigators tend to be zealous because that’s exactly what they’re paid to do. They’re paid to represent their clients. It is not a

nice situation. It is a litigation. It's litigious. Those are all from the same words because that is the process. Yes, the judiciary has tried to say maybe we should do more mediation, maybe we should do arbitration, we should do a whole bunch of other things. But the bottom line is the judiciary is exactly that – it is the court system. It is that process where unfortunately there are at least two people squaring off against each other and there is going to be a winner or a loser if that process goes all the way through. That is the process that we participate in.

“So the question becomes, What is it that you want in a judge? Peter Carlisle said, interestingly, the same thing that Justice Padgett said, ‘You don't want milk toast.’ He mentioned judges like Patrick Yim and Marie Milks, to name a few. Marie Milks, and I was very sad to hear, has now stepped down. They are not pushovers. But you know, you can't be a pushover – because you've got to control litigation that goes on in that courtroom.

“Marie Milks' clerk, Mrs. Lynn Gomes, came forward, took time off, sat through our hearing . . . and for those who watched it, you know that once we got over all the people who had to take planes and so forth, we went alphabetically. She sat all the way until her name was called. She said that she took time off to be there. She's been Marie Milks' clerk for over 20 years and she came forward because she wanted to make it clear that she has watched Ted Hong as he has grown as an attorney, basically. She said he has always been courteous to the other lawyer, to the court, and to the staff. And she said, ‘you know, some judges ask you, how do they treat you?’ Because yes, lawyers have to be nice to judges. They almost have to be nice to other counsel too, because they want to be treated in the same light, but a lot of them are not nice to staff. And she said Ted Hong has always been courteous to her, and that's why she came forward. She also said that as she left the court, she told Judge Milks where she was going and Judge Milks said to her, ‘you can go forward and tell the Committee that he has my respect and he has my support.’ That means a lot.

“I believe, for example, Judge Milks, or those of us who are women attorneys, has really been a pioneer for us – four years as a public defender, 20 years on the bench, working her way from district court to circuit court. My only regret is that I could never see her sit on the appellate level. That, to me, would have been the icing for a career, and also for us women lawyers, at least the ability to see that you can work your way through that process.

“Two other lawyers testified and I would like to call upon their testimony and share it with you because I have pending cases with the both of them. I make that disclosure. One is Eric Seitz, and Eric Seitz, as you know, is Eric Seitz, especially those of us who do Felix. We know Eric Seitz. But Eric Seitz said he has known Ted Hong for about 20 years or so, and he said he has the greatest respect for him and he has always been an adversary to him. I will tell you this about Eric Seitz – Eric Seitz fights hard in the courtroom, absolutely fights hard. But you know, when we leave that courtroom, we can talk, and that, to me, as a practicing attorney and somebody who does litigate, is a critical part.

“You cannot take cases personally. You cannot take it home with you. And you cannot hold that grudge. And I never once heard that criticism of Ted Hong, that he had any of those characteristics.

“The other person – I also have a case against, a couple of cases I've had with him – said that you want a judge that is decisive, and you should not hold it against someone because the turf of his job that he's required to patrol is one that requires him to do that. This attorney is Jim Bickerton. Jim also went

on to say – and I think this is a very important statement – he says it would be wrong to hold it against him when no one is suggesting that he acted on behalf of private interest, or for personal gain, or violated any rule of law. People are not saying that he handled matters illegally or negligently or without foresight, only that he ruffled some feathers. Then he goes on to say a very important message – he says this, ‘What message will we send young lawyers in government service if we say stay away from the tough issues because it will jeopardize your chances of getting on the bench. Will we have a better judiciary or better government if we adopt this approach?’ He says, ‘the answer is self-evident.’ Jim Bickerton, as a young attorney, was also one of those who signed that petition, and that is when I first knew who he was.

“Eric Seitz made a very interesting point. He went on to say, if he could, he would quit the bar because of this act – he would quit. Because as we all know, we may have differences with Eric Seitz, but the one thing with Eric is he is always there for civil rights. He takes unpopular cases. He may not be high on any of our Christmas lists, but one thing you know is he stands up for that which he believes is right. And in this particular case, I've got to say, Eric Seitz and I are on the same page. We don't have a choice. Us lawyers have to join the Bar Association. But whether this process is one that we should permit to continue is another question.

“I had some cases yesterday and I met with some other lawyers, and this is the talk of the town – unfortunately, not Ted Hong, but the talk of the town is, What did this Bar Association do? And they, litigators themselves in the corporate arena, are saying we have to do something about it, and he shouldn't be judged by this.

“We had a nine-hour hearing, Mr. President, and there were other people who came to testify. One group that was very moving was the students of UH Hilo. They came on their own because they wanted to say that Ted Hong, as a Regent, is the only one who has taken the time out, who regularly meets with them – regularly meets with them, and he will discuss with them. We have discussed this with their administration, the faculty, and he has time for them. And they were there for him to say how they view him, an image they have of him. And it isn't of someone who is contentious or without judicial temperament. They see a totally different person.

“There was also a gentleman from Hilo who brought in a petition of over 120 names signed from people from Laupahoehoe, Pahoa, Hilo, Kurtistown, Captain Cook, and Keaau. He said these are people who can't come and he's bringing the petition forward for them.

“And neither can we ignore, Mr. President, those lawyers from the Big Island. The Big Island . . . and you know, Mr. President, we hear stories about the Big Island. The Big Island is sort of like a community of their own. I'm surprised they haven't filed a petition to secede from the State. But the Big Island, Mr. President, has their own bar. They, in the Hilo side, which is where Mr. Hong would sit, have 155 licensed lawyers – 85 of them are members of this bar. They sent out . . . I don't know whether it's an e-mail, but they still have . . . for those of us who practice law, they used to have a system in Honolulu called the court jackets where you could put everything in. They still have it over there. They put this thing out in a court jacket and they got 34 responses out of the 85 – 28 highly qualified; five qualified; and one that said he was not qualified, and that one, they said they provided an explanation for. And there are two others who did not participate because they were on the list with Mr. Hong. And one person who was on the list with Mr. Hong also submitted testimony in support.

"The testimony in support of Mr. Hong was clearly overwhelmingly in support of him. But there were testimonies that we received that were in opposition. And we must give them weight too, Mr. President. And I will say, I have weighed the source of the testimony, what was said in the testimony, as well as the technical allegations of wrongdoing, and a lot of the allegations against Mr. Hong were in the area of employment matters. And Mr. President, that's the one area that I can comfortably say I am somewhat considered pretty good at. And I can read and I can say what I feel is there and what I should give appropriate weight to.

"Mr. President, with all of that, I ask you and my fellow colleagues to join me in consenting to the nominee, Ted H.S. Hong to the Circuit Court of the Third Circuit of the State of Hawaii.

"Thank you, Mr. President."

Senator Hogue rose in support of the nominee and said:

"Mr. President, I rise in strong, strong support of the nomination of Ted Hong to the Circuit Court of the Third Circuit.

"Members, first of all, I want to give accolades to the Judiciary Chair because she ran a very, very open, very fair hearing. I was so impressed with her and the members of the Committee who endured a very, very long process. One thing that she didn't bring up is that the room got colder and colder and colder and colder. So, not only did we not get up to go to the bathroom or get to eat, but we were freezing. And through all of this, Ted Hong was there sitting patiently, I think, in fine judicial form and showing his outstanding judicial temperament.

"We were all very, very impressed not only with him but his family as well, a family that goes back to Big Island roots to the turn of the century when his family came here from Korea. He has relatives that were born on the Big Island, and when he went back professionally to live and work on the Big Island in Hilo more than a dozen years ago, he not only worked very, very hard and many times as an advocate for whatever cause that he was behind, but he also did some great volunteering.

"One of the areas that he volunteered for is near and dear to my heart, and that is he was a volunteer coach, not for the soccer team or not for the basketball team, but he was the coach of the Hilo High School mock debate team. All of us in the world of sports know how difficult it is for one of the neighbor island teams to win a state championship, but when Ted Hong was the volunteer coach of the Hilo High School mock debate team, Hilo High won the state championship. So I think that's another good example of what an outstanding man that he is.

"Now, I know I've heard some of the rumblings. I've heard some of the conspiracy theories. I've heard some of the negative things, and it seems that the only crime that Ted Hong has committed is that he's rubbed a few people the wrong way. Well I would say to you, fellow Legislators, if that were a qualification for us to be elected for the Senate, I'm not sure that many of us would be sitting here. As much as we try very hard every single day to be respectful and courteous and to treat others as we would like to be treated, there are some times when it doesn't go that way. But overall, I think that the evidence is overwhelming that Ted Hong has treated people fairly. He has advocated strongly for his side.

"I think it should be noted that he is here with his family that has sat solidly behind him throughout the entire process – his father, who was an attorney general in a Democratic

administration; his mother, who's a long-time public school teacher; his wife sitting by his side. I think that's another indication of what a very fine man that this man is – outstanding credentials, very qualified.

"And the process . . . the Judiciary, very open, not given to anonymous comments, and I would urge you to stand behind and support Ted Hong – a man whom on the bench I believe has all the qualities to be a great judge – respectful, courteous, thorough and decisive, eminently fair, and above all, a very good man. I encourage you to vote 'aye.'

"Thank you, Mr. President."

Senator Kawamoto rose to speak in opposition and said:

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

"I, too, would like to send my appreciation of the Chair's ability to run a fair and open hearing. I think being here 10 years, this was the best hearing I ever did see conducted by a Chair.

"I'd like to thank the Governor and her cabinet for being there. She stayed there for 6½ hours. She left, then she came back. In total, she stayed there maybe 7½ hours of the 9-hours hearing day we had. I'd like to thank the unions and the friends that wrote in support of Mr. Hong. Regardless of what the vote may be today, I will continue to listen and seek the unions and my friends that supported Ted Hong and seek their advice on labor, seek their advice on fairness, seek their advice on the ability to provide a workforce in Hawaii that's fair. I'd also like to thank those who spoke in opposition, those who called in opposition.

"Mr. President, I know, you know, and many of my colleagues know that I'm a Big Island boy, born and raised in Honomu, Hawaii. If you don't know where that is, it's just the next town to Akaka Falls. I was a '58 grad from Hilo High School. I don't know why, but I was the class president then at that time. But anyway, I had friends on both sides of this issue, and I thank both sides for helping me decide on one way or the other.

"I'll admit, Mr. President, I had some concerns. I see there are some concerns about the nominee's patience, about the nominee's tact, about the nominee's ability to listen, and about the nominee's compassion – compassion not only for the students of Hilo, but compassion for the 81,000 students that are out in the Leeward Oahu side.

"Mr. President, many of these traits I think I've been labeled in that area, and many people say you've got to change, you've got to do this, you've got to do that. And we listen and we try to, but it's very difficult. I am who I am, and people who laugh at me I've been up and down throughout the Session, throughout my life. My 20 years in the military, you know I've been very opinionated. I don't qualify to be a judge, but I don't think I'd make a good judge because of those qualifications. But that's me. But those are the concerns I have.

"These concerns I have, again, at the hearing Mr. Hong made about five apologies . . . I don't know, I can't count how many it was, five or six. And they were, I believe, very sincere. He's a very sincere man, very sincere. But Mr. President, being a judge you have to be on top of things 100 percent of the time. You cannot sentence somebody to 10 years in prison, or whatever, and apologize later, because that victim or that person that you made judgement on, that was probably his one and only chance to face a judge.

“So Mr. President, I weighed it very hard. It’s difficult, especially with the family, his mother and father, sitting there, to make this judgement. But I believe we need to take an idea, we need to take your concept of what a judge should be, and we need to take our job that we have here in the Senate, and especially those that we are in the Senate to confirm or deny judges. That’s our job and you have to think and think if this person is the next best person to be the next judge.

“So, those things, if you have questions, you have doubts, then you should vote the way you think, because you’re 1 of 25 that represents 1.4 million people out there. That’s an awesome task, and this task should not be taken lightly.

“Thank you, Mr. President.”

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

“Mr. President, I rise to speak in favor of Ted H.S. Hong’s nomination for the Third Circuit Court of Hawaii.

“This indeed is going to be a fine hour for the Senate, because what it’s devoid of is political labels and decision-making made simply on the politics of it all. It’s going to be a very important debate today, contextually, because what we do is we’re a very narrow funnel by which the whole quality and temperament of an entire branch of government is going to go through. Judges, through the advice and consent of this Chamber, determine the quality of the entire judiciary. I’m hoping that we’ll all make . . . and I know we will, I know we’ll all make informed and, more importantly, caring decisions – decisions that care about the honor and dignity of the judiciary, the honor and the dignity of the nominee, and the dignity and honor in the wellbeing of the people who sent us here to make these decisions.

“We’ll be considering many criteria and it’s important for us to ferret out in our minds, some of those. Is the nominee qualified? I think there might be a few that say ‘no,’ but the overwhelming testimony by all the experts in the judicial arena all testified to his quality. He is eminently qualified.

“The third circuit, as we know, is on the Big Island. He has Big Island roots, as some of the previous speakers spoke of. He certainly is well suited to be a judge in this third circuit.

“Politics – how wonderful it is, for a change, we’re standing up and we’re making decisions not strictly based on political labels. This man’s roots are deep in the party of the majority in this Chamber. His father was a much respected nominee to the bench with strong ties to our respected former Governor Ariyoshi. This man has been part of the administration on the Big Island of the Majority Party, and yet he is nominated by a governor of another party who seemed to think, if nothing else, he was the best man for the job. So he wins on that count also.

“Support . . . I had a chance to look over the list and of course in the marathon hearing we heard from many people across the state, and the support is absolutely and astoundingly overwhelming. Opposition came from a few people that may be losers in prior political battles or losers in prior judicial battles. And they had a right and they exercised it yesterday.

“So, now we come to temperament. How wonderful it is that we have a man who has the strength of his convictions and is willing to stand by what he believes.

“The Bar Association I think will come up again today and I laude the Chairman of the Judiciary Committee for pointing out some very, very salient points regarding the Bar Association’s

recommendation not to approve. I will tell you that that’s been done several times before in the past, and to the credit of the Senate, in the past it has ignored the recommendations of the Bar Association and it’s done what is prudent and right.

“I think the Bar Association, if nothing else, hopefully will be a stronger organization after this exercise. It was Friedrich Nietzsche, the great German mind, who said, that which does not kill you, will only make you stronger. This is not going to kill the Bar Association, but I hope it does make it a stronger organization.

“Their recommendation in the process which was so well enunciated by the Chairman of the Judiciary Committee pretty much ignored one of the basic tenets of all our rights as American citizens. It’s so important that the founding fathers put it right in the Constitution in the Bill of Rights in the Sixth Amendment. It’s fundamental to fairness, and I am astounded that this Bar Association did not adhere to that basic principle. Because when someone opposes you, you have the right as an American citizen to confront that opposition. And we had a responsibility to know what the foundation of that opposition is. But it seems in this process, this time the Bar Association ignored that by keeping the process anonymous. It not only counts what a person says, but who that person is and in what context are they saying it. That gives the substance and the credibility. But we’ll never know . . . we’ll never know because the Bar Association did not give this nominee, nor us, the opportunity to question the accusers or the deniers or the naysayers.

“The other issue has to do with counting. We cannot give any credence to the Bar Association’s recommendation. They sent out an e-mail and I don’t know if every one of the over 4,500 lawyers reads their e-mail. I know I certainly have a hard time keeping up with mine. They got back, they claim, 56 responses. But when I first heard about it, and when Mr. Hong explained what was explained to him by the president of the Bar Association, the count was 28/25. Somehow, several days later, the newspaper was reporting that the count was 28/28, requiring the Bar Association to break the tie through the Board vote, which you just heard about. Nevertheless, how credible, how honest is the Bar Association’s recommendation? In this debate, I have to say not very credible at all.

“So that leaves us with a nominee – a dignified man who has support from both sides of the political aisle; who is eminently qualified; who has served this State and all of us well in his work, both in the volunteer arena and in his profession; a man whose temperament is an asset.

“I’m hoping, after the long debate that’s going to follow, that we are indeed going to make an informed and caring decision, and I know in my heart if we do so, that Ted Hong will be confirmed a judge.

“Thank you, Mr. President.”

Senator Sakamoto rose in opposition to the nominee as follows:

“Mr. President, I rise in opposition to consenting to this appointment.

“This isn’t about the strong points or the good points that have been brought out for the nominee, and I’m not doubting those many good points. However, this is about justice for all. This is about a fair trial.

“The expectation . . . the expectation when one enters a courtroom, anyone – attorney, plaintiff, defendant, others – the

expectation would be a fair trial and we should not have concerns, fears or doubts about the presiding judge. That's not why we enter a courtroom and those concerns have no place in a courtroom. We want and expect and we are owed a fair trial without needing to be concerned about the judge's actions.

"However, based on the concerns raised by others – be it 'ruffled feathers,' be it 'rubbing people the wrong way' – the Bar Association, attorneys, 'everyday citizens' have expressed their concerns. So I ask that another person be appointed, a person who would not raise the concerns that have been raised regarding this nominee so people may enter a courtroom not fearing the judge, with full expectation of a fair trial, a full expectation of justice in our courtrooms."

Senator Kokubun rose to speak in support of the nominee and stated:

"Mr. President, I stand in strong support of the Governor's nominee to the Circuit Court of the Third Circuit.

"This should be really no surprise to anyone because I have publicly stated that I firmly believe that Ted Hong is extremely capable of carrying out the responsibilities of a circuit court judge with tremendous integrity and fairness. I concur with the statements made by the good Chair of the Judiciary and Hawaiian Affairs Committee in her recommendation to this body.

"It was a remarkable experience, Mr. President, attending the marathon hearing conducted by your Committee on Judiciary and Hawaiian Affairs. Although not a member of the Committee, I felt compelled to be there to experience directly the emotion and sincerity of those testifying and the reaction and response of the nominee and his family. But I readily admit that I had to leave occasionally to attend to certain natural functions, unlike some of the conscientious Committee members and others in attendance. At my age, Mr. President, the mind may be willing, but this body . . . well, it requires more attention – let's put it that way. (Laughter.)

"In all seriousness, Mr. President, I'm very, very grateful to the members, all the members, of your Judiciary and Hawaiian Affairs Committee for the dedication and perseverance they all displayed during the close to nine hours of, at times, very intense testimony. Throughout the proceedings, the members, our colleagues, were very respectful and attentive to all the testifiers and, in my opinion, clearly raised the stature of this Legislative Body by their conduct of evenhandedness and fairness.

"To the good Senator from, 'the country' – Waianae, who Chairs this Committee, you never cease to amaze me with your senatorial temperament. I know that all who participated in or observed Wednesday's proceedings appreciate your abilities and manner to create the necessary atmosphere of respect and fair play.

"Mr. President, to all the members of your Committee on Judiciary and Hawaiian Affairs, mahalo on a job well done.

"As most of you know, many residents from the Big Island traveled to Oahu to participate in the hearing. I am very, very grateful for their willingness and commitment to engage in this process. The many attorneys, students and faculty from UH Hilo, and many private citizens truly epitomized the strong sense of community of East Hawaii. Some even joked about the presence of Ka Ua Kani Lehua, the heralded rain of Hilo that appeared in Honolulu that day. To all who participated, mahalo.

"Mr. President, as I have stated, you and your colleagues know where I stand with respect to this gubernatorial nominee to the third circuit court. We must all act conscientiously and with deep conviction to do what is right for Hawaii.

"Thank you. I also, Mr. President, request a Roll Call vote."

The Chair so ordered.

Senator Inouye rose to speak against the nomination and said:

"Mr. President, I rise to speak in opposition to the nomination of Mr. Ted Hong to the Circuit Court of the Third Circuit in Hilo.

"Fellow colleagues and Mr. President, I have a number of significant concerns with this nomination, and I would like to take a few moments to outline them for you. One point I need to make right up front – I represent the first district of the Big Island. I feel that the people of the Big Island deserve the best and the brightest that our State has to offer and that whoever is picked for the bench has to be held to the highest standard.

"This Body has always relied on the recommendations of the Hawaii State Bar Association, and it is very significant that they have given Mr. Hong an unqualified rating. The reasons for their rating are also significant and deserve our full consideration.

"While serving as deputy corporation counsel for the County of Hawaii, Mr. Hong's conduct raised significant questions about his fitness to be a judge. I quote from the testimony of Antonia or 'Toni' Wurster, as we know her, 'He lacks the essential qualities of a judge – respect for others, respect for the law, a sense of fairness, and objectivity.' Ms. Wurster's experience with Mr. Hong reflected what she called a marked and hurtful prejudice without examination of the facts. And she was referring to a very ill tempered comment Mr. Hong made to her during a court proceeding. That comment derided her and her husband without cause, mocking them without understanding that her husband was in fact in very poor health. In that incident, Mr. Hong acted with personal malice in a court hearing where he had a responsibility to be fair and open-minded. And that's not the kind of behavior we have a right to expect from a judge.

"It's very important for the members of the public, like Ms. Wurster, to have a say in the judicial appointment process. A judge's behavior with ordinary people, ordinary folks, deserves close scrutiny because it is everyday citizens who may be affected by his day-to-day behavior as a judge. Therefore, it is only right, in this process before the Senate, for citizens to voice their opinions.

"I've heard from many people in my district about this nomination. A number of members of the Big Island Bar have called me, people who did not submit testimony but want their voices to be heard. They share my belief that in the short period of time he worked in Hawaii County, Mr. Hong has shown his shortcomings in his inability to deal with issues in a manner that's so important in his profession. They have also reminded me that the Senate has a vital responsibility here to uphold the integrity of the process by which judges are named to the bench.

"That process, Mr. President and colleagues, has always relied on the recommendation of the professionals – the members of the Hawaii State Bar Association. That process has already served us well in past confirmation proceedings and there is no reason to subvert it now. Twenty-eight members of the State Bar saw fit to oppose Mr. Hong's nomination, acting

independently of one another. I have no doubt that their decision to oppose Mr. Hong's nomination was made out of conscience and that it was not an easy decision for them. It's not often that we hear these kinds of expressions of concern and we should not take them lightly.

"Practicing attorneys can be adversarial if they choose. That's their job. They can be confrontational. But judges are held to a different standard. Mr. Hong's ability as an attorney is not in question here. It is his ability to obey that higher standard that we must set for those who sit in judgment on their fellow citizens.

"Mr. Hong lacks the judicial temperament required for this appointment. Mr. President, the Senate has a vital responsibility in this matter. We are the gatekeepers. It is we who set the standard. Serious questions have been raised. Other candidates, people with excellent qualifications and exemplary conduct and behavior, are available to us.

"Mr. President, in closing, I will be voting 'no' on this nominee. Mr. Hong, as I have been saying all along, lacks the necessary qualifications to be a circuit court judge, and this Body should oppose his nomination. Colleagues, I urge you to join me in setting a high standard for this position and join me in my opposition.

"Mahalo. Mr. President, may I request a Roll Call vote, please."

The Chair so ordered.

Senator Slom rose in support and said:

"Mr. President, I rise in very strong support of Gov. Msg. No. 152, the nomination of Ted H.S. Hong.

"I, too, want to start off by saying that in my eight years here in the Legislature, and many more years prior to this, I had never seen a hearing conducted so openly and so fairly as the one the other day. To show you how exciting it was, my staff did not go home on time. They stayed to watch to the very end. I don't know whether that was a characterization of how strong a person's kidney or bladder are or the subject matter. I also understand that somebody is going to be issuing the DVD set which will go right along next to the Godfather saga in overall excitement. (Laughter.)

"From now on, this is going to be a benchmark of how hearings should be conducted, not that they need to be nine hours, but that they need to be complete and they take on all comers and they're not afraid of any subject, any issue. And that's what was demonstrated the other day and it goes far beyond, goes far beyond one individual, one subject.

"But let's look at that individual and that subject. It was gratifying to see his family with him, as they are today. The old adage that the acorn does not fall far from the tree is absolutely apropos for those that know his father when he was the attorney general under Governor George Ariyoshi. His family are all dedicated to leadership, volunteerism, community service. They take pride in that.

"Mr. President, often people ask me, what are you doing down at the Legislature? How can you put up with what goes on down there? How could you run for office? And what they mean is, they're not talking about campaign spending, they're not talking about money, they're talking about lots of times the things that are said and that are done that are hurtful on a personal nature when people are trying to do their jobs and the things that some people try to read into, the motivations of

individuals. And I guess, Mr. President, the more active, the more outspoken, the more that a person is able to take a position, the more, sometimes, that criticism surfaces. And so, because of that, all of us know that many good people decline to run for or accept public office. But we're very fortunate that Ted Hong is not one of those people.

"He has accepted that role. He has demonstrated his leadership. He has demonstrated his qualifications. The head of the Judiciary Committee in her remarks at one point said, 'something is wrong here.' And maybe she was talking about the Hawaii State Bar Association in its procedures, or maybe she was talking about something bigger. I want to talk about something bigger.

"We shouldn't even be having this long a debate and we shouldn't even be talking about a close vote for someone who is so eminently qualified and who is so strongly supported throughout this State. As has been mentioned, it is also, I think, a realization that this Governor has broken with many outmoded traditions in absolutely searching out and appointing the best possible individuals for various jobs regardless of any political affiliation.

"I know that many of my colleagues sitting in this room right now a year ago were stunned when the Governor picked Mr. Duffy to the State Supreme Court. And she did so without equivocation because she felt he was the most qualified. That same Governor who made that decision that everyone liked here has made the same decision with Mr. Hong. Is he experienced? No question. Is he qualified? No question.

"By the way, the last speaker, just to correct her – I know she's young so she probably doesn't remember – when she made the statement that we always have relied on the Hawaii State Bar Association, unfortunately, that's not true. Twelve years ago the Hawaii State Bar Association made a recommendation of non-approval of a judicial candidate. The Senate at that time decided that she in fact was qualified. They took into consideration many other factors. She was confirmed by this Senate and two years ago she was re-appointed for another 10 years, demonstrating the wisdom of the overwhelming amount of evidence and personal commitment in testimony.

"Much has been said about the people that came on their own dime from Hilo to come and testify in behalf of Ted Hong. He had to have been humbled. It was quite a sight. As the Judiciary Chairman said, there were all kinds of people there that for all kinds of reasons one might assume would have been in opposition to Mr. Hong if it were based on politics or past decisions or maybe even a political grudge, but they all testified in support. The individuals and the attorneys and members of Hawaiian groups that came, again, on their own time, on their own money to testify in support of this man, have got to be given more emphasis and more support than a few people's concerns and questions and fears.

"I thought the only thing we had to fear was fear itself. I think some of my colleagues have fear of change, and fear of improvement, and fear of doing things differently, including not picking the same people and not looking at political party, because all I've heard are concerns. And while concerns are reasonable and everyone had an ample opportunity to speak, those concerns do not rise to the level of disqualifying someone who epitomizes community service and a search for justice.

"Is this man disrespectful? No! Is he rude? No! Is he non-accessible? No! Are there people that do not like decisions that he made previously? Yes! And as was said previously by the Minority Floor Leader, many of us in this room, if it were on a

basis of a lovefest or doing something that everyone approved of, would be hard-pressed to be here. But that's not what it's about.

"Just like a good judge is not a meek judge, just like a good judge is not determined by the amount of salary or compensation he or she gets, we want someone that understands justice. We want someone that understands different positions in life. We want someone that has different experience, but we also want someone that the people, the people, have urged us to accept overwhelmingly. It seems that sometimes we take these people for granted. They're smart enough to vote for us or give us money, but they're not smart enough to make other decisions including choices of schools or choices of judges.

"The people in the third circuit need a judge. There's no question about that. There's a horrendous back-load of cases. And there is no doubt that they have come forward in strong numbers very passionately and very emotionally – they want this man, Ted Hong, as their judge. And why should they not? He has every qualification that everyone would want and expect.

"And of all the concerns that have been raised . . . and by the way, during that whole nine hours there was nothing new that was brought up. There was nothing new that had not been written about, including the man whose airfare was paid for to come over here to testify against Mr. Hong. He had been very prominently displayed in the paper and his views are important and they should be taken into consideration. And free speech is very important as well, and that's what was demonstrated the other day. But to say, because a couple of shrill voices do not like Mr. Hong because of decisions, because of past political involvement, or because of something else that he doesn't know about, we don't know about, that are grounds enough to disqualify him.

"One more distinction, a year ago we debated the confirmation of two of the Governor's hearings and what a stark contrast. We had hearings that were held that were not open; they were not detailed. We heard about vague charges, vague rumors, e-mails, telephone calls, and all of that. This time, it all hung out. Everybody had an ample opportunity, more than an ample opportunity, to communicate what their concerns were. And I say again, those concerns do not rise to impeach the quality, experience, ability, or judgement of Ted Hong.

"Someone earlier brought up the fact that he apologized during the hearing. You know, it's really amazing, if somebody doesn't apologize, they say you're too arrogant and you haven't done it. Then somebody apologizes and they say well, he apologized too much and he may apologize later on as a judge. Let's remember what he apologized for. The nominee said, 'if, unknown to me, I was rude to anyone, I hurt anyone, someone took something that I said in a different manner from me, then I apologize to them because that was not my intention.' That's the kind of person that we want – someone who is humble and yet who can be strong.

"That, Mr. President, is who we have in Ted Hong. He is the best. He is the brightest. He is dedicated. The people want him in their area. He will be an excellent judge. And we must confirm him today.

"Thank you very much."

Senator Hooser rose in opposition as follows:

"Mr. President, I rise in opposition to the nomination. I just have some brief comments, Mr. President.

"Up until a short time ago, just a few days ago actually, I was reluctantly supportive of the nomination. I say reluctantly because prior nominations or prior appointments we've had have been relatively smooth sailing, relatively peaceful, relatively uncontroversial. And I can sense a rising tide of contention. I could sense that there was a problem with this nomination, but at that point, even though I sensed the problem, I was reluctantly supportive.

"In thinking about the position that we're talking about here, it's a judge – it's control over people's lives; it's a ten year appointment – and I don't think that I want to be reluctantly supportive or vote with reservations. I want to be clearly and unquestionably supportive for me to make that decision. But I was basically reluctantly supportive, and then came the Hawaii State Bar Association decision and my decision point shifted dramatically.

"And then I watched the hearing, and my hats are off also to the Judiciary Chairwoman and the members. Like most of us here today, I watched almost the entire meeting on television in my office along with my staff. It's clear, it's really clear that lots of people love and respect Ted Hong. There's no question about that, and my hats are off to his friends and family for coming out and supporting him. But just like when we make our decisions on legislative issues, it's not how many people show up in support. That's an important aspect of the testimony but that's not what we base our decision on normally, completely. It's not a popularity contest when we're making decisions, and the people have selected us, voted for us, and given us the power of advise and consent because they want us to make those decisions.

"Again, this is a ten-year appointment. The successful nomination controls people's lives. There's important decisions. And when the Hawaii State Bar Association, the Hawaii State Bar Association, which was founded in 1899, and in November of 1989 the Hawaii Supreme Court conferred upon the Hawaii State Bar Association the power and responsibility to aid the court in regulating, maintaining, and improving the legal profession. The mission of the Hawaii State Bar Association is to unite and inspire Hawaii's lawyers, to promote justice, serve the public, and improve the legal profession. I take great stock in the opinions and the decisions made by the Hawaii State Bar Association. This is a group of attorneys who are selected to serve in these positions of leadership. These are not casual positions. These are not people who are untrained in the legal profession. These are not people who are not familiar with the judicial process. These are people of exceptionally high caliber; are people that serve in this profession on a regular basis. I'm not an attorney, but I have great respect for the training and for the positions which the people in the Hawaii State Bar Association hold.

"Regardless of how many e-mails came in and regardless of what was said or discussed, I can imagine 13 people in a room or 13 people having a discussion and coming to these conclusions. And even I don't know . . . I know one member casually, but I don't know the other 12 people, but I can imagine with their training and with the type of people they must be, the men and women, that they don't take these decisions lightly. They recognize the gravity of their decisions; they recognize the importance; they recognize the impact of saying that someone is unqualified to serve as a judge. That cannot be an easy decision to make, just as it's not an easy decision for me to stand here today and speak in opposition to the nomination. But to have seven members – leaders in the Hawaii State Bar Association – state clearly that the nominee is unqualified to serve as a judge is just too much for me to get past, to come back around, to be able to support the nomination.

“So, I am unable to cross the bridge and discount the conclusions of the Hawaii State Bar Association, and so I will be unable to support the nomination.

“Thank you, Mr. President.”

Senator Ihara rose to speak in opposition to the nominee and said:

“Mr. President, I rise in opposition to Gov. Msg. No. 152.

“Mr. President, I understand that by my not consenting to this nomination, I am probably causing much hurt and disappointment for the nominee, his family, friends and supporters . . . and I apologize for that. But I am honor bound to fulfill my constitutional duty to pass judgment on this nomination.

“From media reports, I had expected some controversy on this nomination, so I contacted people wanting to speak with me on the nomination. I sought out documents on negative claims to eliminate or to consider their validity – and sent copies of these documents to the nominee himself. As the Judiciary Chair mentioned, I had sought out and was able to have the Judicial Selection Commission chair and vice chair attend the hearing to explain their process, and I was determined to get clear on as many of the facts as possible.

“I found many people unwilling to comment in public because of what they termed a ‘fear of retaliation.’ That’s not my term; that’s their term. I said to nearly every person that I wanted ‘on the record’ comments because I did not want to use confidential comments as the basis of my decision. I was only partially successful, and I have in the end decided to consider confidential information to the extent that I believe in their veracity.

“Given all the information available to me, including confidential sources – primary of which is the existence of 28 negative comments submitted to the Bar Association – I have decided not to consent to the nomination to Ted Hong for third circuit court judge.

“I have heard the forceful complaints and admonitions against the Bar’s evaluation process of the nominee. I agree that there should be a better method to ensure that no fraud is perpetrated by Bar members, because I’m not certain that Bar staff does this kind of a review when they look at the comments and redact identifying information. With steps to check for possible fraud, I believe that confidentiality of the identity of those submitting comments outweighs the need for board members to know the identity of their colleagues, all of whom are members of their own association.

“Given the Bar’s current process of evaluating judicial nominees, I do concede the possibility of an organized effort to submit inauthentic negative comments, maybe even from a single large Honolulu law firm as has been noted by an attorney in Hilo, a supporter of the nominee. In light of these concerns about the process, it is the board’s responsibility to decide how much weight to give to these comments, these negative comments, and then make their own judgment on how to rate the nominee.

“The Bar president said in testimony that the board did seriously consider the comments and, after deliberation and casting secret ballots, they did determine that the nominee’s rating was ‘not qualified.’

“I do not believe the Bar’s evaluation process has fatal flaws. It probably could be improved . . . and I believe their evaluation

provides important information that deserves consideration by Senators in our own decision-making process.

“The Hawaii State Bar Association is the professional group for attorneys and they alone elect their board of directors. Their board decides the procedures for evaluating judicial nominees, including the process of redacting the identities of attorneys who submit comments, and the board knew full well that the nominee was reviewed and deemed qualified by the State Judicial Selection Commission to serve as a circuit court judge. The board also understood the impact their evaluation might have on the nominee’s confirmation, as was seen today. I accept that the board of the Hawaii Bar did their best to provide an honest evaluation of the nominee’s qualifications.

“After all the harsh words said against the Bar’s procedures, after all of that is said and done, there still remains on the table 28 negative comments from individual and separate attorneys of the bar. Apparently, these attorneys believed that their concerns were of such significance that they believed the nominee was not qualified to serve as a judge.

“In addition to the 28 attorneys who submitted confidential negative comments, there were more than a dozen non-attorneys that I would consider credible – this is after discounting persons not in a position to have first-hand comments and those who made comments purely on what could be political motives. After further discounting people who might have insincere motives, it appears to me that there are a few dozen people who might have a real basis for believing, erroneously or not, that the nominee should not be a judge.

“It also appears that most of the negative concerns relate to the nominee’s judicial temperance. The nominee has acknowledged that he has ‘crossed the line’ in dealing with people in his professional career, but does not believe that this is a pattern. He has also acknowledged not being aware of offending others in the past, but would apologize to these persons if they informed him of such offenses. At the hearing we discussed this ‘blind spot,’ the size of which I do not know; it is perhaps not even known to the nominee.

“This inability of being aware when other people – from the other person’s point of view – when they feel wronged, offended, or mistreated, it raises the question about whether the nominee can eliminate his ‘blind spot’ while serving as a judge.

“I can’t really know for certain if the nominee has a pattern of offensive behavior in certain types of circumstances, including those intense adversarial situations. It does appear that there have been incidents in the nominee’s past involving people who apparently felt wronged and they are unwilling to forgive the nominee. I can only make a judgment based on what I know, which to me includes a few dozen persons in the community who believe the nominee is not qualified to serve as a judge.

“And if there is a pattern of, for example, disrespecting adversaries, can the nominee stop this pattern by personal commitment or perhaps by becoming a neutral judge rather than a zealous advocate that he is known to be? On this I am not certain either, but I believe that a judge should epitomize, embody, and foster the community value of respect among combatants in the legal arena. I believe that winning, ambition, and pride should not be of greater value than respecting other human beings, whether an adversary or not.

“In the larger scheme of things, which might be hard to see at this moment, I believe that what’s at stake here is our community value of respect, not simply whether a certain person should become a judge.

“Mr. President, I intend no disrespect to the nominee when I cast my ‘no’ vote for his confirmation. I honor Mr. Ted Hong, his family, and his supporters – and I wish him the best no matter what the outcome of this vote is.

“I wanted to . . . I jotted down some notes after I heard some of the other speakers and I wanted to quote a couple pieces from testimony and give my comment. This is a gentleman from Hilo and he says, ‘I support the confirmation of Ted Hong. I also believe Mr. Hong has common sense. This is an essential quality that a judge must have. I understand that there has been opposition because of Mr. Hong’s temper. I attended law school and studied with Mr. Hong and I have seen his temper. However, I believe Mr. Hong, if appointed, is the type of person to recognize that he has a temper and he will be able to control it.’ And if the nominee is confirmed, we’re all going to count on it.

“I have the American Bar Association guidelines on judicial temperament. This is a quality that one does not gain if the nominee becomes a judge. Judicial temperament is a quality that the nominee must already possess before becoming a judge. It says here, candidates should possess a judicial temperament which includes compassion – I won’t read the whole list but I’ll just pick some of the . . . I won’t read the big words – humility, open-mindedness, patience, tact, understanding. ‘Judicial temperament is universally regarded as a valid and important criterion in the evaluation of a candidate. There are several indicia of judicial temperament which, while premised upon subjective judgement, are sufficiently understood by lawyers and non-lawyers alike to afford workable guidelines for the evaluator.’ It also mentions a few qualities like even-tempered, yet firm, forbearance under provocation. And ‘factors which indicate a lack of judicial temperament are also identifiable and understandable.’ I’m still quoting, ‘Judicial temperament thus implies and absence of arrogance, impatience, pomposity (that’s the biggest word I’ll use), arbitrariness or tyranny. Its absence can be fairly ascertained.’

“This is an e-mail I got from someone who is close to the nominee. I won’t say who. It says, ‘with respect to questions about Ted’s blind spot, he acknowledged that he needed to work on his sensitivity regarding others’ perceptions of him. Since perception is that particular person’s reality, I am afraid to say that sensitivity to others is not something taught or even encouraged in law school’ (they should; that was my comment; continuing) ‘or in litigation practice, but it certainly is something we can all learn,’ end quote. I believe one should learn this sensitivity to others before becoming a judge.

“I want to also note a few corrections for the record, and it’s my version of the corrections. One is that the secret ballot that was used and proposed by the Bar Association president was agreed to by all the members present. No one objected to that. The Bar Association has never rated a judicial nominee not qualified. A dozen years ago, it wasn’t a rating. It was support or not support a nominee. It was not, is a person qualified or not. It happens that the following year the Bar changed its system to, instead of support or not support, to evaluate the qualifications of the nominee whether it was highly qualified, qualified, or not qualified.

“I also want to note that no Bar in the land, not even the American Bar Association, informs the nominees of the identities of persons submitting comments. What is revealed, oftentimes, is the identity of the commenter to the persons making the recommendation, but not to the nominee, him or herself. The 56 responses – 28 for, 28 against – were not votes. The Big Island Bar voted. They sent out an e-mail and said e-mail us back – vote qualified, highly qualified, or not qualified.

The State Bar did not do that. The State Bar was soliciting comments from persons who would be in a position to comment on the qualification of the nominee, and they were to submit comments. So, you don’t just respond and get everyone to respond and say yes, yes, yes or no, no, no. You respond with comments.

“As I mentioned earlier, 28 of those attorneys, members of the Bar believe that their comments, their concerns were sufficiently great enough to believe that their colleague was not qualified to serve on the bench.

“I had asked the Bar president at the hearing to indicate among the 28 comments, the negative comments, whether they referred to what the nominee has said or done that raised their concerns, or was it how and the way the nominee had conducted himself. This is a question some testifiers and some people have said . . . people were concerned and were opposed because of what he said and they disagreed with what he said and were therefore, I guess the theory goes, wanted to I guess disapprove to the point of not having him be a judge. But the Bar president, in the hearing, said that the responses had a common theme. He said the common theme of the concerns was judicial temperament. He said, I think four or five mentioned arrogance. But the theme was his manner of behavior.

“So basically, that is kind of the summary of my struggle. It’s been a struggle, and it hasn’t been easy, and it hurts to do this. But we are bound by the Constitution to cast a vote one way or the other.

“Thank you, Mr. President.”

Senator Baker rises in opposition to the nomination as follows:

“Mr. President, I, too, rise in opposition to the confirmation of this nomination.

“This has not been an easy conclusion for me to reach, nor, as the good Senator before me has indicated, has it been an easy conclusion for many of my colleagues, I suspect. There are people whose opinions that I value and respect on both sides of this confirmation. I’ve met twice with the nominee. I’ve read much of the testimony. I’ve heard from people from Maui, from the Big Island, from Oahu. I’ve heard concerns and I’ve heard support.

“Although now the Hawaii State Bar Association’s recommendation is being dismissed as the product of a flawed process, we’ve always taken their recommendation to heart. And so the fact that this nominee was deemed unqualified to serve troubles me and give me great pause.

“Mr. President, this is not a matter on which I can vote with reservations, knowing that any flaws can be fixed in Conference. This is the nomination for a Circuit Court judge for a 10-year term, and I simply cannot dismiss nor resolve the reservations that remain about the qualities of this nominee. Therefore, Mr. President, when the vote comes, I will be voting ‘no.’”

Senator Trimble rose to support the nomination and stated:

“Mr. President, I rise in support Ted Hong.

“I want to share with you how I reached my conclusion to support. I do respect the Senator from Kaimuki. This may be the first time that I rose to disagree with the conclusion that he reached.

"The first thing, or one of the things that we are talking about today is the ability to wear another hat. If I look back at myself, I don't think you could have asked one friend that knew me five years ago whether they thought that I would be standing here today. People rise to the situation. When they are given a different set of responsibilities, they act differently. So, I believe that Ted Hong can be an impartial, sensitive, caring judge.

"The second thing that we've spent a great deal of time talking about is the Hawaii Bar Association Committee. After I read their decision in the newspaper, I started calling attorneys. Most of the attorneys that I know worked for previous administrations. I talked at length to three people. All three of them said the Ted Hong had a great mind, a great understanding of the law. Two of them were very troubled at the Hawaii Bar Association's process. But all three of them said to me that it was my . . . suggested to me not only did they believe in his capabilities, but if I also believed in Ted Hong, that I will be doing the right thing by ignoring the Hawaii Bar Association. And that is what I'm choosing to do.

"The third thing is – and I don't know what you do when a potential appointee comes to your office – I don't talk about the law. We talked about economic development. We talked about vehicular ferries. What impressed me about Ted Hong was his ability to listen and to respond in a manner that showed he understood exactly what we were talking about. When I look for a judge, I want somebody that has experienced life. I want somebody that knows something beyond the law, in the community that he's living in.

"The last thing that impressed me about this person was his desire to do the very best that he could. This is what I look for when I consider somebody for the bench.

"For these four reasons, I am supporting Ted Hong. Thank you."

Senator Whalen rose to speak in support and said:

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

"First of all, I had no idea that the good Senator from Kauai gave such great deference to my opinion, at least on legal matters, quoting from his speech. Obviously, levity didn't go very well there, but oh well. If you remember what he said, you'll get the joke.

"Getting back to something that our colleague, the Chair of the Judiciary, mentioned, Justice Padgett certainly had a wonderful reputation as a very clear thinker. I think he has the record as being the most productive justice we've ever had on the bench. He did the work of two or three justices in authoring the opinions and turning out the work. The Judiciary Chair is very kind in her description. I'll be a little more blunt. To call him gruff would be the very smallest comment you could make . . . very astute mind, very intelligent, every attorney had the greatest respect for him. But especially as a new attorney – he was there right when I got licensed – the last thing you want to do is have him judge the moot court or go before him and have to argue something. That was a horror because the man said exactly what was on his mind. He didn't sugarcoat it. But in no way at all did it reflect on his ability as a judge. He didn't go out there to hurt your feelings or to be cruel to you. But if you said something stupid, he'd call you on it and point it out to you and whoever else was listening that you did something dumb, because he didn't have time to fool around.

"Getting back to this issue of whether or not we confirm Mr. Hong. Basically, all of the argument that I've heard so far up to

this point is that the State Bar found him unqualified and based basically on the lack of judicial temperament. I'd just like to emphasize again for my colleagues here that the Big Island Bar, which knows him best of all on a personal first-hand level, overwhelmingly approved him as being qualified. So there's a little bit of interest there in the fact that the State Bar could come back with a negative and the people who know him best, the same attorneys who they're supposedly listening to, say that, overwhelmingly, he is qualified to do the job.

"And also, for the record, if we were using the State Bar's method of determining whether or not he'd be qualified, you have two Big Island Senators who have no qualms about supporting him. So, based on their analysis, he'd have the recommendation.

"Getting back to the issue, though, I've done a fair share of litigation in my time in a courtroom. The very last thing my client wants me to do is walk into a courtroom and say, now, we're going to try our best, but if they've got some good points, I'm just going to lay down and let them win that point. As an advocate for somebody, a client – whether it's the mayor of a county, a client that you're paying for, or both of us with the same experience as being deputy prosecutors, representing the state but whatever crimes were committed against the victim – you go in there with the goal on your mind of making sure justice is done but representing your client with every ounce of ability and zealotry that you have within you. And at times, you do tick off the other side, but as the Chair of Judiciary said, as long as you can leave the courtroom and leave that behind and talk to your opponent on the other side, have a relationship in terms of being friendly, you've done your job. You've done it very well.

"All the testimony that I've read and the e-mails that I've received from back home on the Big Island says that Ted Hong is just that type of person. He stepped on some toes because he takes his job very seriously and does his best to represent his client to his absolute best ability. And as a judge, is that what you want? Certainly not. And that's not . . . to make the comparison that as a litigator being very sided and advocating for your cause with everything within you, almost to the point where people think you're blind to something else, there's no way a reflection on someone's ability to be objective when they need to be if there are different roles that they play. In fact, Mr. Hong, I think, exemplifies in his own career this very attribute that we've been discussing. As an attorney, as a deputy prosecutor he did that. When he was corporate counsel he played that role. As the negotiator for the Governor, he's done that role very well. He has had to play different roles at different times and he's done a very good job at each and every one of them. I think that proves that he can very easily slide into the role as a judge and as being experienced and unbiased and give someone a fair hearing.

"Just one more point. Someone keeps mentioning . . . I keep hearing the constitution, our constitutional duty and our constitutional responsibility to cast votes, etc. I want to remind everyone that we are the ones, in essence, who are the judge right now. We are the ones who are going to cast a vote. We have a responsibility to do it, but our responsibility is to make the best decision on all the information in front of us.

"The testimony in opposition to Mr. Hong relies primarily, almost exclusively – except for some anonymous e-mails that have been referred to around here – about the State Bar's disapproval of him or unqualified finding. That is there only to assist us, Mr. President. It's not there to decide for us, otherwise we should just send this function right here over to the State Bar and let them do it. When I hear people say, 'I could have supported him' or 'I wasn't really sure, but when I

saw the State Bar, that's what we have to do because they know him best,' no, no, it's our decision. It's our call. We make the decision based on all the information that's in front of us, and all the information that I have seen says he's very experienced, very knowledgeable, very decisive. He's a hard worker and will do what he needs to do to get the job done, and if the job is being a judge and ruling in that manner, then that is what he will do and that's what we should rely on. The fact that some people aren't happy with him, that's life.

"I will leave on just one note. I saved this until the end because I didn't want to offend anybody, but I've been in court a lot, like some of the attorneys around here, and there are judges that have been confirmed by this Senate who I, in my experience, didn't feel they should be there – very explosive, very unfamiliar with the law, didn't want to take the time to get knowledgeable with it, and they were confirmed. I'm not saying that the Senate blew it, or whatever else, but obviously, the State Bar gave them the thumbs up. And in personal practice on repeated appearances in front some of these judges, they did not belong on the bench. Does that mean that we made a mistake? Does it mean the State Bar made a mistake? Who can really say? The think is, you just can't take the State Bar Association's recommendation and run with it and say this is why I did it. Because if you do that, you're sticking your head in the sand and you're not fulfilling your constitutional duty to weigh all the factors and make the decision based on all the information in front of us.

"Not to be repetitive, which I am, but I just want to remind you that if that is your standard, the attorneys that know him most of all, the Big Island Bar, overwhelmingly said he is absolutely qualified to do this job.

"Thank you, Mr. President."

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

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

"Mr. President, colleagues, during our hearing I asked Mr. Hong one question, and the question was this: How will you embody wisdom and compassion from the bench? It may seem like an esoteric question, but it's really a fundamental one because that's what we're dealing with. We're dealing with how someone will take all of the facts, all of the information, process that and then come to something that has compassion, embodies wisdom, and something that will equal justice.

"The question was merely rhetorical at the end of that hearing, because throughout the entire hearing, what I observed – and I observed this very keenly – was all sorts of things coming forward and ideas, all sorts of accusations and praise, and I observed how Mr. Hong absorbed this and processed this. And I saw him thinking, and I saw him considering and weighing and hearing some of the things, and being enlightened to some things that he may not have known.

"You know, members, I believe that life is a series of transitions and it's how we handle those transitions that demarcate those times for us.

"This reminds me of my own appointment to the Maui County Council, a very contentious, to say the least, process in Maui. So contentious, in fact, that the Charter was changed after my appointment to the Maui County Council. So I know how Mr. Ted Hong feels when accusations come forward, half-truths, innuendo, outright attacks and lies. I always remember the chance that those members of the Maui County Council that voted for me at that time, the chance that they gave me, because

I believe they saw the potential to grow and the potential to change. These are the same qualities I see in Mr. Hong – his ability to grow and to transition into a fine judge for the third circuit.

"I also received some other calls. I'm sure all of us have . . . calls and e-mails. In fact, we've been bombarded by them, but one particular call, members, from someone out of the loop, out of the circuit, an average citizen, not a political figure or anything like this, someone called and said, 'you know, I was on the opposing end of a case that Mr. Hong represented to the county, at the time, on the Big Island, and I lost a substantial sum of money in this particular interaction. But I can tell you,' and these are the words that she used, 'I can tell you that he is an honorable man, that even though I did not prevail in this case, I can tell you that he is honorable.' That stuck with me, because if she had won the case and called and said well, yes, we won and he was honorable, I would say alright. But to have lost a case and say that the opposing counsel was honorable, which means that she left the courtroom, I'm sure, upset, I'm sure, devastated, but at the same time, being able to come away with her own dignity and self-respect and respecting the opposing side because of the respect that the opposing counsel showed her, that is seminal for me.

"I started weighing all of the information that we had before us and my own conclusion was that he is well qualified to be a judge, because the things that we talked about and the things that came up were a part of his job as a litigator. And being a litigator, well, you have to be somewhat of a bulldog. You have to be someone that goes out and stands for their client and goes for their case. This is a new set of circumstances. It's a whole new idea, a whole new concept for him, and I see the potential to grow into this.

"Now, the final point, members, that struck me was the consideration that the nominee has and, I believe, a commitment he has to the Hawaiian community. Because, too often when we have Native Hawaiians coming before the judicial system, they are underrepresented. We have very special types of cases, a lot of it around land access, gathering, cultural practices. You know, today – earlier – we had chants in praise of the Aikau family presented, and these are very special, composed especially for this family to be presented here, this practice being protected by our constitution. And I'm so pleased and honored to see that today. Well, I also see that Mr. Hong has an understanding, a deeper understanding, of this particular issue. And I can tell you that Hilo has a large, large population of Native Hawaiians that will be before him, and I can see that he will have the compassion and the wisdom to treat them fairly, as he will treat everyone else, but to understand the basic dilemma that the Hawaiians are in, to understand the deep-seeded issues that we as a people have.

"And so, with these elements combined, members, I've come to my conclusion that I can support him without any reservation. I can support his nomination, and I ask you to consider that. Put everything aside – the issues of the Bar . . . let me just comment on that. You know, the Bar Association is sort of like elections to public office, members. If the members of the Bar chose not to participate, like the voting public chooses not to participate in an election, they have to live with the consequences. If the public doesn't vote and someone gets elected that they don't like, really, it's their fault. If the members of the Bar choose not to vote and the Bar comes out with a negative recommendation based on the people that voted, it's the members of the Bar's fault.

"I'm not faulting the Bar. In fact, I'm pointing out the fact that the Bar did its job by presenting its findings. The failure lies with the attorneys that did not participate, and therefore

they acquiesced and they said yes, we'll agree to whatever you guys come up with – sort of like our elections.

“So, let us use our own judgement. Let us all think this through carefully. It's still not too late to change your vote, and when that roll call is made, consider wisdom and compassion.

“Thank you, members.”

Senator Chun Oakland rose to speak in opposition as follows:

“Mr. President, it is with a heavy heart that I rise in opposition to Mr. Hong's nomination.

“This will be a first for me. My colleagues know that I have never voted in opposition to any nominee for confirmation. In my years serving in the Senate, I diligently listened to public testimony. I accept input from the public outside of the hearing process and have the privilege of meeting with the nominees for each judicial position. I give people the benefit of the doubt and expect that they are committed individuals wanting to fulfill the important duties that they are confirmed to do by Hawaii's State Senate. I have no doubt that Mr. Hong wants to fulfill that commitment.

“In this case, there has been a significant number of people who have come forward to express concerns about the nominee and have expressed judicial temperament as a major and consistent concern. For anyone to come forward against a judicial nominee is rare. But to have the number of people from the Bar and lay people express serious concern and consistently question Mr. Hong's judicial temperament is very disconcerting to me.

“There were concerns raised with the Hawaii State Bar Association's process determining a judicial nominee's qualification as highly qualified, qualified, and unqualified. The new process that is being criticized by some was implemented beginning in March 2003. This was the same process used in determining the qualifications of all past judicial nominees the Senate has confirmed last year and this year. When I asked one of the testifiers, the attorney general of this state, would there be the same criticisms of the process if the outcome for Mr. Hong by the Hawaii State Bar Association was positive rather than negative? He honestly indicated that there probably would have been no concern for the process.

“I did ask the person who served as the Hawaii State Bar Association's legislative liaison for 10 years, prior to the new system being implemented, what the typical response rate was for HSBA members for judicial nominees, what they have been during those years that he served. He indicated that in the past, the response rate ranged anywhere from a dozen responses to over 100 in two cases. During this same conversation, he indicated that the response rate for this nominee was unusually high.

“In the hearing, I asked the current Hawaii State Bar Association president what the response rate under the new system has been for the numerous judicial nominees we have already confirmed. He indicated that probably 10 to 20 people normally would respond with an overwhelming majority of them being in support. In this case, 56 responses were received, of which half raised serious concerns. And to my understanding, after being asked the question, Mr. Lee indicated that documentation was attached to those concerning e-mails.

“What was not discussed on this Floor was the questionable process of the Hawaii County Bar's East Hawaii survey. As a result of the County Bar's process being viewed by members of

the County Bar as concerning, Senate colleagues have been receiving phone calls from Hawaii County Bar members who informed them that they had responded in favor of the nominee for fear that if they did not indicate favor of this nominee, that they would have to appear in front of one of only two judges in East Hawaii for the next 10 years and were concerned about being treated fairly before this nominee, should he be confirmed. Other Hawaii County Bar members indicated to Senate colleagues that they did not participate in the County Bar vote based on that same concern. This pattern of fear of retaliation is of great concern to me. I suspect that is why HSBA's response rate showed a higher number of people opposed, because that process assured greater confidentiality.

“I appreciate Ted, his family, and friends who care very much for him and support him very much, and I thank all of you for having the patience to go through this very arduous public process. Many of the supporters are my friends, and I'm sorry if I've disappointed any of you. My vote in opposition for the confirmation of Mr. Hong for this judgeship reflects the people who were not at the hearing whose lives and livelihood may have been damaged or whose good character, maybe unbeknownst to Mr. Hong, was unfairly disparaged and acknowledges the concerns that were expressed as being just the tip of the iceberg of a larger problem. I cannot turn my back on them.

“Thank you, Mr. President.”

Senator Espero rose to speak in opposition to the nomination and said:

“Mr. President, I regretfully rise in opposition to this nomination.

“The decision to vote against the nominee was not an easy one for me. I have found Mr. Hong to be an outstanding father, husband, and son – a very hard worker involved in his community and who has many friends and supporters. I met with him twice and carefully watched the Judiciary Committee hearing and I spoke with many people about the nomination, including many of the Senators in here today. There was a tremendous amount of information made available to us.

“At first, I was angry at him for his position on UH West Oahu. But after speaking with him, I realized that was not a reason to be against his nomination. Although I did not support his action, I was satisfied with his explanation. His response to me, however, regarding other appointments caught my attention.

“In my humble opinion. There is a major conflict of interest in his dual role as UH regent and chief negotiator for the State of Hawaii. How can one person serve two masters and be loyal to both when they are likely to have a conflict in goals? I asked, was this reason to reject the nomination? I tried to keep an open mind.

“Then, Mr. President, the Hawaii State Bar Association gave the nominee an unqualified rating. Hypothetically, I equated this to the NAACP not supporting a national holiday for Dr. Martin Luther King or the University of Hawaii not supporting an outstanding UH athlete as an all-American selection. For me, the Hawaii State Bar's rating was a huge terrible blow to the nominee.

“Yes, I acknowledge the sample was small, but we're talking about attorneys who had an opportunity to voice their opinion and only a few did. I liken this to a political election with a poor turnout, but we still live and stand by their results. Of the respondents to the State Bar's request, 50 percent had negative

comments or concerns. What I feel is this may just be the tip of the iceberg.

“The process will be reviewed and scrutinized closely because of this nomination, but I believe today we must accept this, as this is what is before us. I do not enjoy voting against this nomination, but as a State Senator, I know I was open-minded, fair, and honest with my decision and vote. I do regret, Mr. President, any pain and disappointment my vote will cause to the nominee and his family.

“In closing, the Chair of the Judiciary Committee, in acknowledging a fellow attorney, stated that he was standing up for what he believed was right. Those of us in opposition today are also standing up for what we believe is right.

“Thank you, Mr. President.”

Senator Slom rose again in support and stated:

“Mr. President, I rise in brief rebuttal in support of the nomination.

“I’ve said before, and I say it again today, that this is probably the best thing that the Senate does when we have full and open discussion, when we have people in the gallery, when we have people that can watch this. They will be the final judges. They will be the arbiters of the things that we’ve said and our own motivations.

“But a couple of final points, I heard one of the opponents say that we should not give credence to someone just because the overwhelming amount of support was positive. Then I heard another one of the opponents say we should give a greater credence to a small number of people. Well, maybe the balance lies somewhere in between. For me, it’s never been the numbers themselves, it’s been the quality of the arguments, the information, and the individuals that have come forward.

“And I don’t think anybody can deny that the individuals that have come forward, as we started this two hours ago with the Chairwoman of Judiciary, they come from a wide and diverse background. They have nothing to gain politically or judiciously by their support. And as has been testified to, they have opposed or been opposed by the nominee in the past. But somehow they were able to put that below them and to look at the nominee himself and his qualifications. And they had no problem coming to support for Ted Hong, none whatsoever.

“Somehow, the last couple of hours has become a referendum on the Hawaii State Bar Association, and that’s unfortunate, because this is about Ted Hong. This is about the people of the Big Island. This is about choices of individuals. This is about real facts versus vague facts, things that might happen, personal fears of individuals, and other things that are not on the table.

“The last speaker did acknowledge that there certainly was a small percentage of people that took part in the Hawaii State Bar Association. I’m wondering how many people really know how small that was. There’s approximately 4,500 attorneys that are forced members of the Hawaii State Bar Association, and the original number, as the Minority Leader had said before, was that there were actually 53 votes. All of a sudden, three more votes came forward to make it 56. Well, that’s nice. That’s 56 out of 4,500. And we get into the same argument – Is the glass half empty or half full? The opponents would like you to concentrate entirely on the 50 percent, the 28 people that gave opinions, and disregard the 50 percent, the other 28, that gave supportive opinions. If we’re going to fair, if we’re going

to be balanced, 50 percent and 50 percent is equal. But that’s not what we’ve done today.

“In addition to that, it hasn’t been brought out that the president of the Bar Association is himself a candidate for a judicial appointment. Now, whether that has anything to do with it or not, I don’t know. But I do know this, it’s not the Bar Association or the procedure, it is the qualifications, the eminent qualifications of Ted Hong. And I have heard nothing here today, I heard nothing in the nine hours the other day that disputes his experience, his honesty, and his integrity. And woe be it to the 25 of us if we had our past records as eviscerated, and every decision that we’ve ever made, and every statement that we’ve ever said, and something that may have been overheard by someone or misinterpreted by someone else, if all of that were laid out. And that’s exactly what happened. And still, after all that, Ted Hong is standing, and he’s standing and willing to serve.

“And while the Hawaii State Bar Association gave the 4,500 attorneys an opportunity to give their opinions, the Hawaii Island Bar Association asked for a vote and that vote was overwhelming in support of the nominee. And you know, that’s what we do here and that’s what we do in Committees. Oftentimes, people give their opinions, or their concerns, or they vote with reservations. There’s a big difference when you have to vote yes or no. And yes, it does have implications for 10 years. But if we do not confirm this nomination and nominee today, we are disrespecting the people of the Big Island who have told us very clearly what they believe, what they want, what they know far better than most of us.

“And one other comment, Mr. President, I’ve heard this before in other hearings and other debates when someone says, how can someone do this job and that job and all of this? How can they do all those things and have one master? Those of us that fancy ourselves as entrepreneurs have people all around us telling us what we can’t do because they are lesser individuals in terms of their desire to do things. And what they say is, basically, I can’t do it and I know how smart and strong I am, so if I can’t do it, how can somebody else do it? That’s the mark of a leader – that man, that woman that can do the things that we can’t do, and can do them well in different arenas. And Ted Hong is one of those individuals.

“Some of my colleagues, who often in debates when we’re talking about money or we’re talking about material things, say let’s put a human face on it, on a dollar amount or a tax or a regulation. Well, you know what? We don’t have to do that today because we have a human face, a very human face in Ted Hong. I am privileged to know him and I am proud to vote strongly in his support today.

“Thank you, Mr. President.”

Senator Kim rose to speak in opposition to the nominee as follows:

“Mr. President, I also rise regretfully in opposition to the nomination.

“First, Mr. President, may I ask that the remarks of the good Senator from Moanalua be entered into the Journal as my own and also that of the Senator from Nuuanu. (The Chair so ordered.) For her to take a position, a very tough position, for me it is very serious and adds to my concern. When someone of her caliber rises in opposition – she is very respectful, always very sympathetic, always erring on the side of caution – I think that says a lot about her vote.

“Mr. President, I cannot stand here to say today that I know the nominee or his family, because I don’t personally know them. And yet, as part of my responsibility, I today have to cast a vote in favor or not for that individual. Certainly, as my colleagues have stated, it is not an easy decision for us to stand here to judge. Certainly, if I was to be up for a nominee for the court, my judicial temperament would be in question, and I trust that I would probably not get the confirmation as well.

“We are who we are. We make decisions, and we are often judged by our decisions everyday, all of us here on this Floor. And, I believe that my positions and my temperament, and I’m sure just as our nominee’s temperament, believe that we need to do what we have to do and yet we have to accept the judgement that comes because of our actions.

“Mr. President, when I met with the nominee he asked that I keep an open mind until his confirmation hearing. And I was very straightforward with him, as I try to be in all situations, and I did express to him that I expected that he would get a cross section of support from friends, from supporters, from people out there. That is the norm for the confirmation process – we will seek out those who will come to support us and certainly people do not like to speak out against anyone. I don’t believe, in the confirmation process, that people, especially local people, like to speak out. And so, I did express that it would be the opposition that I would be paying close attention to because if people take the time, take the risk of coming forward to speak out against someone and not fear retribution, to me that is very, very telling.

“And we see that, Mr. President, not just in the confirmation process, but all kinds of processes that we go through here in the Senate. So, Mr. President, I cannot discount the position of the Hawaii State Bar just as some of my colleagues have also stated. I know many are crying that it was a flawed process. But I’m concerned that no one prior to this cried foul. No one cried foul when they had only 12 attorneys respond in the past to a nominee. As my colleagues have stated, this is the same process used earlier during this Session and used last Session.

“And we have taken their positions to heart. But Mr. President, we cannot have it both ways. You cannot accept the Bar’s position only when it suits you. And I do not respect the statements from attorneys who refused to participate, for whatever reason refused to participate in the process, just as the Senator from Hana pointed out, and then complain now about the process. They are all knowledgeable individuals and they all know the importance of the judicial review by the Bar.

“The short of it is, Mr. President, several of Mr. Hong’s peers voted not qualified, and I am not about to second-guess the reasons for their vote. But I suspect that no matter how thorough or unthorough, no matter how secret or not secret, that they did vote their conscience. I’m sure that they did not just rely on 28/28 e-mails. They did rely on the interview, probably relied on any knowledge they may have from other people, other attorneys, and they did know the importance that their position would have on this Body.

“And no, this is not the only reason. I’m not punting to the Hawaii State Bar. We have to take everything into consideration, Mr. President, all that has come before us. And as it was said earlier, it is not easy to do, but I believe that I need to err on the side of caution, and because of that, Mr. President, I will be erring not to support the nomination.

“Thank you.”

Senator Tsutsui rose in opposition to the nominee and said:

“Mr. President, I rise in opposition to Gov. Msg. No. 152.

“Mr. President, I think we’ve heard most of the arguments, but I, too, am concerned that of the 56 members of the Hawaii State Bar Association, half of them found the nominee to be unqualified. I’m also concerned that the HSBA board voted against the nominee 7 to 5.

“Mr. President, this, in addition to the many other pieces of testimony that we had opposing this nominee, has played heavily into my decision today. And while some may say that the HSBA’s process for declaring a nominee qualified or not qualified should be changed or modified, I challenge the timing of this concern. Over the past year-and-a-half, we have confirmed, without any concerns, 14 judges guided in part by this recommendation.

“Mr. President, I believe that when we confirm anyone to the bench, we should do so with no reservations, with no hesitation, and with no concern. Today, Mr. President, I have some reservation. I have some hesitation. And I definitely have some concern. Therefore, I will be voting ‘no’ on Gov. Msg. No. 152.

“Thank you.”

The motion was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 12. Noes, 13 (Baker, Chun Oakland, Espero, Fukunaga, Hooser, Ige, Ihara, Inouye, Kanno, Kawamoto, Kim, Sakamoto, Tsutsui).

REFERRAL OF HOUSE BILLS

MATTERS DEFERRED FROM THURSDAY, MARCH 11, 2004

The President made the following committee assignments of House bills received on Thursday, March 11, 2004:

House Bill	Referred to:
No. 33, H.D. 2	Jointly to the Committee on Education, the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means
No. 87, H.D. 2	Committee on Economic Development, then to the Committee on Water, Land, and Agriculture
No. 267, H.D. 2	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 432, H.D. 1	Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 537, H.D. 1	Committee on Judiciary and Hawaiian Affairs
No. 634	Committee on Health, then to the Committee on Ways and Means
No. 680, H.D. 2	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 698, H.D. 1	Committee on Judiciary and Hawaiian Affairs

No. 706, H.D. 1 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs

No. 1071, H.D. 2 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1103, H.D. 2 Committee on Economic Development, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 1259, H.D. 1 Committee on Commerce, Consumer Protection and Housing

No. 1335, H.D. 3 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Education, then to the Committee on Ways and Means

No. 1374, H.D. 2 Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing

No. 1472, H.D. 1 Committee on Tourism, then to the Committee on Commerce, Consumer Protection and Housing

No. 1634, H.D. 1 Committee on Energy and Environment, then to the Committee on Ways and Means

No. 1710, H.D. 2 Committee on Education, then to the Committee on Ways and Means

No. 1717, H.D. 2 Committee on Commerce, Consumer Protection and Housing

No. 1729, H.D. 1 Committee on Commerce, Consumer Protection and Housing

No. 1743, H.D. 2 Committee on Economic Development, then to the Committee on Water, Land, and Agriculture

No. 1758, H.D. 2 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 1762, H.D. 1 Committee on Commerce, Consumer Protection and Housing

No. 1765, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 1769, H.D. 1 Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs

No. 1774, H.D. 2 Committee on Labor, then to the Committee on Ways and Means

No. 1780, H.D. 1 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 1786, H.D. 1 Committee on Labor, then to the Committee on Ways and Means

No. 1792, H.D. 2 Committee on Labor, then to the Committee on Ways and Means

No. 1796, H.D. 1 Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs

No. 1805, H.D. 3 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations

No. 1806, H.D. 2 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Water, Land, and Agriculture

No. 1839, H.D. 2 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1840, H.D. 1 Jointly to the Committee on Health and the Committee on Energy and Environment

No. 1848, H.D. 1 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 1894, H.D. 2 Jointly to the Committee on Education, the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 1898, H.D. 1 Committee on Economic Development, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 1906, H.D. 2 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 1919, H.D. 1 Committee on Labor, then to the Committee on Ways and Means

No. 1924, H.D. 1 Committee on Education, then to the Committee on Ways and Means

No. 1937, H.D. 2 Committee on Education, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 1980, H.D. 1 Committee on Judiciary and Hawaiian Affairs

No. 1987, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 1991, H.D. 1 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs

No. 2002, H.D. 2 Committee on Education, then to the Committee on Ways and Means

No. 2015, H.D. 2 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 2022, H.D. 2 Committee on Human Services, then to the Committee on Ways and Means

No. 2023, H.D. 2 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

No. 2025, H.D. 3 Jointly to the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2034, H.D. 3 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Education, then jointly

- to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means
- No. 2061, H.D. 2 Committee on Tourism, then to the Committee on Ways and Means
- No. 2088, H.D. 2 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
- No. 2098, H.D. 1 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2136, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations
- No. 2142, H.D. 2 Committee on Energy and Environment, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2143, H.D. 2 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2158 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2172, H.D. 2 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
- No. 2181, H.D. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2184, H.D. 2 Jointly to the Committee on Education, the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means
- No. 2186, H.D. 2 Committee on Tourism, then to the Committee on Ways and Means
- No. 2191, H.D. 1 Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
- No. 2206, H.D. 1 Committee on Judiciary and Hawaiian Affairs
- No. 2215, H.D. 2 Committee on Labor, then to the Committee on Ways and Means
- No. 2229, H.D. 2 Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2230, H.D. 2 Committee on Labor, then to the Committee on Ways and Means
- No. 2251 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations
- No. 2254 Committee on Judiciary and Hawaiian Affairs
- No. 2259, H.D. 1 Committee on Judiciary and Hawaiian Affairs
- No. 2262, H.D. 1 Committee on Labor, then to the Committee on Ways and Means
- No. 2273 Committee on Education, then to the Committee on Ways and Means
- No. 2280 Committee on Ways and Means
- No. 2290, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2291, H.D. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism, then to the Committee on Ways and Means
- No. 2294 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2301, H.D. 1 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2320, H.D. 1 Committee on Judiciary and Hawaiian Affairs
- No. 2321, H.D. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 2359, H.D. 1 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2361, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2370, H.D. 1 Committee on Judiciary and Hawaiian Affairs
- No. 2378 Committee on Judiciary and Hawaiian Affairs
- No. 2396, H.D. 2 Jointly to the Committee on Science, Arts, and Technology and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 2398, H.D. 2 Committee on Labor, then to the Committee on Ways and Means
- No. 2403, H.D. 1 Committee on Labor, then to the Committee on Ways and Means
- No. 2404, H.D. 1 Committee on Labor, then to the Committee on Ways and Means
- No. 2408, H.D. 2 Committee on Commerce, Consumer Protection and Housing
- No. 2444, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2455, H.D. 1 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
- No. 2458, H.D. 1 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

- No. 2459, H.D. 1 Committee on Human Services, then to the Committee on Ways and Means
- No. 2462, H.D. 1 Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2464, H.D. 1 Committee on Labor
- No. 2466 Committee on Labor, then to the Committee on Ways and Means
- No. 2467, H.D. 1 Committee on Labor, then to the Committee on Ways and Means
- No. 2520, H.D. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2527, H.D. 2 Committee on Transportation, Military Affairs, and Government Operations
- No. 2529, H.D. 1 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Water, Land, and Agriculture
- No. 2539, H.D. 2 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing
- No. 2573, H.D. 1 Committee on Ways and Means
- No. 2579, H.D. 1 Committee on Labor, then to the Committee on Ways and Means
- No. 2581, H.D. 1 Committee on Labor, then to the Committee on Ways and Means
- No. 2608, H.D. 1 Jointly to the Committee on Tourism and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2611, H.D. 2 Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means
- No. 2633, H.D. 1 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs
- No. 2645, H.D. 2 Committee on Education, then to the Committee on Ways and Means
- No. 2657, H.D. 2 Committee on Labor, then to the Committee on Ways and Means
- No. 2659, H.D. 1 Committee on Labor, then to the Committee on Ways and Means
- No. 2662, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2667, H.D. 2 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2674, H.D. 1 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Commerce, Consumer Protection and Housing
- No. 2691, H.D. 1 Committee on Judiciary and Hawaiian Affairs
- No. 2703, H.D. 1 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
- No. 2713, H.D. 2 Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means
- No. 2717, H.D. 1 Committee on Judiciary and Hawaiian Affairs
- No. 2722, H.D. 1 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
- No. 2740, H.D. 1 Committee on Labor
- No. 2741, H.D. 1 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2742, H.D. 2 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2743, H.D. 2 Committee on Ways and Means
- No. 2748 Committee on Ways and Means
- No. 2749 Committee on Ways and Means
- No. 2759, H.D. 1 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
- No. 2768 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs
- No. 2786, H.D. 1 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2788, H.D. 1 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2792, H.D. 1 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 2796, H.D. 1 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
- No. 2809, H.D. 2 Jointly to the Committee on Tourism and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 2814, H.D. 2 Committee on Health, then to the Committee on Ways and Means
- No. 2864, H.D. 2 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Health, then to the Committee on Ways and Means

No. 2873, H.D. 2 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2894, H.D. 1 Committee on Water, Land, and Agriculture, then to the Committee on Commerce, Consumer Protection and Housing

No. 2911, H.D. 2 Committee on Education, then to the Committee on Ways and Means

No. 2956, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2960, H.D. 2 Committee on Energy and Environment, then to the Committee on Ways and Means

No. 2961, H.D. 2 Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2964, H.D. 1 Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 2968, H.D. 2 Jointly to the Committee on Energy and Environment, the Committee on Health, the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 2974, H.D. 1 Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing

No. 2976, H.D. 1 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

ADJOURNMENT

At 2:48 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 15, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

ATTACHMENT A

Senator Ihara's objections read as follows:

"Pursuant to my remarks on the Senate Floor on March 12, please include in the Senate Journal for that day my objections to JHW's SSCR 2873 on GM 152 (Ted Hong). I object specifically to the underlined findings on pages 3 and 4, because the committee majority did not agree or discuss including any of these findings in the committee report (without my vote, there would have been no majority).

Stand. Com. Rep. No. 2873

Honolulu, Hawaii

March 11, 2004

RE: Gov. Msg. No. 152

Honorable Robert Bunda
President of the Senate
Twenty-Second State Legislature
Regular Session of 2004
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred Governor's Message No. 152, submitting for study and consideration the nomination of:

CIRCUIT COURT OF THE THIRD CIRCUIT, STATE OF HAWAII, TED H.S. HONG

G.M. No. 152 TED H.S. HONG, for a term of Ten Years,

begs leave to report as follows:

Upon review of the resume, application for judicial office, letter of the nominee dated February 17, 2004, and testimony, your Committee finds that Ted H.S. Hong received a BA and a JD degree from the University of Hawaii at Manoa. Currently, he is the Chief Negotiator for the State of Hawaii and an interim Board of Regent for the University of Hawaii. He was a solo practitioner, Grand Jury Counsel for the Third Circuit Court, Corporation Counsel for the County of Hawaii, Deputy Corporation Counsel for the City and County of Honolulu, associate attorney at Roehrig, Roehrig, Wilson, Hara, deSilva, and Deputy Prosecuting Attorney for the City and County of Honolulu.

The nominee is a member of the Hawaii State Bar Association (HSBA) and American Bar Association (ABA).

Your Committee has received testimony in support of the nominee from the Attorney General, Department of Defense, Department of Human Resources Development, Office of Human Resources of the Judiciary, University of Hawaii Professional Assembly, Mayor of the County of Hawaii, Moanalua High School, Hawaii County Bar Association, the County of Hawaii Mayor's Office, Hawaii County Police Department, Honolulu Prosecuting Attorney, UH Hilo Student Association, Big Island Candies, Inc., Hawaiian Floral Express, Hawaii Island Portuguese Chamber of Commerce, Hawaii Tire Company, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Kamuela Kayak Corporation, Kope Kope Espresso Cafe, Mauna Kea Anaina Hou, Pacific Transfer, Pinnacle Investment Group, Rotary Club of Hilo, Rotary Club of Hilo Bay, State of Hawaii Organization of Police Officers, Hawaii Fire Fighters Association, Korean American Bar Association of Hawaii, Society for Human Resource Management, Communications Pacific, Hilo Reporters, Dolan, Silva & Associates, CPAs, Inc., Stryker, Weiner & Yokota, Victor V. Vierra and Associates, Hawaii Orchid Growers Association, ninety-eight attorneys, and two hundred ninety-two individuals. Your Committee has received testimony in opposition of the nominee from one attorney and twenty individuals. Your Committee has received comments regarding the nominee from the Chair of the Hawaii County Council, Hawaii County Corporation Counsel, two attorneys, and four individuals.

The Board of Directors of the HSBA found the nominee to be unqualified to serve as a circuit court judge. As part of the HSBA Board's procedures for taking a position on judicial appointments, the candidate is asked to submit a resume, respond to a questionnaire, and appear before the Board to answer questions. The HSBA Board utilizes a modified version of the ABA Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. These Guidelines include the following criteria for judicial positions: integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, public service, collegiality, and writing ability.

Your Committee notes that there are issues regarding the judicial candidate's evaluation process performed by the HSBA. Specifically, your Committee expressed concerns about the short time frame in which the evaluation process takes place. Thus, if concerns are raised regarding a nominee, the HSBA does not have enough time to investigate a candidate any further. As a practice, your Committee postpones confirmation hearings as much as possible to accommodate the HSBA's initial evaluation process to enable the HSBA adequate time to prepare an evaluation. If there is a situation where a further investigation is warranted, the HSBA may be unable to address any of the issues and must evaluate a nominee based on the information immediately available.

Your Committee is concerned about the HSBA's methodology in evaluating a judicial candidate. Specifically, issues were raised regarding the necessity for total anonymity of comments submitted for the evaluation process and the anonymous ballot voting used for this nominee's HSBA judicial evaluation. While your Committee appreciates the HSBA's efforts in evaluating this nominee, this nominee's evaluation brings to light the apparent flaws and inequitable nature of the HSBA's evaluation processes.

In response to the concerns raised with the HSBA's judicial evaluation process, your Committee heard testimony from the Judicial Selection Commission (Commission) regarding their evaluation process. The Commission is authorized under the Constitution of the State of Hawaii to nominate no less than four and no more than six potential candidates from a pool of applicants for the Governor to choose from. The Commission is bound by the amount of information they are allowed to disseminate to this legislative body and the public. However, only the names of qualified candidates are submitted to the Governor for consideration.

Moreover, your Committee finds that the nominee was screened by the Judicial Selection Commission after an exhaustive process of finding qualified candidates. Additionally, in the HSBA screening process, only fifty-six of the four thousand three hundred bar members in Hawaii sent in comments about the nominee, which your Committee finds to be too small a minority of that organization to provide a true representation of the nominee's qualifications.

Your Committee has reviewed all of the testimony submitted, heard testimony from those who were present, and provided each person testifying with the amount of time needed to articulate their position. The testimony was overwhelmingly in support for the nominee; however, testimony was presented in opposition to the nominee. The main concern raised to this Committee was the nominee's judicial temperament.

From the testimony of the HSBA and others familiar with the judicial evaluation process, the term "judicial temperament" is subjective. The Commission testified that judicial temperament is one of the qualifications evaluated to determine if a candidate is qualified or unqualified. The Commission uses the ABA Guidelines to define "judicial temperament" for their evaluation process. Under this definition, "judicial temperament" is a nominee who possesses "a judicial temperament which includes common sense, compassion, decisiveness, firmness, humanity, open-mindedness, patience, tact and understanding."

Your Committee notes the concerns regarding the nominee's judicial temperament. However, in evaluating the criticism of this nominee, it appears that the nominee's direct nature and zealous advocacy on behalf of his clients are confused with the definition of judicial temperament. Your Committee believes that the criticisms articulated were not traits that would impede his ability to perform in an effective and fair manner as a judge, with the proper judicial demeanor.

Your Committee also considered the number of Big Island testifiers that were present in support of the nominee from attorneys, individual residents, students and faculty from the University of Hawaii at Hilo, and the Hawaii Community College. The University of Hawaii Regents were also present to support and clarify some misconceptions regarding the issues surrounding this nominee.

From all of the testimony, questions and answers, and a review of the personal history, résumé, and statements submitted by the nominee, your Committee finds the nominee to have the necessary qualifications to be appointed to the position of circuit court judge.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate consent to the nomination."

THIRTY-FOURTH DAY

Monday, March 15, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Bruce Nakamura, Jikoen Hongwanji, after which the Roll was called showing all Senators present with the exception of Senators Ihara and Kokubun who were excused.

The President announced that he had read and approved the Journal of the Thirty-Third Day.

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

The Senate reconvened at 12:21 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 368 to 373) were read by the Clerk and were placed on file:

Gov. Msg. No. 368, dated February 27, 2004, transmitting the Annual Report of The Research Corporation of the University of Hawaii for Fiscal Year Ended June 30, 2003, pursuant to Chapter 307, HRS.

Gov. Msg. No. 369, dated March 1, 2004, transmitting the Annual Report on the Activities Under the Neurotrauma Special Fund, prepared by the Department of Health pursuant to Section 321H-4, HRS.

Gov. Msg. No. 370, dated March 1, 2004, transmitting the Annual Report of the Radiologic Technology Board for Fiscal Year 2002-2003, pursuant to Chapter 466J, HRS.

Gov. Msg. No. 371, dated March 1, 2004, transmitting a Report Relating to the State Water Pollution Control Revolving Fund of the Department of Health, prepared by the Department of Health, Environmental Health Administration, Environmental Management Division, Wastewater Branch, pursuant to Section 342D-82, HRS.

Gov. Msg. No. 372, dated March 1, 2004, transmitting the 2003 Annual Report of the Board of Certification of Operating Personnel In Wastewater Treatment Facilities, prepared by the Board of Certification pursuant to Section 340B-12, HRS.

Gov. Msg. No. 373, dated March 1, 2004, transmitting the Report Regarding Compliance to the Health Insurance Portability and Accountability Act, prepared by the Department of Human Services pursuant to Act 200, Section 38, SLH 2003.

HOUSE COMMUNICATION

Hse. Com. No. 290, transmitting H.C.R. No. 41, which was adopted by the House of Representatives on March 12, 2004, was read by the Clerk and was placed on file.

By unanimous consent, action on H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK IN KAPOHO, HAWAII," was deferred until Tuesday, March 23, 2004.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 53 to 57) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 53 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY ON ELDERLY DRIVERS."

Offered by: Senators Baker, Chun Oakland.

No. 54 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE IMPACT OF THE DEPARTMENT OF HUMAN SERVICES' POLICY OF EXPEDITED PROCESSING OF APPLICATIONS RECEIVED FROM PREGNANT WOMEN USING THE 'MEDICAL ASSISTANCE APPLICATION FOR CHILDREN AND PREGNANT WOMEN ONLY' FORM ON EARLY ENTRY INTO PRENATAL CARE AND SUBSEQUENT BIRTH OUTCOMES."

Offered by: Senators Baker, Aduja, Inouye, Hooser, Chun Oakland, Trimble, Tsutsui.

No. 55 "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO EXPEDITIOUSLY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH."

Offered by: Senators Baker, Chun Oakland, Inouye, Hooser, Tsutsui.

No. 56 "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS."

Offered by: Senators Menor, Baker, Espero, Aduja, Kawamoto, Kanno, Hooser, Sakamoto, Ihara, Kokubun, Inouye, Fukunaga, Chun Oakland, Ige, Bunda, Kim.

No. 57 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROHIBIT JUDICIAL TAXATION."

Offered by: Senators Kim, Baker, Sakamoto.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 24 and 25) were read by the Clerk and were deferred:

Senate Resolution

No. 24 "SENATE RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS."

Offered by: Senators Menor, Baker, Espero, Aduja, Kawamoto, Kanno, Hooser, Sakamoto, Ihara, Kokubun, Inouye, Fukunaga, Chun Oakland, Ige, Bunda, Kim.

No. 25 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROHIBIT JUDICIAL TAXATION."

Offered by: Senators Kim, Kawamoto, Hemmings, Espero, Sakamoto, Kokubun, English, Sлом, Tsutsui.

STANDING COMMITTEE REPORTS

Senators Ige and Kim, for the Committee on Science, Arts, and Technology and the Committee on Tourism, presented a joint report (Stand. Com. Rep. No. 2875) recommending that S.C.R. No. 28 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2875 and S.C.R. No. 28, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII," was deferred until Tuesday, March 23, 2004.

Senators Ige and Kim, for the Committee on Science, Arts, and Technology and the Committee on Tourism, presented a joint report (Stand. Com. Rep. No. 2876) recommending that S.R. No. 16 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2876 and S.R. No. 16, entitled: "SENATE RESOLUTION DESIGNATING MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII," was deferred until Tuesday, March 23, 2004.

ORDER OF THE DAY

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM FRIDAY, MARCH 12, 2004

Stand. Com. Rep. No. 2874 (S.C.R. No. 9, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 9, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES," was adopted.

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
------------	--------------

No. 1103, H.D. 2	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development
------------------	---

No. 1908, H.D. 2	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, then to the Committee on Ways and Means
------------------	---

No. 2002, H.D. 2	Jointly to the Committee on Education and the Committee on Ways and Means
------------------	---

No. 2439	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
----------	--

No. 2642	Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
----------	--

The President then made the following announcement:

"A supplemental re-referral sheet will be distributed to your offices this afternoon."

Senator Sakamoto, Chair of the Committee on Education, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. Nos. 1907 and 1908.

Senator Sakamoto noted:

"Mr. President, H.B. No. 1907, H.D. 1, makes an appropriation for tuition assistance for national guard members enrolled at the University of Hawaii. H.B. No. 1908, H.D. 2, relates to the establishment of a military liaison position within the DOE and provides funding for the Joint Venture Education Forum."

The Chair then granted the waiver.

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
------------	--------------

No. 87, H.D. 2	Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Water, Land, and Agriculture
----------------	--

No. 1758, H.D. 2	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Commerce, Consumer Protection and Housing
------------------	---

No. 1780, H.D. 1	Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means
------------------	---

No. 1924, H.D. 1	Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means
------------------	---

No. 2009, H.D. 1	Committee on Ways and Means
------------------	-----------------------------

No. 2462, H.D. 1	Jointly to the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
------------------	--

No. 2529, H.D. 1	Jointly to the Committee on Energy and Environment, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
------------------	---

No. 2661, H.D. 1	Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
------------------	--

No. 2667, H.D. 2 Jointly to the Committee on Education, the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2840, H.D. 1 Jointly to the Committee on Economic Development, the Committee on Water, Land, and Agriculture and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

ADJOURNMENT

At 12:25 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 23, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

THIRTY-FIFTH DAY

Tuesday, March 23, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Norman Sakamoto, 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 Thirty-Fourth Day.

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

The Senate reconvened at 12:21 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 374 to 412) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 374, submitting for consideration and confirmation as the State Administrator of the State Health Planning Development Agency, the nomination of DAVID T. SAKAMOTO, MD, MBA, term to expire June 30, 2007, was referred to the Committee on Health.

Gov. Msg. No. 375, submitting for consideration and confirmation to the Board of Agriculture, the nomination of ALAN H. GOTTLIEB, term to expire June 30, 2005, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 376, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, the nomination of WILLES LEE, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 377, submitting for consideration and confirmation to the Drug Product Selection Board, the nomination of JAMES P. EPURE MD, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 378, submitting for consideration and confirmation to the Environmental Council, the nomination of SHAD S. KANE, term to expire June 30, 2008, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 379, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nomination of MILTON K. PA, term to expire June 30, 2008, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 380, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of TERRI FUJII, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 381, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of PATRICK S. SAKA, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 382, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of MARK H. YAMAKAWA, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 383, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of WAYNE S. HIGAKI, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 384, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of KERRY A.K. INOUE, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 385, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of PAUL PRESCOTT PAIVA, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 386, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, the nomination of ALAN R. PARKER, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 387, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of ANDREW W. CHAR, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 388, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of JOAN DOBBS PH.D., C.N.S., term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 389, submitting for consideration and confirmation to the Health Planning Council, Kaua'i County Subarea, the nomination of LILI BRYAN-CONANT, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 390, submitting for consideration and confirmation to the Health Planning Council, Kaua'i County Subarea, the nomination of ALAN R. KIMURA, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 391, submitting for consideration and confirmation to the Health Planning Council, Kaua'i County Subarea, the nomination of TRINIDAD RAVAL, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 392, submitting for consideration and confirmation to the Health Planning Council, Kaua'i County Subarea, the nomination of ELIZABETH UBAY, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 393, submitting for consideration and confirmation to the Board of Directors of the Housing and Community Development Corporation of Hawai'i, the nomination of CHARLES G. KING, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 394, submitting for consideration and confirmation to the Board of Directors of the Housing and Community Development Corporation of Hawai'i, the nomination of TRAVIS O. THOMPSON, term to expire June

30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 395, submitting for consideration and confirmation to the Island Burial Council, Island of Kaua'i and Ni'ihau, the nomination of DONNA A'ANA-NAKAHARA, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 396, submitting for consideration and confirmation to the Island Burial Council, Island of Kaua'i and Ni'ihau, the nomination of BARBARA J. SAY, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 397, submitting for consideration and confirmation to the Island Burial Council, Island of Kaua'i and Ni'ihau, the nomination of HENRIETTA ESTHER KULAMANU THAXTON, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 398, submitting for consideration and confirmation to the Island Burial Council, Island of Maui and Lanai, the nomination of MEI LEE WONG, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 399, submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, the nomination of CY M. BRIDGES, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 400, submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, the nomination of KALEI S. KINI, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 401, submitting for consideration and confirmation to the Natural Area Reserve System Commission, the nomination of DALE B. BONAR, term to expire June 30, 2008, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 402, submitting for consideration and confirmation to the Natural Area Reserve System Commission, the nomination of RICHARD F. HUGHES PH.D., term to expire June 30, 2008, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 403, submitting for consideration and confirmation to the Natural Area Reserve System Commission, the nomination of LLOYD LEE LOOPE, term to expire June 30, 2008, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 404, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of ARLENE E. ILAE, term to expire June 30, 2004, was referred to the Committee on Education.

Gov. Msg. No. 405, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of ARLENE E. ILAE, term to expire June 30, 2008, was referred to the Committee on Education.

Gov. Msg. No. 406, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of KEVIN MULLIGAN, term to expire June 30, 2007, was referred to the Committee on Education.

Gov. Msg. No. 407, submitting for consideration and confirmation to the Public Utilities Commission (PUC), the nomination of CARLITO P. CALIBOSO, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 408, submitting for consideration and confirmation to the Board of Registration of the Island of Oahu, the nomination of MAUREEN K. MURAOKA, term to expire June 30, 2008, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 409, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of KYOKO Y. KIMURA, term to expire June 30, 2008, was referred to the Committee on Tourism.

Gov. Msg. No. 410, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nomination of WAYNE A. SALAS, term to expire June 30, 2008, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 411, submitting for consideration and consent, the nomination of GLENN S. HARA to the office of Judge, Circuit Court of the Third Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 412, advising the Senate of the withdrawal of the nominations of :

SUSAN A. WADA to the Health Planning Council, Windward Oahu Subarea, under Gov. Msg. No. 243, dated February 17, 2004; and

P.Y. YANG to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, under Gov. Msg. No. 307, dated February 17, 2004,

was placed on file.

In compliance with Gov. Msg. No. 412, the nominations listed under Gov. Msg. Nos. 243 and 307 were returned.

JUDICIARY COMMUNICATION

Jud. Com. No. 4, submitting for consideration and consent, the nomination of BARBARA T. TAKASE to the Office of Judge, District Court of the Third Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was read by the Clerk and was referred to the Committee on Judiciary and Hawaiian Affairs.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 58 to 104) were read by the Clerk and were referred to committees or were deferred:

Senate Concurrent Resolution

No. 58 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING A PUBLIC AND PRIVATE PARTNERSHIP TO DEVELOP A RAILROAD FROM WEST

OAHU THROUGH CENTRAL OAHU TO THE NORTH SHORE OF OAHU.”

Offered by: Senators Espero, Aduja, Kanno, Kawamoto, Bunda, Menor.

Referred to: Jointly to the Committee on Economic Development and the Committee on Water, Land, and Agriculture, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 59 “SENATE CONCURRENT RESOLUTION URGING THE RENAMING OF THE ‘CONCEPT CAR’ DODGE KAHUNA.”

Offered by: Senators Espero, Baker, English, Trimble, Kanno, Kawamoto, Sakamoto, Menor, Inouye, Chun Oakland, Hanabusa.

Referred to: Jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 60 “SENATE CONCURRENT RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION.”

Offered by: Senator Sakamoto.

Referred to: Committee on Education, then to the Committee on Ways and Means

No. 61 “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FISCAL AUDIT OF THE DEPARTMENT OF EDUCATION’S HAWAIIAN STUDIES PROGRAM.”

Offered by: Senator Sakamoto.

Referred to: Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 62 “SENATE CONCURRENT RESOLUTION REQUESTING A REPORT FROM THE DEPARTMENT OF EDUCATION THAT SURVEYS EACH INDIVIDUAL CHARTER SCHOOL IN THE STATE OF HAWAII TO DETERMINE ITS FUNCTION, LOCATION, ENROLLMENT, STAFF SIZE, STUDENT SIZE, OPERATING AND MAINTENANCE COSTS, PHYSICAL CONDITION, CURRENT STATUS, AND PROJECTED FUTURE NEEDS.”

Offered by: Senator Sakamoto.

Referred to: Committee on Education, then to the Committee on Ways and Means

No. 63 “SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO EXPAND THE HAWAII CAPITAL SPECIAL DISTRICT TO ENCOURAGE THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL ORGANIZATIONS, PRIVATE AND PUBLIC, IN A COLLABORATIVE PROCESS WITH THE STATE FOUNDATION ON CULTURE AND ARTS TO PLAN FOR, SUSTAIN, AND PROMOTE CULTURE AND THE ARTS IN HAWAII.”

Offered by: Senators Ige, Aduja, Ihara, Baker.

Referred to: Jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations

No. 64 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH COMMERCIAL TOUR OPERATORS AND FISHERMEN IN THE WAIANAE AREA TO FORMULATE A MANAGEMENT STRATEGY TO PROTECT THE HAWAIIAN SPINNER DOLPHIN POPULATION.”

Offered by: Senator Fukunaga.

Referred to: Committee on Water, Land, and Agriculture

No. 65 “SENATE CONCURRENT RESOLUTION URGING HIGHER EDUCATION INSTITUTIONS TO REFUND OR REIMBURSE TUITION MONEY TO STUDENT MEMBERS OF THE HAWAII NATIONAL GUARD OR MILITARY RESERVES WHO ARE DEPLOYED DURING A SCHOOL SESSION.”

Offered by: Senator Sakamoto.

Referred to: Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 66 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND REPORT TO THE LEGISLATURE ON THE MEDICAL USE OF MARIJUANA.”

Offered by: Senator Kawamoto.

Referred to: Jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs

No. 67 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003.”

Offered by: Senators Fukunaga, Kanno, Kim, Chun Oakland, Slom, Kokubun, Aduja, Ihara.

Referred to: Committee on Economic Development, then to the Committee on Labor

No. 68 “SENATE CONCURRENT RESOLUTION REQUESTING A PILOT PROGRAM TO SUPPORT THE EFFORTS OF THE HAWAII CHAMBER OF COMMERCE OF NORTHERN CALIFORNIA IN PROMOTING HAWAII AND ITS PRODUCTS.”

Offered by: Senators Fukunaga, Kim, Chun Oakland, Kokubun, Bunda, Inouye, Slom, Baker, Taniguchi.

Referred to: Jointly to the Committee on Economic Development and the Committee on Tourism, then to the Committee on Ways and Means

No. 69 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO MAKE PHYSICAL EDUCATION MANDATORY IN ALL GRADE LEVELS AND INTEGRATE PHYSICAL ACTIVITY INTO THE CLASSES OF ALL SUBJECT MATTER."

Offered by: Senators Chun Oakland, Hanabusa, Aduja, Trimble, Inouye, Kokubun.

Referred to: Jointly to the Committee on Education and the Committee on Health

No. 70 "SENATE CONCURRENT RESOLUTION RECOGNIZING 2004 AS THE YEAR OF POLIO AWARENESS IN THE STATE OF HAWAII."

Offered by: Senator Chun Oakland.

Referred to: Jointly to the Committee on Health and the Committee on Human Services

No. 71 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF GAY, LESBIAN, BISEXUAL, AND TRANSGENDER YOUTH OF HAWAII."

Offered by: Senator Chun Oakland.

Referred to: Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs

No. 72 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, OFFICE OF THE PUBLIC GUARDIAN, AND ALL PROVIDERS OF LONG-TERM CARE SERVICES TO CONSIDER TRANSFER TRAUMA BEFORE RELOCATING FACILITY RESIDENTS AND TAKE NECESSARY STEPS TO MITIGATE THE POSSIBLE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF FACILITY RESIDENTS."

Offered by: Senator Chun Oakland.

Referred to: Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

No. 73 "SENATE CONCURRENT RESOLUTION REQUESTING THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HOUSING AND THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE TO CONVENE JOINT INFORMATIONAL BRIEFINGS TO DETERMINE WHETHER THE SALE OF VERIZON HAWAII, INC., IS IN THE PUBLIC INTEREST, AND THE FEASIBILITY OF THE PUBLIC UTILITIES COMMISSION ACQUIRING VERIZON HAWAII, INC., AND OPERATING IT AS A COOPERATIVE VENTURE."

Offered by: Senators Fukunaga, Ige.

Referred to: Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Economic Development

No. 74 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII ATHLETIC DEPARTMENT TO EXAMINE THE FEASIBILITY OF ABOLISHING THE ALOHA STADIUM AUTHORITY AND TRANSFERRING ITS FUNCTIONS TO THE UNIVERSITY OF HAWAII."

Offered by: Senator Bunda, by request.

No. 75 "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS."

Offered by: Senators Baker, Ige.

No. 76 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER."

Offered by: Senators Baker, Hooser, Hogue, Chun Oakland, Kokubun.

No. 77 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE 2004 AS THE 'YEAR OF POLIO AWARENESS' IN HAWAII."

Offered by: Senator Baker.

No. 78 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF DENTAL EXAMINERS TO ADOPT MEASURES THAT DISCOURAGE DENTISTS FROM REFUSING PATIENTS COVERED BY GOVERNMENTALLY SPONSORED MEDICAL INSURANCE PROGRAMS."

Offered by: Senators Baker, Fukunaga, Chun Oakland, Hooser, Kokubun.

No. 79 "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."

Offered by: Senators Baker, Hogue, Fukunaga, Chun Oakland, Hooser, Kokubun.

No. 80 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REESTABLISH THE SCHOOL OF PUBLIC HEALTH."

Offered by: Senators Baker, Ige.

No. 81 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO ESTABLISH AND UTILIZE THE SELF-SUFFICIENCY STANDARD TO REPLACE THE FEDERAL POVERTY LEVEL STANDARD."

Offered by: Senators Fukunaga, Baker, Chun Oakland, Kim, Kokubun, Taniguchi.

No. 82 "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO EVALUATE CHILD

SUPPORT ADJUSTMENTS FOR ACTIVATED MILITARY PERSONNEL AND RECOMMEND SOLUTIONS.”

Offered by: Senators Hanabusa, Kawamoto, Aduja, Espero, Baker, Hemmings, Kanno, Chun Oakland, English, Hogue, Fukunaga, Kokubun, Whalen.

No. 83 “SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF YOUTH SERVICES, ATTORNEY GENERAL, FAMILY COURT, COUNTY PROSECUTORS, JUDICIARY, DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF HEALTH, DEPARTMENT OF EDUCATION, JUVENILE JUSTICE CENTER, AND PRIVATE AGENCIES TO SUPPLY INFORMATION REGARDING THE TYPES OF SERVICES AND ALLOCATIONS FOR SUCH SERVICES PROVIDED TO PRE-ADJUDICATED AND ADJUDICATED JUVENILE OFFENDERS TO THE STEERING COMMITTEE OF THE HAWAII JUVENILE JUSTICE PROJECT AND THE TWENTY-THIRD SESSION OF THE HAWAII STATE LEGISLATURE.”

Offered by: Senators Hanabusa, Chun Oakland, English.

No. 84 “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT FINANCIAL AND MANAGEMENT AUDITS OF THE OFFICE OF YOUTH SERVICES INCLUDING BUT NOT LIMITED TO PURCHASE OF SERVICES AND ANY CONTRACT OR AGREEMENT ENTERED INTO BY THE OFFICE OF YOUTH SERVICES, INCLUDING THE HAWAII YOUTH CORRECTIONAL FACILITY.”

Offered by: Senators Hanabusa, English, Chun Oakland.

No. 85 “SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO CONSIDER AND INCORPORATE THE IMPORTANCE OF ECONOMIC FACTORS AND IMPACTS IN LAWS, RULES, AND POLICIES CONCERNING THE CONSERVATION OF FORESTRY AND AGRICULTURAL RESOURCES.”

Offered by: Senator Inouye.

No. 86 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS.”

Offered by: Senator Inouye.

No. 87 “SENATE CONCURRENT RESOLUTION REQUESTING THE RENAMING OF THE OLD KONA AIRPORT STATE RECREATION AREA AS THE KIYONO KUNITAKE STATE RECREATION AREA.”

Offered by: Senators Whalen, Kokubun, Inouye.

No. 88 “SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF INTERISLAND AIR CARRIER FARE PRICE MECHANISMS.”

Offered by: Senators Kokubun, Baker, English, Hooser, Tsutsui, Inouye, Sakamoto, Kanno, Taniguchi.

No. 89 “SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY, NARCOTICS ENFORCEMENT DIVISION.”

Offered by: Senators Slom, Hemmings, Chun Oakland, Espero, Trimble, Hogue, Sakamoto, English, Ige, Ihara, Whalen.

No. 90 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL.”

Offered by: Senator Sakamoto.

No. 91 “SENATE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS.”

Offered by: Senator Sakamoto.

No. 92 “SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH.”

Offered by: Senator Sakamoto.

No. 93 “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS.”

Offered by: Senator Menor.

No. 94 “SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON A PROHIBITION ON INSURER-OWNED REPAIR SHOPS.”

Offered by: Senator Menor.

No. 95 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES TO ALLOW PRIVATE PAY PATIENTS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT ON A VOLUNTARY BASIS ON A GRADUATED FEES SCHEDULE.”

Offered by: Senator Menor, by request.

No. 96 “SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO AMEND THE LAWS ON IMMIGRATION TO ALLOW IMMIGRATION AUTHORITIES TO EXERCISE JUDICIAL DISCRETION IN A PROCEEDING TO DEPORT AN ALIEN CONVICTED OF A CRIME AND TO ALLOW A CONVICTED ALIEN TO SEEK A WAIVER FROM DEPORTATION UPON DEMONSTRATION OF SUCCESSFUL REHABILITATION EVIDENCED BY NO SUBSEQUENT CRIMINAL CONVICTIONS.”

Offered by: Senators Menor, Bunda, Aduja, Inouye, Espero, Kim.

No. 97 "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES."

Offered by: Senators Menor, Espero, Aduja, Kim, Inouye, Bunda.

No. 98 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO ADDRESS THE ECONOMIC IMPACTS OF THE DEPLOYMENT OF THE 25TH INFANTRY DIVISION."

Offered by: Senators Menor, Kawamoto, Aduja, Bunda, Chun Oakland, Fukunaga, Hanabusa, Tsutsui, Hooser, English, Ige, Ihara, Inouye, Espero, Kokubun, Sakamoto, Baker, Kim, Taniguchi, Kanno.

No. 99 "SENATE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING."

Offered by: Senators Bunda, Aduja, Inouye, English, Whalen, Tsutsui, Hooser, Kawamoto, Ige, Kanno, Ihara, Chun Oakland, Hemmings.

No. 100 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII."

Offered by: Senator Kim.

No. 101 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE EAST-WEST CENTER TO CONDUCT AN INVENTORY OF INTERNATIONAL ACTIVITIES IN HAWAII TO AID BUSINESS, GOVERNMENT, AND CIVIC ORGANIZATIONS."

Offered by: Senators Kokubun, Tsutsui, Trimble, Slom, Sakamoto, Taniguchi, Kanno, Espero.

No. 102 "SENATE CONCURRENT RESOLUTION URGING THE HONOLULU DISTRICT OFFICE OF THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES TO AUTHORIZE THE ENTRY OF FILIPINO LONGLINE FISHERMEN WITH VALID TRANSIT VISAS."

Offered by: Senators Kawamoto, Aduja, Menor.

No. 103 "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR COMPLETION OF CONNECTIONS BETWEEN AND ENHANCEMENTS TO THE LEEWARD BIKE PATH AND PEARL HARBOR HISTORIC TRAIL."

Offered by: Senators Espero, Kawamoto, Kanno, Ige, Sakamoto, Hanabusa, English, Kokubun.

No. 104 "SENATE CONCURRENT RESOLUTION REQUESTING LEGISLATIVE STAFF PERSONNEL WHO HOLD OUTSIDE EMPLOYMENT OR WHOSE IMMEDIATE FAMILY MEMBERS HAVE BUSINESS

BEFORE THE LEGISLATURE, TO FILE A DISCLOSURE FORM WITH THE LEGISLATIVE REFERENCE BUREAU."

Offered by: Senators Ihara, Hooser.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 26 to 56) were read by the Clerk and were referred to committees or were deferred:

Senate Resolution

No. 26 "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING A PUBLIC AND PRIVATE PARTNERSHIP TO DEVELOP A RAILROAD FROM WEST OAHU THROUGH CENTRAL OAHU TO THE NORTH SHORE OF OAHU."

Offered by: Senators Espero, Aduja, Kanno, Kawamoto, Bunda, Menor.

Referred to: Jointly to the Committee on Economic Development and the Committee on Water, Land, and Agriculture, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 27 "SENATE RESOLUTION URGING THE RENAMING OF THE 'CONCEPT CAR' DODGE KAHUNA."

Offered by: Senators Espero, Baker, English, Trimble, Kanno, Kawamoto, Sakamoto, Menor, Inouye, Chun Oakland, Hanabusa.

Referred to: Jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 28 "SENATE RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION."

Offered by: Senator Sakamoto.

Referred to: Committee on Education, then to the Committee on Ways and Means

No. 29 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH COMMERCIAL TOUR OPERATORS AND FISHERMEN IN THE WAIANAEE AREA TO FORMULATE A MANAGEMENT STRATEGY TO PROTECT THE HAWAIIAN SPINNER DOLPHIN POPULATION."

Offered by: Senator Fukunaga.

Referred to: Committee on Water, Land, and Agriculture

No. 30 "SENATE RESOLUTION URGING HIGHER EDUCATION INSTITUTIONS TO REFUND OR REIMBURSE TUITION MONEY TO STUDENT MEMBERS OF THE HAWAII NATIONAL GUARD OR MILITARY RESERVES WHO ARE DEPLOYED DURING A SCHOOL SESSION."

- Offered by: Senator Sakamoto.
- Referred to: Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 31 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003."
- Offered by: Senators Fukunaga, Chun Oakland, Kim, Slom, Aduja, Ihara, Kanno, Kokubun.
- Referred to: Committee on Economic Development, then to the Committee on Labor
- No. 32 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND REPORT TO THE LEGISLATURE ON THE MEDICAL USE OF MARIJUANA."
- Offered by: Senator Kawamoto.
- Referred to: Jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs
- No. 33 "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HOUSING AND THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE TO CONVENE JOINT INFORMATIONAL BRIEFINGS TO DETERMINE WHETHER THE SALE OF VERIZON HAWAII, INC., IS IN THE PUBLIC INTEREST, AND THE FEASIBILITY OF THE PUBLIC UTILITIES COMMISSION ACQUIRING VERIZON HAWAII, INC., AND OPERATING IT AS A COOPERATIVE VENTURE."
- Offered by: Senators Fukunaga, Ige.
- Referred to: Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Economic Development
- No. 34 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII ATHLETIC DEPARTMENT TO EXAMINE THE FEASIBILITY OF ABOLISHING THE ALOHA STADIUM AUTHORITY AND TRANSFERRING ITS FUNCTIONS TO THE UNIVERSITY OF HAWAII."
- Offered by: Senator Bunda, by request.
- No. 35 "SENATE RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS."
- Offered by: Senators Baker, Ige.
- No. 36 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER."
- Offered by: Senators Baker, Hooser, Menor, Hogue, Chun Oakland, Kokubun.
- No. 37 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE 2004 AS THE 'YEAR OF POLIO AWARENESS' IN HAWAII."
- Offered by: Senator Baker.
- No. 38 "SENATE RESOLUTION REQUESTING THE BOARD OF DENTAL EXAMINERS TO ADOPT MEASURES THAT DISCOURAGE DENTISTS FROM REFUSING PATIENTS COVERED BY GOVERNMENTALLY SPONSORED MEDICAL INSURANCE PROGRAMS."
- Offered by: Senators Baker, Fukunaga, Hooser, Kokubun.
- No. 39 "SENATE 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."
- Offered by: Senators Baker, Hogue, Fukunaga, Chun Oakland, Hooser, Kokubun.
- No. 40 "SENATE RESOLUTION REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO ESTABLISH AND UTILIZE THE SELF-SUFFICIENCY STANDARD TO REPLACE THE FEDERAL POVERTY LEVEL STANDARD."
- Offered by: Senators Fukunaga, Baker, Chun Oakland, Kim, Kokubun, Taniguchi.
- No. 41 "SENATE RESOLUTION CONVENING A TASK FORCE TO EVALUATE CHILD SUPPORT ADJUSTMENTS FOR ACTIVATED MILITARY PERSONNEL AND RECOMMEND SOLUTIONS."
- Offered by: Senators Hanabusa, Kawamoto, Aduja, Baker, Hemmings, Kanno, Chun Oakland, English, Hogue, Fukunaga, Kokubun, Whalen.
- No. 42 "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO CONSIDER AND INCORPORATE THE IMPORTANCE OF ECONOMIC FACTORS AND IMPACTS IN LAWS, RULES, AND POLICIES CONCERNING THE CONSERVATION OF FORESTRY AND AGRICULTURAL RESOURCES."
- Offered by: Senator Inouye.
- No. 43 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS."
- Offered by: Senator Inouye.

No. 44 "SENATE RESOLUTION REQUESTING THE RENAMING OF THE OLD KONA AIRPORT STATE RECREATION AREA AS THE KIYONO KUNITAKE STATE RECREATION AREA."

Offered by: Senators Whalen, Kokubun, Inouye.

No. 45 "SENATE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY, NARCOTICS ENFORCEMENT DIVISION."

Offered by: Senators Slom, Hemmings, Chun Oakland, Espero, Trimble, Hogue, Sakamoto, English, Ige, Ihara, Whalen.

No. 46 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL."

Offered by: Senator Sakamoto.

No. 47 "SENATE RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS."

Offered by: Senator Sakamoto.

No. 48 "SENATE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH."

Offered by: Senator Sakamoto.

No. 49 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES TO ALLOW PRIVATE PAY PATIENTS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT ON A VOLUNTARY BASIS ON A GRADUATED FEES SCHEDULE."

Offered by: Senator Menor, by request.

No. 50 "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO AMEND THE LAWS ON IMMIGRATION TO ALLOW IMMIGRATION AUTHORITIES TO EXERCISE JUDICIAL DISCRETION IN A PROCEEDING TO DEPORT AN ALIEN CONVICTED OF A CRIME AND TO ALLOW A CONVICTED ALIEN TO SEEK A WAIVER FROM DEPORTATION UPON DEMONSTRATION OF SUCCESSFUL REHABILITATION EVIDENCED BY NO SUBSEQUENT CRIMINAL CONVICTIONS."

Offered by: Senators Menor, Bunda, Aduja, Inouye, Espero, Kim.

No. 51 "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES."

Offered by: Senators Menor, Espero, Aduja, Kim, Inouye, Bunda.

No. 52 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO ADDRESS THE ECONOMIC IMPACTS OF THE DEPLOYMENT OF THE 25TH INFANTRY DIVISION."

Offered by: Senators Menor, Kawamoto, Aduja, Bunda, Ige, Chun Oakland, Fukunaga, Kanno, Tsutsui, Ihara, Hooser, English, Inouye, Espero, Kokubun, Sakamoto, Kim, Baker, Taniguchi, Hanabusa.

No. 53 "SENATE RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING."

Offered by: Senators Bunda, Aduja, Inouye, English, Tsutsui, Hooser, Hemmings, Ige, Kanno, Ihara, Kawamoto, Whalen, Chun Oakland.

No. 54 "SENATE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII."

Offered by: Senator Kim.

No. 55 "SENATE RESOLUTION URGING SUPPORT FOR COMPLETION OF CONNECTIONS BETWEEN AND ENHANCEMENTS TO THE LEEWARD BIKE PATH AND PEARL HARBOR HISTORIC TRAIL."

Offered by: Senators Espero, Kawamoto, Ige, Kanno, Sakamoto, Hanabusa, English, Kokubun.

No. 56 "SENATE RESOLUTION REQUESTING LEGISLATIVE STAFF PERSONNEL WHO HOLD OUTSIDE EMPLOYMENT OR WHOSE IMMEDIATE FAMILY MEMBERS HAVE BUSINESS BEFORE THE LEGISLATURE, TO FILE A DISCLOSURE FORM WITH THE LEGISLATIVE REFERENCE BUREAU."

Offered by: Senators Ihara, Hooser.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2877) recommending that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

MARGARET M. BAXTER, in accordance with Gov. Msg. No. 187;

DAVID F. FRAY, in accordance with Gov. Msg. Nos. 188 and 189;

PAUL K. HIGA, in accordance with Gov. Msg. No. 190;

JOHN L. NOLAND, in accordance with Gov. Msg. No. 191;

DEBORAH J. RIVERS, in accordance with Gov. Msg. No. 192;

HELEN SMALLEY-BOWER, in accordance with Gov. Msg. No. 193;

CHARLENE N. TARR, in accordance with Gov. Msg. No. 194;

PAUL S. VARGAS JR., in accordance with Gov. Msg. No. 195; and

JONNA ZANE PHD, in accordance with Gov. Msg. No. 196.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2877 and Gov. Msg. Nos. 187, 188, 189, 190, 191, 192, 193, 194, 195 and 196 was deferred until Wednesday, March 24, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2878) recommending that the Senate advise and consent to the nomination of WILLIAM K. KOKI II to the Disability and Communication Access Board, in accordance with Gov. Msg. No. 197.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2878 and Gov. Msg. No. 197 was deferred until Wednesday, March 24, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2879) recommending that the Senate advise and consent to the nomination of GARY L. BLAICH MD to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, in accordance with Gov. Msg. No. 198.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2879 and Gov. Msg. No. 198 was deferred until Wednesday, March 24, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2880) recommending that the Senate advise and consent to the nomination of RONALD T. TANIGUCHI to the Drug Product Selection Board, in accordance with Gov. Msg. No. 199.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2880 and Gov. Msg. No. 199 was deferred until Wednesday, March 24, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2881) recommending that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

BARBARA ARASHIRO, in accordance with Gov. Msg. No. 267;

GARY L. BLAICH MD, in accordance with Gov. Msg. No. 268;

WILLIAM S. BUD BOWLES, in accordance with Gov. Msg. No. 269;

SHELLY H. OGATA, in accordance with Gov. Msg. No. 270;

HALIMAH SHABAZZ, in accordance with Gov. Msg. No. 271;

POE POE SUAAVA III, in accordance with Gov. Msg. No. 272; and

WAYNE SUNAHARA, in accordance with Gov. Msg. No. 273.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2881 and Gov. Msg. Nos. 267, 268, 269, 270, 271, 272 and 273 was deferred until Wednesday, March 24, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2882) recommending that the Senate advise and consent to the nominations to the Center for Nursing Advisory Board of the following:

CATHERINE A. ADAMS RN, MSN, in accordance with Gov. Msg. No. 275;

PATTY P. CABANA, in accordance with Gov. Msg. No. 276;

AGNES P. CADIZ, in accordance with Gov. Msg. Nos. 320 and 321;

SALLY T. ISHIKAWA, in accordance with Gov. Msg. No. 323;

JANE K. KADOHIRO DRPH, APRN, in accordance with Gov. Msg. No. 324;

BARBARA P. MATHEWS RN, MSN, CNA, in accordance with Gov. Msg. No. 325;

PENNYLYNN A. ONTAI, in accordance with Gov. Msg. No. 326;

ROSE ANN POYZER RN, BSN, in accordance with Gov. Msg. Nos. 327 and 328;

ANA MARIA SILVA RN, CAN, BC, in accordance with Gov. Msg. No. 329;

CHEN-YEN WANG PHD, in accordance with Gov. Msg. No. 330;

JOAN PRINDIVILLE WHITE, in accordance with Gov. Msg. No. 331;

AMY E. YASUNAGA RN, MSN, PHDC, in accordance with Gov. Msg. No. 332; and

CLEMENTINA D. CERIA PHD, MS, RN, in accordance with Gov. Msg. No. 364.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2882 and Gov. Msg. Nos. 275, 276, 320, 321, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332 and 364 was deferred until Wednesday, March 24, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2883) recommending that the Senate advise and consent to the nomination of RIKE WEISS to the Board of Acupuncture, in accordance with Gov. Msg. No. 169.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2883 and Gov. Msg. No. 169 was deferred until Wednesday, March 24, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2884) recommending that the Senate advise and consent to the nomination of CHRISTOBAL J. QUINTANA to the State Board of Barbering and Cosmetology, in accordance with Gov. Msg. No. 171.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2884 and Gov. Msg. No. 171 was deferred until Wednesday, March 24, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2885) recommending that the Senate advise and consent to the nominations to the State Board of Chiropractic Examiners of the following:

FRANCIS G. BREWER DC, CICE, in accordance with Gov. Msg. No. 172; and

FLORENTINA J. JOHNASSEN, in accordance with Gov. Msg. No. 173.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2885 and Gov. Msg. Nos. 172 and 173 was deferred until Wednesday, March 24, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2886) recommending that the Senate advise and consent to the nominations to the Contractors License Board of the following:

F.M. SCOTTY ANDERSON, in accordance with Gov. Msg. No. 177;

ERIC CARSON, in accordance with Gov. Msg. No. 178; and

RONALD K. OSHIRO, in accordance with Gov. Msg. No. 179.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2886 and Gov. Msg. Nos. 177, 178 and 179 was deferred until Wednesday, March 24, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2887) recommending that the Senate advise and consent to the nomination of SHARLENE E. SUGANUMA to the Credit Union Advisory Board, in accordance with Gov. Msg. No. 181.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2887 and Gov. Msg. No. 181 was deferred until Wednesday, March 24, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2888) recommending that the Senate advise and consent to the nomination of STANWOOD H. KANNA DDS to the Board of Dental Examiners, in accordance with Gov. Msg. No. 186.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2888 and Gov. Msg. No. 186 was deferred until Wednesday, March 24, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2889) recommending that the Senate advise and consent to the nominations to the Board of Electricians and Plumbers of the following:

NORMAN N. AHU, in accordance with Gov. Msg. No. 206;

TYRUS KAGAWA, in accordance with Gov. Msg. No. 207; and

ORLANDO L. MATIAS, in accordance with Gov. Msg. No. 208.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2889 and Gov. Msg. Nos. 206, 207 and 208 was deferred until Wednesday, March 24, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2890) recommending that the Senate advise and consent to the nominations to the Board of Physical Therapy of the following:

JULIE TILSON PT, DPT, NCS, in accordance with Gov. Msg. No. 277;

GWEN T. CHINN, in accordance with Gov. Msg. No. 342;

GILBERT PERRY HAGER MD, in accordance with Gov. Msg. No. 343; and

JAMES K. HEWSON, in accordance with Gov. Msg. No. 344.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2890 and Gov. Msg. Nos. 277, 342, 343 and 344 was deferred until Wednesday, March 24, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2891) recommending that the Senate advise and consent to the nominations to the Pest Control Board of the following:

CARLTON L. AGENA RME, in accordance with Gov. Msg. No. 336;

MICHAEL MCINERNY, in accordance with Gov. Msg. Nos. 337 and 339; and

ERIC M. HIGASHIHARA, in accordance with Gov. Msg. No. 338.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2891 and Gov. Msg. Nos. 336, 337, 338 and 339 was deferred until Wednesday, March 24, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2892) recommending that the Senate advise and consent to the nominations to the Hawai'i Paroling Authority of the following:

DANE K. ODA, in accordance with Gov. Msg. No. 157;

EDWARD M. SLAVISH, in accordance with Gov. Msg. No. 158; and

ALBERT TUFONO, in accordance with Gov. Msg. Nos. 159 and 160.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2892 and Gov. Msg. Nos. 157, 158, 159 and 160 was deferred until Wednesday, March 24, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2893) recommending that the Senate advise and consent to the nominations to the Civil Rights Commission of the following:

CORAL WONG PIETSCH, in accordance with Gov. Msg. No. 174;

ROGER DANIEL RIZZO, in accordance with Gov. Msg. No. 175; and

LISA ANN S.L. WONG, in accordance with Gov. Msg. No. 176.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2893 and Gov. Msg. Nos. 174, 175 and 176 was deferred until Wednesday, March 24, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2894) recommending that the Senate advise and consent to the nominations to the Crime Victim Compensation Commission of the following:

LISA A. DUNN, in accordance with Gov. Msg. No. 182; and

REBECCA S. WARD, in accordance with Gov. Msg. No. 183.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2894 and Gov. Msg. Nos. 182 and 183 was deferred until Wednesday, March 24, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2895) recommending that the Senate advise and consent to the nomination of ALFRED B. CASTILLO JR to the Defender Council, in accordance with Gov. Msg. No. 184.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2895 and Gov. Msg. No. 184 was deferred until Wednesday, March 24, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2896) recommending that the Senate advise and consent to the nominations to the Commission on the Status of Women of the following:

SHEILA LEAS, in accordance with Gov. Msg. No. 302; and

SUSAN M. PIRSCH, in accordance with Gov. Msg. No. 310.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2896 and Gov. Msg. Nos. 302 and 310 was deferred until Wednesday, March 24, 2004.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2897) recommending that the Senate advise and consent to the nominations to the Statewide Council on Independent Living of the following:

KIMBERLY M. SHIRAISHI, in accordance with Gov. Msg. No. 249; and

JOHN W. STONE, in accordance with Gov. Msg. No. 250.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2897 and Gov. Msg. Nos. 249 and 250 was deferred until Wednesday, March 24, 2004.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2898) recommending that the Senate advise and consent to the nomination of KEVIN H.M. CHONG KEE to the Stadium Authority, in accordance with Gov. Msg. Nos. 161 and 162.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2898 and Gov. Msg. Nos. 161 and 162 was deferred until Wednesday, March 24, 2004.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2899)

recommending that the Senate advise and consent to the nominations to the Small Business Regulatory Review Board of the following:

JEANETTE OTSUKA CHANG, in accordance with Gov. Msg. No. 288;

JOYCE M. EDWARDS, in accordance with Gov. Msg. No. 289;

DORVIN D. LEIS, in accordance with Gov. Msg. No. 290;

EDWARD MACDOWELL, in accordance with Gov. Msg. No. 291; and

BRIAN K. ZINN, in accordance with Gov. Msg. No. 292.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2899 and Gov. Msg. Nos. 288, 289, 290, 291 and 292 was deferred until Wednesday, March 24, 2004.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2900) recommending that the Senate advise and consent to the nomination of BRENDA K.H. CHING to the Hawai'i Television and Film Development Board, in accordance with Gov. Msg. No. 297.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2900 and Gov. Msg. No. 297 was deferred until Wednesday, March 24, 2004.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2901) recommending that H.B. No. 2022, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2022, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2902) recommending that H.B. No. 2385, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2385, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS RECORDS BY CHILD SUPPORT ENFORCEMENT AGENCIES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2903) recommending that H.B. No. 2020, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2020, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the majority of the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2904) recommending that H.B. No. 1860, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1860, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2905) recommending that H.B. No. 1859, H.D. 2, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1859, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2906) recommending that H.B. No. 1885 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1885, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A YOUTH SUMMIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2907) recommending that H.B. No. 2459, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2459, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2908) recommending that H.B. No. 2292, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2292, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2909) recommending that H.B. No. 2293 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2293, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE ADULT OFFENDER SUPERVISION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2910) recommending that H.B. No. 2295, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2295, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIONS ON DELINQUENT COURT-ORDERED PAYMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2911) recommending that H.B. No. 2296, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2296, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF CREDIT AND DEBIT CARDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2912) recommending that H.B. No. 2198, H.D. 1, pass Second Reading and be referred to the Committee on Education.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2198, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH," passed Second Reading and was referred to the Committee on Education.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2913) recommending that H.B. No. 2414 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2414, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2914) recommending that H.B. No. 2061, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2061, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2915) recommending that the Senate advise and consent to the nominations to the Elevator Mechanics Licensing Board of the following:

CLIFFORD R. SMITH, in accordance with Gov. Msg. No. 210; and

JUNE J. TAKANO, in accordance with Gov. Msg. Nos. 211 and 212.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2915 and Gov. Msg. Nos. 210, 211 and 212 was deferred until Wednesday, March 24, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2916) recommending that the Senate advise and consent to the nomination of JERRY W. JORDAN to the Motor Vehicle Industry Licensing Board, in accordance with Gov. Msg. No. 274.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2916 and Gov. Msg. No. 274 was deferred until Wednesday, March 24, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2917) recommending that the Senate advise and consent to the nomination of KAY T. YAMADA to the Board of Directors of the Hawai'i Hurricane Relief Fund, in accordance with Gov. Msg. No. 248.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2917 and Gov. Msg. No. 248 was deferred until Wednesday, March 24, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2918) recommending that S.C.R. No. 17 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2918 and S.C.R. No. 17, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO INCREASE FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH," was deferred until Wednesday, March 24, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2919) recommending that H.B. No. 1828, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1828, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 25, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2920) recommending that H.B. No. 2024, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2024, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF OWNERSHIP OF FIREARMS AND AMMUNITION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 25, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2921) recommending that H.B. No. 2298, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2298, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISQUALIFICATION OF JUDGES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 25, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2922) recommending that H.B. No. 2299, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2299, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE COURT COSTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 25, 2004.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2923) recommending that H.B. No. 2863, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2863, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 25, 2004.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM MONDAY, MARCH 15, 2004

Stand. Com. Rep. No. 2875 (S.C.R. No. 28):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 28, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII," was adopted.

Stand. Com. Rep. No. 2876 (S.R. No. 16):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 16, entitled: "SENATE RESOLUTION DESIGNATING MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII," was adopted.

REFERRAL OF HOUSE CONCURRENT RESOLUTION

MATTER DEFERRED FROM MONDAY, MARCH 15, 2004

The President made the following committee assignment of a House concurrent resolution that was received on Monday, March 15, 2004:

House
Concurrent
Resolution Referred to:

No. 41 Committee on Water, Land, and
Agriculture

**REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Friday, March 12, 2004, and Monday, March 15, 2004:

Senate
Concurrent
Resolution Referred to:

No. 49 Committee on Health

No. 50 Jointly to the Committee on Education
and the Committee on Judiciary and Hawaiian Affairs

No. 51 Jointly to the Committee on
Transportation, Military Affairs, and Government Operations
and the Committee on Health

No. 52 Committee on Transportation, Military
Affairs, and Government Operations

No. 53 Committee on Transportation, Military
Affairs, and Government Operations, then to the Committee on
Judiciary and Hawaiian Affairs

No. 54 Jointly to the Committee on Human
Services and the Committee on Health

No. 55 Jointly to the Committee on Education
and the Committee on Health, then to the Committee on Ways
and Means

No. 56 Jointly to the Committee on Commerce,
Consumer Protection and Housing, the Committee on Health
and the Committee on Transportation, Military Affairs, and
Government Operations

No. 57 Committee on Judiciary and Hawaiian
Affairs

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Friday, March 12, 2004, and Monday, March 15, 2004:

Senate
Resolution Referred to:

No. 23 Committee on Transportation, Military
Affairs, and Government Operations

No. 24 Jointly to the Committee on Commerce,
Consumer Protection and Housing, the Committee on Health
and the Committee on Transportation, Military Affairs, and
Government Operations

No. 25 Committee on Judiciary and Hawaiian
Affairs

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill Referred to:

No. 2662, H.D. 1 Jointly to the Committee on
Transportation, Military Affairs, and Government Operations
and the Committee on Economic Development, then to the
Committee on Ways and Means

No. 2873, H.D. 2 Jointly to the Committee on Health, the
Committee on Commerce, Consumer Protection and Housing
and the Committee on Labor, then to the Committee on Ways
and Means

Senator Baker, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 2814.

Senator Baker noted:

“Mr. President, this bill requires the Department of Health to track Kalaupapa Settlement patient and non-patient costs separately whenever possible, and to submit an annual report to the Legislature to report initiatives and improvements. Your Committee previously held a public hearing on the Senate companion, S.B. No. 3114.”

The Chair then granted the waiver.

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

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

“I would like to say for the record that I think there have been times in the last several years that this Senate has done itself great justice and credit by dropping the partisanship that normally involves itself in debate and doing things based on our conscience and our good judgement.

“Certainly one of the best debates I’ve ever heard in my lifetime in the Senate was several years ago when we all spoke from our hearts on the physician assisted suicide debate. It had no partisanship in it. It was good people standing up and speaking their conscience. Even though we availed politics in last week’s debate regarding Ted Hong, I think this Senate did itself justice by openly and honestly debating the issue without the partisanship and the problems that go along with it.

“Last year, under Majority Party Leadership, this Senate joined with your Minority in amending Act 221. It was clear to the Leadership of this Senate that Act 221 had, in the interpretation of certain clauses of it, the opportunity for massive abuse. Unfortunately, when the bill went to Conference from the Senate, the House Majority Party chose to oppose the changes. At that time, I pointed out that there may have been ulterior motives, such as the e-mail I held up for everybody to look at and go on record with, that one of the beneficiaries was asking everybody at one of the house-packed fundraisers that they needed a hundred dollars so that they should go to show their support for saying no changes to Act 221. It’s right here in the e-mail.

“Subsequently in the news, we have found out that organizations, some of which with close ties to the House

Majority and other Majority interests, such as Royal State Insurance Company headed by, among other people, former union director Gary Rodrigues who's now been convicted of fraud in his own union, was beneficiary to these tax credits. The long and short of it is, we're now finding out that what this Senate said and stood for last year was exactly correct. But what is really sad, really sad, is that last year the tax director said that the open door on these tax credits could cause up to \$50 million worth of ill-conceived tax credits being given out. And that's proven to be true, and we had to take that money off our books and we had to cut funding to human service programs. We had to cut funding to many numerous programs, which we debated in Special Session, because the House of Representatives' Majority Party failed to act on amendments to Act 221.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

"My message is today, let's not let this partisanship and special interest thwart this from happening again. Hopefully, this Senate can lead the way in having Act 221 amended so we can stop the hemorrhaging of taxpayer's money to ill-conceived plans to exploit Act 221.

"Thank you, Mr. President."

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

"Mr. President, point of personal privilege.

"I respect the concerns raised by our colleague from Lanikai. But it's unfortunate that our House colleagues cannot defend themselves, cannot address some of the concerns raised. So I would ask that he address some of those questions posed to them, or perhaps suggest amendments that would perhaps correct the issue. I think the opportunity for the House to address the issues in their Body and we in our Body would be more appropriate than trying to address House issues in this Body, Mr. President.

"Thank you."

Senator Chun Oakland, Chair of the Committee on Human Services, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 2458.

Senator Chun Oakland noted:

"Mr. President, this bill relates to child welfare services and recognizes the local custom of caregiving outside the family home as an alternative to foster custody."

The Chair then granted the waiver.

ADJOURNMENT

At 12:30 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 24, 2004.

THIRTY-SIXTH DAY

Wednesday, March 24, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Willie C. Espero, 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 Thirty-Fifth Day.

At 12:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:32 o'clock p.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 413, dated February 10, 2004, transmitting the Hawaii Environmental Report Card 2003, prepared by the Environmental Council pursuant to Section 341-6, HRS, was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 31, from the State Auditor dated March 22, 2004, transmitting a report, "Financial Audit of the Department of Defense," (Report No. 04-06), was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 291 and 292) were read by the Clerk and were disposed of as follows:

At 12:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:33 o'clock p.m.

Hse. Com. No. 291, transmitting H.C.R. No. 21, H.D. 1, which was adopted by the House of Representatives on March 23, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 21, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA," was deferred.

Hse. Com. No. 292, transmitting H.C.R. No. 23, which was adopted by the House of Representatives on March 23, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 105 to 225) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 105 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE SOCIAL AND FINANCIAL EFFECTS OF MANDATING EQUITABLE REIMBURSEMENT UNDER HEALTH INSURANCE PLANS FOR PHYSICIANS WITH A NUTRITION SUBSPECIALTY."

Offered by: Senator Menor.

No. 106 "SENATE CONCURRENT RESOLUTION REQUESTING AN INQUIRY INTO THE DELAYS IN PAYMENT TO DEVELOPMENTAL DISABILITY PROVIDERS."

Offered by: Senators Fukunaga, Chun Oakland, Baker.

No. 107 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII FILM AND TELEVISION DEVELOPMENT BOARD TO FORMULATE AND IMPLEMENT A COMPREHENSIVE STRATEGY TO PROMOTE AND FOSTER A STRONG AND COMPETITIVE DIGITAL MEDIA INDUSTRY IN HAWAII."

Offered by: Senators Fukunaga, Ige.

No. 108 "SENATE CONCURRENT RESOLUTION REQUESTING STATE DEPARTMENTS TO ACKNOWLEDGE, SUPPORT, AND ACCEPT THE CITY AND COUNTY'S MASTER PLAN FOR REDEVELOPMENT OF THE PEARL HARBOR HISTORIC TRAIL."

Offered by: Senators Sakamoto, Kawamoto, Espero, Chun Oakland, Slom, Menor, Hooser.

No. 109 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FISCAL AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM."

Offered by: Senator Sakamoto.

No. 110 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EVALUATE AND RECOMMEND POSSIBLE STATUTORY AND OTHER CHANGES TO DELIVER PROMPT AND APPROPRIATE MENTAL HEALTH TREATMENT TO THOSE COMMITTED TO THE HAWAII STATE HOSPITAL UNDER CHAPTER 704, HAWAII REVISED STATUTES."

Offered by: Senator Baker.

No. 111 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK IN KAPOHO, HAWAII."

Offered by: Senators Kokubun, Tsutsui, Taniguchi, Aduja, Espero, English, Inouye.

No. 112 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND

CONSUMER AFFAIRS, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, THE UNIVERSITY OF HAWAII, AND THE DEPARTMENT OF EDUCATION TO CREATE AND ISSUE A COORDINATED STRATEGY FOR THE INSTITUTIONAL NETWORK AND THE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS SYSTEM.”

Offered by: Senator Ige.

No. 113 “SENATE CONCURRENT RESOLUTION ADDRESSING THE CONCERNS RAISED BY RESIDENTS IMPACTED BY THE H-1 WAIMALU VIADUCT FREEWAY WESTBOUND WIDENING PROJECT.”

Offered by: Senators Ige, Kawamoto, Sakamoto, Kim.

No. 114 “SENATE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR TO RELEASE THE FUNDS APPROPRIATED FOR THE ACQUISITION OF PARADISE PARK IN MANOA.”

Offered by: Senators Taniguchi, Chun Oakland, Fukunaga, Tsutsui, Espero, Hooser, Kanno, Aduja, Slom, English, Kawamoto, Inouye, Ihara, Whalen, Kokubun, Hanabusa, Baker, Ige, Sakamoto, Hemmings, Kim.

No. 115 “SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM.”

Offered by: Senators Taniguchi, Tsutsui, Kanno, Aduja, Sakamoto, Chun Oakland, English, Ihara, Trimble, Inouye, Ige, Baker, Espero, Whalen, Hanabusa, Slom, Kokubun, Kawamoto, Hooser, Hemmings, Kim, Fukunaga.

No. 116 “SENATE CONCURRENT RESOLUTION REQUESTING DISCLOSURE OF INFORMATION RELATED TO THE PETER BOY KEMA CASE.”

Offered by: Senator Chun Oakland.

No. 117 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE JUDICIARY TO EXAMINE THE RAMIFICATIONS OF ELIMINATING REPORTS OF ‘THREATENED HARM’ FROM THE VARIOUS TYPES OF REPORTS UPON WHICH AN INVESTIGATION IS REQUIRED TO BE CARRIED OUT BY THE DEPARTMENT OF HUMAN SERVICES IN CONNECTION WITH CHILD PROTECTIVE SERVICES.”

Offered by: Senator Chun Oakland.

No. 118 “SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 EXECUTIVE SALARY COMMISSION.”

Offered by: Senators Bunda, Kim, Taniguchi, English, Kokubun, Sakamoto, Hanabusa, Espero, Kanno, Menor, Hooser, Aduja, Baker, Chun Oakland.

No. 119 “SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 JUDICIAL SALARY COMMISSION.”

Offered by: Senators Bunda, Kim, Taniguchi, English, Kokubun, Sakamoto, Hanabusa, Espero, Menor, Hooser, Aduja, Baker, Chun Oakland, Kanno.

No. 120 “SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY EVALUATING THE FEASIBILITY AND NECESSITY OF THE CREATION OF A MAUNA KEA SCIENCE RESERVE AUTHORITY.”

Offered by: Senators Inouye, Baker, Kanno, Taniguchi, Espero, Kim, Whalen, Sakamoto, Fukunaga, Kokubun, Menor, Kawamoto, Ige, Ihara, Aduja, Chun Oakland, Hooser, Hanabusa, Bunda, Tsutsui, Trimble.

No. 121 “SENATE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO PROVIDE DATA ON HAWAII’S FAMILY CAREGIVERS AND THE OLDER ADULTS TO WHOM THEY PROVIDE ASSISTANCE.”

Offered by: Senators Baker, Chun Oakland, Espero, Kanno, Ihara.

No. 122 “SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND WEEK OF MAY OF EACH YEAR ‘FOOD ALLERGY AWARENESS WEEK.’”

Offered by: Senators Baker, Chun Oakland, Espero, Kanno, Ihara.

No. 123 “SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON EMPLOYEE OVERPAYMENT WITHIN THE UNIVERSITY OF HAWAII SYSTEM.”

Offered by: Senators Kim, Kanno, Slom, Hemmings, Ihara, Fukunaga, Kokubun, Sakamoto, Inouye, Espero, Baker, Ige, Trimble, Chun Oakland.

No. 124 “SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII.”

Offered by: Senator Kim.

No. 125 “SENATE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ALLOW PRESCRIPTION DRUGS TO BE IMPORTED FROM CANADA.”

Offered by: Senators Kim, English, Espero, Tsutsui, Kokubun, Hooser, Kanno, Ihara, Bunda, Taniguchi.

No. 126 “SENATE CONCURRENT RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH’S PLANS TO REDUCE VETERANS BENEFITS.”

Offered by: Senators Kim, Espero, Inouye, Tsutsui, Kokubun, Hooser, Kanno, Menor, English, Bunda, Taniguchi.

No. 127 “SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE UNEMPLOYMENT INSURANCE DIVISION AND THE EMPLOYMENT SECURITY APPEALS REFEREES’ OFFICE OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS.”

Offered by: Senators Espero, Kanno, Ihara.

No. 128 "SENATE CONCURRENT RESOLUTION REQUESTING SECRETARY OF DEFENSE DONALD RUMSFELD TO WITHDRAW THE DEPARTMENT OF DEFENSE'S PROPOSAL REGARDING A 'NATIONAL SECURITY PERSONNEL SYSTEM' AND TO SUBMIT A NEW PROPOSAL CONSISTENT WITH THE INTENT OF CONGRESS."

Offered by: Senators Espero, Tsutsui, Kanno.

No. 129 "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SECURE AN AUTHORIZED DESTINATION STATUS AGREEMENT WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO ALLOW VISITOR VISAS TO BE ISSUED TO CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA TO VISIT THE UNITED STATES."

Offered by: Senators Espero, English, Kim, Aduja, Chun Oakland, Tsutsui, Menor, Slom, Hemmings, Hooser.

No. 130 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REVIEW AND CONSIDER WHETHER THE EXCEPTION OF PSEUDOEPHEDRINE FROM THE REPORTING, RECORDKEEPING, AND PERMIT REQUIREMENTS GENERALLY APPLICABLE TO LIST 1 CHEMICALS SHOULD BE REPEALED."

Offered by: Senators Espero, Aduja, Tsutsui, Hooser, Menor.

No. 131 "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF AND SUPPORT FOR ROBOTICS EDUCATION IN HAWAII."

Offered by: Senators Espero, Aduja, Kanno, English, Sakamoto, Kim, Baker.

No. 132 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO EVALUATE THE FEASIBILITY AND PREPARE A PLAN FOR IMPROVING FORMER CANE HAUL ROADS ALONG THE STATE HIGHWAY TRAFFIC CORRIDOR BETWEEN HANAMAULU AND THE WAILUA RIVER ON KAUAI TO BE USED FOR EMERGENCY TRAFFIC DIVERSION AND AS POSSIBLE LONG-TERM ALTERNATE ROUTES."

Offered by: Senators Hooser, Hanabusa, Kanno, Ige, Hemmings, Slom, Chun Oakland, Trimble, English, Aduja, Inouye, Espero, Fukunaga, Sakamoto, Kim, Baker.

No. 133 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION REVIEW AND REVISE POLICIES TO ENLARGE AND EXPAND REGULAR OPPORTUNITIES IN EACH DISTRICT FOR MEMBERS OF THE COMMUNITIES TO PARTICIPATE MEANINGFULLY BY EXPRESSING THEIR IDEAS AND SUPPORT OF IMPORTANT ISSUES IMPACTING EDUCATIONAL ADVANCEMENT."

Offered by: Senators Hooser, Sakamoto, Baker, Chun Oakland, Aduja, Kim, Espero, Kanno, English.

No. 134 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE LICENSING REQUIREMENTS FOR HEALTH INSURERS."

Offered by: Senators Hooser, Baker, Chun Oakland, Espero, Kanno, English.

No. 135 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF AN AFFORDABLE HOUSING TASK FORCE."

Offered by: Senators Hooser, Baker, Espero, Aduja, Kanno, English, Kokubun.

No. 136 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO ESTABLISH THE ASIA-PACIFIC RISK MANAGEMENT AND INSURANCE PROGRAM WITHIN THE COLLEGE OF BUSINESS ADMINISTRATION AT THE UNIVERSITY OF HAWAII AT MANOA."

Offered by: Senator Bunda.

No. 137 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO DETERMINE THE FEASIBILITY OF ADDING SURFING AS A COMPETITIVE INTERSCHOLASTIC SPORT."

Offered by: Senator Bunda, by request.

No. 138 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE HALEIWA TOWN AS THE SURFING CAPITAL OF THE WORLD."

Offered by: Senator Bunda.

No. 139 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REEVALUATE THE USE OF THE HARBOR SPECIAL FUND TO FUND IMPROVEMENTS TO ACCOMMODATE THE CRUISE INDUSTRY AND TO EXPLORE AND ANALYZE ALTERNATIVE FUNDING OPTIONS."

Offered by: Senator Kanno.

No. 140 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO CONVENE A TASK FORCE TO MAKE RECOMMENDATIONS ON THE NURSING SHORTAGE, NURSE STAFFING LEVELS, ACUITY SYSTEMS, AND OTHER RELATED FACTORS IN ORDER TO ENSURE PATIENT SAFETY IN HEALTH CARE FACILITIES."

Offered by: Senator Kanno.

No. 141 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY OF THE EFFECTS OF TAX CREDITS ON STATE REVENUES."

Offered by: Senators Kanno, Menor, Aduja, Baker, Inouye, Ihara, Kim, Tsutsui.

No. 142 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A BLUE RIBBON COMMISSION TO DETERMINE THE NECESSARY INCREASES IN REVENUES FOR THE PRODUCTION OF A PUBLIC SCHOOL SYSTEM DEDICATED TO THE SUCCESS OF EVERY CHILD."

Offered by: Senators Kanno, Baker, Inouye, Tsutsui, Ihara.

No. 143 "SENATE CONCURRENT RESOLUTION CONDEMNING SECRETARY OF EDUCATION ROD PAIGE'S ASSERTION THAT THE NATIONAL EDUCATION ASSOCIATION IS A 'TERRORIST ORGANIZATION.'"

Offered by: Senators Kanno, Baker, Inouye, Tsutsui.

No. 144 "SENATE CONCURRENT RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE."

Offered by: Senator Kanno.

No. 145 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE IMPACT OF MANDATED GROUP HEALTH INSURANCE COVERAGE FOR INFERTILITY."

Offered by: Senators Kanno, Menor, Aduja, Baker, Inouye, Ihara, Tsutsui.

No. 146 "SENATE CONCURRENT RESOLUTION URGING THE HAWAII HEALTH SYSTEMS CORPORATION AND ST. FRANCIS HEALTHCARE SYSTEM TO CONTINUE THEIR PARTNERSHIP IN SERVING THE NEEDS OF DIALYSIS PATIENTS IN THE PUNA DISTRICT OF THE ISLAND OF HAWAII BY EXPANDING ITS NETWORK OF DIALYSIS TREATMENT FACILITIES TO THE KEAAU FAMILY CENTER IN THE PUNA DISTRICT."

Offered by: Senators Kokubun, Ige, Baker, Kawamoto, Aduja, Chun Oakland, English, Kim.

No. 147 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATION OF MARINE LIFE CONSERVATION DISTRICTS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES."

Offered by: Senators Kokubun, English, Inouye, Aduja, Hemmings, Ihara, Sakamoto, Chun Oakland, Ige, Kim.

No. 148 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK AT KEHENA BEACH, HAWAII."

Offered by: Senators Kokubun, English, Inouye, Chun Oakland, Aduja, Hemmings, Ihara, Sakamoto, Ige, Kim.

No. 149 "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR HAWAII SUPERFERRY, INC. AND REQUESTING EXPEDITIOUS ADMINISTRATIVE PROCESSING OF NECESSARY PERMITS."

Offered by: Senators Kawamoto, Espero, Aduja, Baker, Hooser, Inouye.

No. 150 "SENATE CONCURRENT RESOLUTION CONCERNING THE RIGHTS OF UNITED STATES CITIZENS IN FOREIGN COUNTRIES."

Offered by: Senators Chun Oakland, Ihara, Fukunaga.

No. 151 "SENATE CONCURRENT RESOLUTION CALLING ON THE PEOPLE'S REPUBLIC OF CHINA IMMEDIATELY AND UNCONDITIONALLY TO RELEASE REBIYA KADEER AND URGING PRESIDENT BUSH TO TAKE URGENT STEPS TO SECURE THE RELEASE OF REBIYA KADEER AS SOON AS POSSIBLE."

Offered by: Senators Chun Oakland, Ihara, Fukunaga.

No. 152 "SENATE CONCURRENT RESOLUTION RECOGNIZING FARM ANIMALS AS SENTIENT BEINGS TO BE TREATED WITH RESPECT AND PROTECTED FROM INHUMANE TREATMENT."

Offered by: Senators Chun Oakland, Ihara, Fukunaga.

No. 153 "SENATE CONCURRENT RESOLUTION ESTABLISHING A JUDICIARY WORK GROUP TO EVALUATE AND RECOMMEND METHODS TO STREAMLINE COURT-ORDERED FORENSIC EVALUATIONS AND TO DELIVER APPROPRIATE MENTAL HEALTH TREATMENT TO PRETRIAL DETAINEES."

Offered by: Senators Chun Oakland, Fukunaga.

No. 154 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE DIAMONDBACK CORRECTIONAL FACILITY."

Offered by: Senator Chun Oakland.

No. 155 "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADDRESS THE HAZARDS OF ROCK AND LAND SLIDES ON OUR URBAN POPULATIONS."

Offered by: Senator Chun Oakland.

No. 156 "SENATE CONCURRENT RESOLUTION ENCOURAGING A COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO."

Offered by: Senators Inouye, Whalen, Kokubun.

No. 157 "SENATE CONCURRENT RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS."

Offered by: Senators Inouye, Hanabusa, Kanno, English, Tsutsui, Hooser, Kawamoto, Ihara, Kim, Menor, Baker, Aduja, Ige, Chun Oakland, Espero, Sakamoto, Fukunaga.

No. 158 "SENATE CONCURRENT RESOLUTION RENAMING THE HAWAII RX PRESCRIPTION DRUG PROGRAM TO THE TAKUMI-MENOR AFFORDABLE PRESCRIPTION DRUG PROGRAM IN RECOGNITION OF THEIR EFFORTS TO PROVIDE AFFORDABLE PRESCRIPTION DRUGS TO HAWAII CONSUMERS."

Offered by: Senators Baker, Aduja, Sakamoto.

No. 159 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII'S EFFORTS TO RECRUIT AND RETAIN HAWAIIAN STUDENTS AT THE

UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLOR OF THE UNIVERSITY OF HAWAII AT MANOA TO FORM A TASK FORCE TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN HAWAIIAN STUDENTS.”

Offered by: Senator Sakamoto.

No. 160 “SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO EXAMINE POSSIBLE WAYS OF CONFIRMING THE IDENTIFICATION OF MEXICAN IMMIGRANTS.”

Offered by: Senator Sakamoto.

No. 161 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA.”

Offered by: Senators Inouye, Kokubun, Kawamoto, Espero, Menor, Chun Oakland.

No. 162 “SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP A PLAN FOR THE FACILITATION OF COMMUNITY-BASED, MARINE COMANAGEMENT EFFORTS.”

Offered by: Senators Inouye, Aduja, Kawamoto, Espero, Menor, Chun Oakland, Fukunaga.

No. 163 “SENATE CONCURRENT RESOLUTION SUPPORTING THE HAWAII MEDICAL ASSOCIATION, THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION, AND THE AMERICAN PSYCHIATRIC ASSOCIATION IN EXTENDING AN INVITATION TO THE AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES TO RETURN TO HONOLULU, HAWAII FOR ITS INTERIM WINTER MEETING IN 2007 OR 2008.”

Offered by: Senators Inouye, Aduja, Chun Oakland, Kawamoto, Espero, Menor, Fukunaga.

No. 164 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS.”

Offered by: Senators Espero, Menor, Aduja.

No. 165 “SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADOPT A STATEWIDE POLICY TO ENCOURAGE THE ENROLLMENT OF HAWAII’S CHILDREN IN EARLY CHILDHOOD EDUCATION PROGRAMS.”

Offered by: Senator Kanno.

No. 166 “SENATE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENTS AND AGENCIES TO IMPLEMENT THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK ON ENVIRONMENTAL PROTECTION IN CONDUCTING THE STATE’S AFFAIRS.”

Offered by: Senators English, Tsutsui, Taniguchi, Ige, Hanabusa, Fukunaga, Hooser, Kokubun, Inouye, Chun Oakland.

No. 167 “SENATE CONCURRENT RESOLUTION RECOGNIZING NATIVE HAWAIIANS AS TRADITIONAL, INDIGENOUS KNOWLEDGE HOLDERS AND RECOGNIZING THEIR COLLECTIVE INTELLECTUAL PROPERTY RIGHTS.”

Offered by: Senators English, Tsutsui, Hanabusa, Fukunaga, Hooser, Kokubun, Inouye, Chun Oakland.

No. 168 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO REVIEW THE FEASIBILITY OF THE STATE BECOMING A MEMBER OF THE CHICAGO CLIMATE EXCHANGE.”

Offered by: Senators English, Kokubun, Aduja, Tsutsui, Baker, Fukunaga, Espero, Inouye, Ige, Hooser, Hanabusa, Chun Oakland.

No. 169 “SENATE CONCURRENT RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE OF THE STATE OF HAWAII FOR THE DEVELOPMENT OF THE SEAWATER AIR CONDITIONING/ THERMAL ENERGY STORAGE SYSTEM BY HONOLULU SEAWATER AIR CONDITIONING LLC FOR USE ON THE ISLAND OF OAHU.”

Offered by: Senators English, Tsutsui, Hanabusa, Fukunaga, Hooser, Kokubun, Inouye, Chun Oakland.

No. 170 “SENATE CONCURRENT RESOLUTION REQUESTING A FRANCHISE AUDIT OF AOL TIME WARNER CABLE’S MONOPOLY CABLE FRANCHISE.”

Offered by: Senators English, Tsutsui, Hooser, Kokubun, Inouye, Chun Oakland.

No. 171 “SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE EFFORTS AND PROMOTE THE USE OF COMPOST.”

Offered by: Senators English, Kokubun, Tsutsui, Taniguchi, Hanabusa, Hooser, Espero, Ige, Slom, Fukunaga, Inouye, Chun Oakland.

No. 172 “SENATE CONCURRENT RESOLUTION RECOGNIZING FARM ANIMALS AS SENTIENT BEINGS THAT DESERVE TO BE TREATED WITH RESPECT AND PROTECTED FROM INHUMANE TREATMENT.”

Offered by: Senator English, by request.

No. 173 “SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INCORPORATE MAXIMUM PROTECTION FOR STATE WATERS IN THE NORTHWESTERN HAWAIIAN ISLANDS IN ITS RULES.”

Offered by: Senator English, by request.

No. 174 “SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR BUILDING ORDINANCES.”

Offered by: Senators English, Hooser, Kokubun, Inouye, Chun Oakland, Aduja.

No. 175 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII INVASIVE SPECIES COUNCIL TO REPORT TO THE LEGISLATURE ON ITS PROGRAM TO FIGHT INVASIVE SPECIES."

Offered by: Senators English, Kokubun, Fukunaga, Hooser, Inouye, Chun Oakland, Aduja.

No. 176 "SENATE CONCURRENT RESOLUTION REQUESTING A COORDINATED COMPREHENSIVE COASTAL POLICY TO PROTECT HAWAII'S COASTAL RESOURCES."

Offered by: Senators English, Kokubun, Fukunaga, Tsutsui.

No. 177 "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF CONGRESS TO SUPPORT A BAN ON RESEARCH, DEVELOPMENT, AND TESTING OF NUCLEAR WEAPONS."

Offered by: Senators English, Kokubun, Fukunaga, Tsutsui.

No. 178 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PROVIDE AN IN-DEPTH AND CRITICAL ANALYSIS OF THE HAWAII HOUSING AND CONSERVATION TRUST FUND."

Offered by: Senator English, by request.

No. 179 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE STATE CONSERVATION DISTRICT PROGRAM."

Offered by: Senators English, Kokubun, Fukunaga, Tsutsui.

No. 180 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE 'BIG BOX' RETAILERS AND WHOLESALERS."

Offered by: Senators English, Kokubun, Fukunaga, Tsutsui.

No. 181 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DEVELOP FLEXIBLE DESIGN GUIDELINES FOR SCENIC HIGHWAYS."

Offered by: Senators English, Tsutsui.

No. 182 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF AGRICULTURE TO ESTABLISH ADVISORY BOARDS REGARDING GENETICALLY MODIFIED ORGANISMS."

Offered by: Senators English, Fukunaga, Hanabusa.

No. 183 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A DANGEROUS MOLDS WORKING GROUP TO IDENTIFY KEY ISSUES REGARDING DANGEROUS MOLDS."

Offered by: Senators English, Kokubun, Baker, Tsutsui.

No. 184 "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO DESIGNATE A NEW NATIONAL SEASHORE FROM `AHIHI-KINA`U NATURAL AREA RESERVE TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI."

Offered by: Senators English, Baker, Kokubun.

No. 185 "SENATE CONCURRENT RESOLUTION URGING IMMEDIATE DEVELOPMENT AND IMPLEMENTATION OF ALTERNATIVE RULES UNDER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S SAFE DRINKING WATER ACT'S LEAD AND COPPER RULE."

Offered by: Senators English, Kokubun, Fukunaga, Tsutsui, Baker.

No. 186 "SENATE CONCURRENT RESOLUTION SUPPORTING HUMAN HEALTH AND SAFETY ISSUES RELATED TO THE CAPTURE AND SALE OF FISH."

Offered by: Senators English, Tsutsui.

No. 187 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO RESEARCH THE DEVELOPMENT OF A SUSTAINABLE FLOOD PROJECT SPONSORSHIP PROGRAM TO PROMOTE FLOOD ABATEMENT IN LANDS FROM WAIHAOLE TO KAHUKU."

Offered by: Senators Aduja, Ige, Kawamoto, Espero, Menor, Kanno, Baker, Tsutsui, Sakamoto, Inouye, Chun Oakland.

No. 188 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ENCOURAGE THE USE OF BIODIESEL FUEL FOR ALL PUBLIC BUSES."

Offered by: Senators Aduja, English, Espero, Fukunaga, Trimble, Kanno, Baker, Inouye, Tsutsui, Ige, Sakamoto, Chun Oakland, Hooser.

No. 189 "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR MALAMA O KAMALII MAKAMAE IN ITS EFFORTS TO DEVELOP CARE HOME FACILITIES FOR NEEDY CHILDREN OF HAWAIIAN ANCESTRY."

Offered by: Senator Aduja.

No. 190 "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO TAKE ACTION TO PREVENT ILLEGAL ENTRY TO THE HAIKU STAIRS UNTIL THE ISSUE OF PERMANENT ACCESS TO THE HAIKU STAIRS IS RESOLVED AND THE SURROUNDING NEIGHBORHOOD IS NO LONGER IMPOSED UPON, AND REQUESTING THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO DISCLOSE TO THE PUBLIC THE CITY'S PLANS REGARDING THE FUTURE OF THE HAIKU STAIRS AND HAIKU VALLEY."

Offered by: Senators Aduja, Kanno, Inouye, Espero, Menor, Kawamoto, Ige, Sakamoto.

No. 191 "SENATE CONCURRENT RESOLUTION REQUESTING THE SCHOOL READINESS TASK FORCE TO CONDUCT A STUDY ON THE MANNER IN WHICH FUNDING STREAMS FOR CHILDCARE AND EARLY CHILDHOOD EDUCATION INTERACT AND MAKE RECOMMENDATIONS FOR METHODS OF COORDINATING AND OPTIMIZING FUNDING SOURCES."

Offered by: Senator Kanno.

No. 192 "SENATE CONCURRENT RESOLUTION URGING THE POLICE DEPARTMENTS OF THE COUNTIES OF MAUI, KAUAI, HAWAII, THE CITY AND COUNTY OF HONOLULU AND THE DEPARTMENT OF PUBLIC SAFETY, SHERIFFS DIVISION, TO CONDUCT CHECKPOINTS SIMILAR TO THE PROGRAM OF 'CLICK IT OR TICKET', TO BE CALLED 'OPERATION ZERO TOLERANCE' TO CRACK DOWN ON AND DETER UNINSURED MOTORISTS."

Offered by: Senators Tsutsui, Baker, English, Kokubun, Sakamoto, Ige, Kim, Hanabusa.

No. 193 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE DENIAL OF COVERAGE UNDER THE PREPAID HEALTH CARE ACT."

Offered by: Senator Kanno.

No. 194 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGAL SERVICES CORPORATION TO REMOVE THE RESTRICTIONS ON ACCESS TO PUBLIC LEGAL SERVICES FOR CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS AND REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION IN CONGRESS CALLING FOR THE INCLUSION OF THE PROVISION OF LEGAL SERVICES TO CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS UNDER THE COMPACT OF FREE ASSOCIATION, AND ANY SUBSEQUENTLY RENEGOTIATED COMPACT."

Offered by: Senator Kanno.

No. 195 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A TASK FORCE TO DEVELOP A DRUG ENDANGERED CHILD PROTECTION PROGRAM."

Offered by: Senators Hanabusa, Aduja, Hooser, English, Kokubun, Espero, Baker, Ihara, Chun Oakland.

No. 196 "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO REMOVE RODNEY PAIGE FROM THE POSITION OF UNITED STATES SECRETARY OF EDUCATION."

Offered by: Senators Hanabusa, English, Aduja, Chun Oakland.

No. 197 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES SEARCH FOR SURPLUS PROPERTY WITHIN THE STATE SYSTEM THAT COULD BE LEASED TO SUBSTANCE ABUSE

TREATMENT PROGRAMS TO ASSIST IN THE TREATMENT OF RECOVERING ADDICTS AND THAT THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES LOOK FOR AVAILABLE FEDERAL MONIES AND OTHER GRANTS TO HELP DEVELOP HOUSING FACILITIES FOR THESE TREATMENT PROGRAMS."

Offered by: Senators Hanabusa, Aduja, English, Sakamoto, Kokubun, Espero, Chun Oakland, Baker, Taniguchi, Inouye, Kawamoto, Fukunaga, Ihara, Kim, Kanno, Ige.

No. 198 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION."

Offered by: Senators Hanabusa, Aduja, English, Ige, Sakamoto, Hooser, Kokubun, Kawamoto, Baker, Tsutsui, Fukunaga, Inouye, Ihara, Taniguchi, Chun Oakland.

No. 199 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND LABOR AND INDUSTRIAL RELATIONS TO JOINTLY EXAMINE ISSUES RELATING TO PUBLIC ASSISTANCE INVOLVING INCENTIVES AND REQUIREMENTS TO WORK AND INCOME AND ASSET THRESHOLDS THAT MAY ACT AS DISINCENTIVES TO WORK."

Offered by: Senators Hanabusa, Ihara, English, Kokubun, Tsutsui, Inouye, Kawamoto, Espero, Chun Oakland, Baker, Fukunaga.

No. 200 "SENATE CONCURRENT RESOLUTION REQUESTING SALARY INCREASES FOR THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS."

Offered by: Senators Hanabusa, Ihara, English, Kokubun, Tsutsui, Inouye, Kawamoto, Chun Oakland, Baker, Fukunaga.

No. 201 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES, RULES, AND COUNTY ORDINANCES THAT CRIMINALIZE NON-SERIOUS OFFENSES."

Offered by: Senator Hanabusa.

No. 202 "SENATE CONCURRENT RESOLUTION REQUESTS THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACKNOWLEDGE THE AIKAU FAMILY'S COMMITMENT TO HAWAII'S OCEAN AND BEACHES BY PERMITTING THE HAWAII BEACHBOY PRESERVATION FOUNDATION TO REMAIN ON DUKE'S BEACH IN WAIKIKI."

Offered by: Senators Kokubun, by request, Sakamoto, Chun Oakland, English.

No. 203 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II."

Offered by: Senators Aduja, Chun Oakland, English, Slom, Espero, Hemmings, Kim, Fukunaga, Trimble, Kanno, Baker, Tsutsui, Inouye, Kawamoto, Ige, Sakamoto, Kokubun, Hooser.

No. 204 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO POST KNOWN SITES OF ILLEGAL DUMPING ON ITS DEPARTMENTAL WEBSITE FOR PUBLIC HEALTH AND ENVIRONMENTAL PURPOSES."

Offered by: Senators Aduja, Kanno, Tsutsui, Hooser, Sakamoto, Kawamoto.

No. 205 "SENATE CONCURRENT RESOLUTION REQUESTING CONSIDERATION OF THE ESTABLISHMENT OF A CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM."

Offered by: Senators Aduja, Kawamoto.

No. 206 "SENATE CONCURRENT RESOLUTION URGING THE COUNTIES TO DEVELOP AND IMPLEMENT A RESIDENTIAL CURBSIDE RECYCLING PROGRAM."

Offered by: Senators Aduja, Kawamoto, Baker.

No. 207 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF H-POWER TO DETERMINE A LIST OF DEFINING ISSUES."

Offered by: Senator Aduja.

No. 208 "SENATE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF TRAINING PROGRAMS TO EDUCATE RETAILERS ON PRODUCTS USED TO MANUFACTURE CRYSTAL METHAMPHETAMINE."

Offered by: Senators Aduja, Espero, Menor, Kanno, Baker, Ige, Fukunaga, Chun Oakland.

No. 209 "SENATE CONCURRENT RESOLUTION URGING THE RENAMING OF HEEIA STATE PARK TO LAE `O KEALOHI STATE PARK."

Offered by: Senators Aduja, Kanno, Kawamoto.

No. 210 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO ADOPT RULES TO SET A TIME LIMIT ON THE STORAGE OF SOLID WASTE, SPECIAL WASTE, AND HAZARDOUS WASTE IN THE STATE BY ANY PERSON."

Offered by: Senators Aduja, Ige, Espero, Menor, Baker, Fukunaga, Hooser.

No. 211 "SENATE CONCURRENT RESOLUTION PROPOSING AN INCREASE IN RECYCLING BY STATE AND COUNTY AGENCIES BY REQUESTING THE IMPLEMENTATION OF RECYCLING PROGRAMS AND ANNUAL REPORTS CONCERNING PURCHASE AND USE OF GOODS MADE FROM RECYCLED MATERIALS, THE ESTABLISHMENT OF INCENTIVES TO INCREASE PROCUREMENT OF RECYCLED GOODS, AND THE ADOPTION OF RULES TO INCREASE THE PERCENTAGES OF PREFERENCE FOR PRODUCTS CONTAINING RECYCLED MATERIAL."

Offered by: Senators Aduja, Kanno, Hooser, Sakamoto, Kawamoto.

No. 212 "SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976. PLAN FOR AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII."

Offered by: Senators Aduja, Espero, Ige, Trimble.

No. 213 "SENATE 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.'"

Offered by: Senators Aduja, Slom, Fukunaga, Inouye, Tsutsui, Ige, Sakamoto.

No. 214 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE CITY AND COUNTY OF HONOLULU TAKE STEPS TO COORDINATE EFFORTS TO IMMEDIATELY NOTIFY THE PUBLIC OF BREAKS IN SEWER LINES."

Offered by: Senators Aduja, Slom, Espero, Hemmings, Kim, Fukunaga, Trimble, Kanno, Baker, Hooser, Inouye, English, Tsutsui, Kawamoto, Ige, Sakamoto, Chun Oakland.

No. 215 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, AND THE FEDERAL DEPARTMENT OF DEFENSE TO FIND MEANS OF RECTIFYING THE SHORTFALL IN IMPACT AID DUE THE DEPARTMENT OF EDUCATION."

Offered by: Senators Aduja, Kawamoto, Inouye, Chun Oakland, Hooser.

No. 216 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A SOLID WASTE CONVENIENCE CENTER OR TRANSFER STATION MIDWAY BETWEEN HEEIA AND LAIE."

Offered by: Senators Aduja, Espero, Ige, Hooser.

No. 217 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DETERMINE THE FEASIBILITY OF THE FOLLOWING ISSUES: (1) MANDATING THAT HOTELS RECAPTURE AND REUSE WATER AND RECYCLABLE MATERIALS; (2) ADVANCE DISPOSAL FEES FOR HAZARDOUS AND LARGE GOODS AND OTHER RECYCLABLES; (3) ESTABLISHING A STATEWIDE WASTE DIVERSION STRATEGY; AND (4) MINING LANDFILLS TO EXTRACT RECYCLABLE MATERIALS OR TO DETERMINE WHETHER PROHIBITED WASTE WAS DUMPED."

Offered by: Senators Aduja, Kawamoto.

No. 218 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO ASCERTAIN WHETHER THE BROWN TREE SNAKE HAS BEEN INTRODUCED INADVERTENTLY TO THE STATE BY THE MILITARY AND REQUESTING THE MILITARY TO TAKE MEASURES TO ENSURE AN IMMEDIATE AND APPROPRIATE RESPONSE TO SIGHTINGS OF BROWN TREE SNAKES IN THE STATE."

Offered by: Senators Aduja, Kanno, Tsutsui.

No. 219 "SENATE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII AND THE DEPARTMENT OF BUDGET AND FINANCE TO STUDY GRANTING SERVICE CREDIT TO FORMER PEACE CORPS VOLUNTEERS."

Offered by: Senators Aduja, Kawamoto.

No. 220 "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON STATE AND COUNTY COMPLIANCE WITH APPLICABLE SOLID WASTE MANAGEMENT LAWS, RULES, AND REGULATIONS."

Offered by: Senators Aduja, Kawamoto.

No. 221 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DEVELOP PLANS TO ESTABLISH A SOLID WASTE MANAGEMENT BOARD."

Offered by: Senators Aduja, Kawamoto.

No. 222 "SENATE CONCURRENT RESOLUTION OPPOSING THE IMPORTATION OF ANTHRAX BACTERIA FOR BIOTECH RESEARCH PURPOSES."

Offered by: Senator Aduja.

No. 223 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE PERFORMANCE OF WASTEWATER MANAGEMENT ON OAHU."

Offered by: Senators Aduja, Ige, Espero, Menor, Kanno, English, Chun Oakland, Hooser.

No. 224 "SENATE CONCURRENT RESOLUTION CONVENING A JOINT LEGISLATIVE TASK FORCE ON WASTE MANAGEMENT AND RECYCLING."

Offered by: Senators Aduja, Ige, Menor, Kanno, Chun Oakland, Sakamoto, Hooser.

No. 225 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF TRANSFERRING ALL SOLID WASTE MANAGEMENT FUNCTIONS TO THE PUBLIC UTILITIES COMMISSION."

Offered by: Senator Aduja.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 57 to 126) were read by the Clerk and were deferred:

Senate Resolution

No. 57 "SENATE RESOLUTION REQUESTING THE HAWAII FILM AND TELEVISION DEVELOPMENT BOARD TO FORMULATE AND IMPLEMENT A COMPREHENSIVE STRATEGY TO PROMOTE AND FOSTER A STRONG AND COMPETITIVE DIGITAL MEDIA INDUSTRY IN HAWAII."

Offered by: Senators Fukunaga, Ige.

No. 58 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, THE UNIVERSITY OF HAWAII, AND THE DEPARTMENT OF EDUCATION TO CREATE AND ISSUE A COORDINATED STRATEGY FOR THE INSTITUTIONAL NETWORK AND THE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS SYSTEM."

Offered by: Senator Ige.

No. 59 "SENATE RESOLUTION ADDRESSING THE CONCERNS RAISED BY RESIDENTS IMPACTED BY THE H-1 WAIMALU VIADUCT FREEWAY WESTBOUND WIDENING PROJECT."

Offered by: Senators Ige, Kawamoto, Sakamoto, Kim.

No. 60 "SENATE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM."

Offered by: Senators Taniguchi, Tsutsui, Kanno, Aduja, Sakamoto, Espero, Chun Oakland, Fukunaga, English, Trimble, Ihara, Kim, Inouye, Slom, Baker, Ige, Hemmings, Hooser, Hanabusa, Whalen, Kawamoto, Kokubun.

No. 61 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A STUDY ON EMPLOYEE OVERPAYMENT WITHIN THE UNIVERSITY OF HAWAII SYSTEM."

Offered by: Senators Kim, Kanno, Slom, Hemmings, Ihara, Fukunaga, Kokubun, Sakamoto, Inouye, Espero, Baker, Ige, Trimble, Chun Oakland.

No. 62 "SENATE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII."

Offered by: Senator Kim.

No. 63 "SENATE RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ALLOW PRESCRIPTION DRUGS TO BE IMPORTED FROM CANADA."

Offered by: Senators Kim, English, Espero, Inouye, Tsutsui, Kokubun, Hooser, Kanno, Menor, Ihara, Bunda, Taniguchi.

No. 64 "SENATE RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH'S PLANS TO REDUCE VETERANS BENEFITS."

Offered by: Senators Kim, Espero, Inouye, Tsutsui, Kokubun, Hooser, English, Kanno, Bunda, Menor, Taniguchi.

No. 65 "SENATE RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE UNEMPLOYMENT INSURANCE DIVISION AND THE EMPLOYMENT SECURITY APPEALS REFEREES' OFFICE OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS."

Offered by: Senators Espero, Kanno, Ihara.

No. 66 "SENATE RESOLUTION REQUESTING SECRETARY OF DEFENSE DONALD RUMSFELD TO WITHDRAW THE DEPARTMENT OF DEFENSE'S PROPOSAL REGARDING A 'NATIONAL SECURITY PERSONNEL SYSTEM' AND TO SUBMIT A NEW PROPOSAL CONSISTENT WITH THE INTENT OF CONGRESS."

Offered by: Senators Espero, Tsutsui, Kanno.

No. 67 "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SECURE AN AUTHORIZED DESTINATION STATUS AGREEMENT WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO ALLOW VISITOR VISAS TO BE ISSUED TO CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA TO VISIT THE UNITED STATES."

Offered by: Senators Espero, Kim, Hooser, English, Aduja, Chun Oakland, Tsutsui, Menor, Slom, Hemmings.

No. 68 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REVIEW AND CONSIDER WHETHER THE EXCEPTION OF PSEUDOEPHEDRINE FROM THE REPORTING, RECORDKEEPING, AND PERMIT REQUIREMENTS GENERALLY APPLICABLE TO LIST 1 CHEMICALS SHOULD BE REPEALED."

Offered by: Senators Espero, Aduja, Tsutsui, Hooser, Menor.

No. 69 "SENATE RESOLUTION URGING THE DEVELOPMENT OF AND SUPPORT FOR ROBOTICS EDUCATION IN HAWAII."

Offered by: Senators Espero, Aduja, Kanno, English, Sakamoto, Kim, Baker.

No. 70 "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO EVALUATE THE FEASIBILITY AND PREPARE A PLAN FOR IMPROVING FORMER CANE HAUL ROADS ALONG THE STATE HIGHWAY TRAFFIC CORRIDOR BETWEEN HANAMAULU AND THE WAILUA RIVER ON KAUAI TO BE USED FOR EMERGENCY TRAFFIC DIVERSION AND AS POSSIBLE LONG-TERM ALTERNATE ROUTES."

Offered by: Senators Hooser, Hanabusa, Ige, Kanno, Hemmings, Slom, Chun Oakland, Trimble, English, Inouye, Espero, Fukunaga, Sakamoto, Kim, Baker, Aduja.

No. 71 "SENATE RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION REVIEW AND REVISE POLICIES TO ENLARGE AND EXPAND REGULAR OPPORTUNITIES IN EACH DISTRICT FOR MEMBERS OF THE COMMUNITIES TO PARTICIPATE MEANINGFULLY BY EXPRESSING THEIR IDEAS AND

SUPPORT OF IMPORTANT ISSUES IMPACTING EDUCATIONAL ADVANCEMENT."

Offered by: Senators Hooser, Sakamoto, Baker, Aduja, Kim, Espero, Kanno, English.

No. 72 "SENATE RESOLUTION REQUESTING A REVIEW OF THE LICENSING REQUIREMENTS FOR HEALTH INSURERS."

Offered by: Senators Hooser, Baker, Chun Oakland, Kanno, English.

No. 73 "SENATE RESOLUTION REQUESTING THE CONVENING OF AN AFFORDABLE HOUSING TASK FORCE."

Offered by: Senators Hooser, Baker, Chun Oakland, Espero, Aduja, Kanno, English, Kokubun.

No. 74 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO DETERMINE THE FEASIBILITY OF ADDING SURFING AS A COMPETITIVE INTERSCHOLASTIC SPORT."

Offered by: Senator Bunda, by request.

No. 75 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE HALEIWA TOWN AS THE SURFING CAPITAL OF THE WORLD."

Offered by: Senator Bunda.

No. 76 "SENATE RESOLUTION CONDEMNING SECRETARY OF EDUCATION ROD PAIGE'S ASSERTION THAT THE NATIONAL EDUCATION ASSOCIATION IS A 'TERRORIST ORGANIZATION.'"

Offered by: Senators Kanno, Baker, Inouye.

No. 77 "SENATE RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE."

Offered by: Senator Kanno.

No. 78 "SENATE RESOLUTION REQUESTING THE AUDITOR TO STUDY THE IMPACT OF MANDATED GROUP HEALTH INSURANCE COVERAGE FOR INFERTILITY."

Offered by: Senators Kanno, Menor, Aduja, Inouye, Ihara, Tsutsui.

No. 79 "SENATE RESOLUTION EXPRESSING SUPPORT FOR HAWAII SUPERFERRY, INC. AND REQUESTING EXPEDITIOUS ADMINISTRATIVE PROCESSING OF NECESSARY PERMITS."

Offered by: Senators Kawamoto, Espero, Aduja, Baker, Hooser, Inouye.

No. 80 "SENATE RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS."

Offered by: Senators Inouye, Hanabusa, Kanno, English, Tsutsui, Hooser, Chun Oakland, Kawamoto, Aduja, Ihara, Kim, Baker, Espero, Sakamoto, Fukunaga, Ige.

Offered by: Senators English, Kokubun, Aduja, Tsutsui, Baker, Fukunaga, Hooser, Inouye, Ige, Espero, Hanabusa, Chun Oakland.

No. 81 "SENATE RESOLUTION RENAMING THE HAWAII RX PRESCRIPTION DRUG PROGRAM TO THE TAKUMI-MENOR AFFORDABLE PRESCRIPTION DRUG PROGRAM IN RECOGNITION OF THEIR EFFORTS TO PROVIDE AFFORDABLE PRESCRIPTION DRUGS TO HAWAII CONSUMERS."

No. 89 "SENATE RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE OF THE STATE OF HAWAII FOR THE DEVELOPMENT OF THE SEAWATER AIR CONDITIONING/ THERMAL ENERGY STORAGE SYSTEM BY HONOLULU SEAWATER AIR CONDITIONING LLC FOR USE ON THE ISLAND OF OAHU."

Offered by: Senators Baker, Aduja, Sakamoto.

Offered by: Senators English, Tsutsui, Hanabusa, Fukunaga, Hooser, Kokubun, Inouye, Chun Oakland.

No. 82 "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO EXAMINE POSSIBLE WAYS OF CONFIRMING THE IDENTIFICATION OF MEXICAN IMMIGRANTS."

No. 90 "SENATE RESOLUTION REQUESTING A FRANCHISE AUDIT OF AOL TIME WARNER CABLE'S MONOPOLY CABLE FRANCHISE."

Offered by: Senator Sakamoto.

Offered by: Senators English, Tsutsui, Hooser, Kokubun, Inouye, Chun Oakland.

No. 83 "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP A PLAN FOR THE FACILITATION OF COMMUNITY-BASED, MARINE COMANAGEMENT EFFORTS."

No. 91 "SENATE RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE EFFORTS AND PROMOTE THE USE OF COMPOST."

Offered by: Senators Inouye, Aduja, Kawamoto, Espero, Menor, Chun Oakland, Fukunaga.

Offered by: Senators English, Kokubun, Tsutsui, Taniguchi, Hanabusa, Hooser, Espero, Ige, Slom, Inouye, Chun Oakland.

No. 84 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS."

No. 92 "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INCORPORATE MAXIMUM PROTECTION FOR STATE WATERS IN THE NORTHWESTERN HAWAIIAN ISLANDS IN ITS RULES."

Offered by: Senators Espero, Menor, Aduja.

Offered by: Senator English, by request.

No. 85 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO ADOPT A STATEWIDE POLICY TO ENCOURAGE THE ENROLLMENT OF HAWAII'S CHILDREN IN EARLY CHILDHOOD EDUCATION PROGRAMS."

No. 93 "SENATE RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR BUILDING ORDINANCES."

Offered by: Senator Kanno.

Offered by: Senators English, Hooser, Kokubun, Inouye, Chun Oakland, Aduja.

No. 86 "SENATE RESOLUTION URGING THE STATE DEPARTMENTS AND AGENCIES TO IMPLEMENT THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK ON ENVIRONMENTAL PROTECTION IN CONDUCTING THE STATE'S AFFAIRS."

No. 94 "SENATE RESOLUTION REQUESTING THE HAWAII INVASIVE SPECIES COUNCIL TO REPORT TO THE LEGISLATURE ON ITS PROGRAM TO FIGHT INVASIVE SPECIES."

Offered by: Senators English, Tsutsui, Ige, Hanabusa, Fukunaga, Hooser, Kokubun, Inouye, Chun Oakland.

Offered by: Senators English, Kokubun, Fukunaga, Hooser, Inouye, Chun Oakland, Aduja.

No. 87 "SENATE RESOLUTION RECOGNIZING NATIVE HAWAIIANS AS TRADITIONAL, INDIGENOUS KNOWLEDGE HOLDERS AND RECOGNIZING THEIR COLLECTIVE INTELLECTUAL PROPERTY RIGHTS."

No. 95 "SENATE RESOLUTION REQUESTING A COORDINATED COMPREHENSIVE COASTAL POLICY TO PROTECT HAWAII'S COASTAL RESOURCES."

Offered by: Senators English, Tsutsui, Hanabusa, Fukunaga, Hooser, Chun Oakland, Inouye, Kokubun.

Offered by: Senators English, Kokubun, Tsutsui.

No. 88 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO REVIEW THE FEASIBILITY OF THE STATE BECOMING A MEMBER OF THE CHICAGO CLIMATE EXCHANGE."

No. 96 "SENATE RESOLUTION REQUESTING A STUDY OF THE STATE CONSERVATION DISTRICT PROGRAM."

Offered by: Senators English, Kokubun, Fukunaga, Tsutsui.

No. 97 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS

BY LARGE 'BIG BOX' RETAILERS AND WHOLESALEERS."

Offered by: Senators English, Kokubun, Fukunaga, Tsutsui.

No. 98 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DEVELOP FLEXIBLE DESIGN GUIDELINES FOR SCENIC HIGHWAYS."

Offered by: Senators English, Tsutsui.

No. 99 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF AGRICULTURE TO ESTABLISH ADVISORY BOARDS REGARDING GENETICALLY MODIFIED ORGANISMS."

Offered by: Senators English, Fukunaga, Hanabusa.

No. 100 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A DANGEROUS MOLDS WORKING GROUP TO IDENTIFY KEY ISSUES REGARDING DANGEROUS MOLDS."

Offered by: Senators English, Kokubun, Baker, Tsutsui.

No. 101 "SENATE RESOLUTION URGING THE FEDERAL GOVERNMENT TO DESIGNATE A NEW NATIONAL SEASHORE FROM 'AHIHI-KINA'U NATURAL AREA RESERVE TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI."

Offered by: Senators English, Baker, Kokubun, Tsutsui.

No. 102 "SENATE RESOLUTION URGING IMMEDIATE DEVELOPMENT AND IMPLEMENTATION OF ALTERNATIVE RULES UNDER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S SAFE DRINKING WATER ACT'S LEAD AND COPPER RULE."

Offered by: Senators English, Kokubun, Fukunaga, Tsutsui, Baker.

No. 103 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ENCOURAGE THE USE OF BIODIESEL FUEL FOR ALL PUBLIC BUSES."

Offered by: Senators Aduja, English, Espero, Fukunaga, Trimble, Kanno, Baker, Inouye, Ige, Sakamoto, Chun Oakland, Hooser.

No. 104 "SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO TAKE ACTION TO PREVENT ILLEGAL ENTRY TO THE HAIKU STAIRS UNTIL THE ISSUE OF PERMANENT ACCESS TO THE HAIKU STAIRS IS RESOLVED AND THE SURROUNDING NEIGHBORHOOD IS NO LONGER IMPOSED UPON, AND REQUESTING THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO DISCLOSE TO THE PUBLIC THE CITY'S PLANS REGARDING THE FUTURE OF THE HAIKU STAIRS AND HAIKU VALLEY."

Offered by: Senators Aduja, Kanno, Inouye, Espero, Menor, Kawamoto, Ige, Sakamoto.

No. 105 "SENATE RESOLUTION REQUESTING THE SCHOOL READINESS TASK FORCE TO CONDUCT A

STUDY ON THE MANNER IN WHICH FUNDING STREAMS FOR CHILDCARE AND EARLY CHILDHOOD EDUCATION INTERACT AND MAKE RECOMMENDATIONS FOR METHODS OF COORDINATING AND OPTIMIZING FUNDING SOURCES."

Offered by: Senator Kanno.

No. 106 "SENATE RESOLUTION URGING THE POLICE DEPARTMENTS OF THE COUNTIES OF MAUI, KAUAI, HAWAII, THE CITY AND COUNTY OF HONOLULU AND THE DEPARTMENT OF PUBLIC SAFETY, SHERIFFS DIVISION, TO CONDUCT CHECKPOINTS SIMILAR TO THE PROGRAM OF 'CLICK IT OR TICKET', TO BE CALLED 'OPERATION ZERO TOLERANCE' TO CRACK DOWN ON AND DETER UNINSURED MOTORISTS."

Offered by: Senators Tsutsui, Baker, English, Kokubun, Sakamoto, Ige, Kim, Hanabusa.

No. 107 "SENATE RESOLUTION REQUESTING A STUDY ON THE DENIAL OF COVERAGE UNDER THE PREPAID HEALTH CARE ACT."

Offered by: Senator Kanno.

No. 108 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A TASK FORCE TO DEVELOP A DRUG ENDANGERED CHILD PROTECTION PROGRAM."

Offered by: Senators Hanabusa, Aduja, Hooser, English, Baker, Espero, Ihara, Kokubun, Chun Oakland.

No. 109 "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO REMOVE RODNEY PAIGE FROM THE POSITION OF UNITED STATES SECRETARY OF EDUCATION."

Offered by: Senators Hanabusa, English, Aduja, Chun Oakland.

No. 110 "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES SEARCH FOR SURPLUS PROPERTY WITHIN THE STATE SYSTEM THAT COULD BE LEASED TO SUBSTANCE ABUSE TREATMENT PROGRAMS TO ASSIST IN THE TREATMENT OF RECOVERING ADDICTS AND THAT THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES LOOK FOR AVAILABLE FEDERAL MONIES AND OTHER GRANTS TO HELP DEVELOP HOUSING FACILITIES FOR THESE TREATMENT PROGRAMS."

Offered by: Senators Hanabusa, Aduja, English, Sakamoto, Kokubun, Espero, Tsutsui, Baker, Taniguchi, Inouye, Kawamoto, Chun Oakland, Fukunaga, Ihara, Kim, Kanno, Ige.

No. 111 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION."

Offered by: Senators Hanabusa, Aduja, English, Sakamoto, Hooser, Kokubun, Chun Oakland, Ige, Kawamoto, Inouye, Baker, Tsutsui, Ihara, Espero, Taniguchi, Fukunaga.

No. 112 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES, RULES, AND COUNTY ORDINANCES THAT CRIMINALIZE NON-SERIOUS OFFENSES."

Offered by: Senator Hanabusa.

No. 113 "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII'S EFFORTS TO RECRUIT AND RETAIN HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLOR OF THE UNIVERSITY OF HAWAII AT MANOA TO FORM A TASK FORCE TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN HAWAIIAN STUDENTS."

Offered by: Senator Sakamoto.

No. 114 "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II."

Offered by: Senators Aduja, Chun Oakland, English, Slom, Espero, Hemmings, Kim, Fukunaga, Trimble, Kanno, Baker, Tsutsui, Inouye, Kawamoto, Ige, Sakamoto, Kokubun, Hooser.

No. 115 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO POST KNOWN SITES OF ILLEGAL DUMPING ON ITS DEPARTMENTAL WEBSITE FOR PUBLIC HEALTH AND ENVIRONMENTAL PURPOSES."

Offered by: Senators Aduja, Kanno, Tsutsui, Hooser, Sakamoto, Kawamoto.

No. 116 "SENATE RESOLUTION REQUESTING CONSIDERATION OF THE ESTABLISHMENT OF A CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM."

Offered by: Senators Aduja, Kawamoto.

No. 117 "SENATE RESOLUTION URGING THE COUNTIES TO DEVELOP AND IMPLEMENT A RESIDENTIAL CURBSIDE RECYCLING PROGRAM."

Offered by: Senators Aduja, Kawamoto, Baker, Sakamoto.

No. 118 "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF H-POWER TO DETERMINE A LIST OF DEFINING ISSUES."

Offered by: Senator Aduja.

No. 119 "SENATE RESOLUTION REQUESTING THE IMPLEMENTATION OF TRAINING PROGRAMS TO EDUCATE RETAILERS ON PRODUCTS USED TO MANUFACTURE CRYSTAL METHAMPHETAMINE."

Offered by: Senators Aduja, Espero, Menor, Kanno, Ige, Fukunaga, Chun Oakland, Hooser.

No. 120 "SENATE RESOLUTION URGING THE RENAMING OF HEEIA STATE PARK TO LAE 'O KEALOHI STATE PARK."

Offered by: Senators Aduja, Kanno, Kawamoto.

No. 121 "SENATE RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO ADOPT RULES TO SET A TIME LIMIT ON THE STORAGE OF SOLID WASTE, SPECIAL WASTE, AND HAZARDOUS WASTE IN THE STATE BY ANY PERSON."

Offered by: Senators Aduja, Ige, Kanno, Fukunaga.

No. 122 "SENATE RESOLUTION PROPOSING AN INCREASE IN RECYCLING BY STATE AND COUNTY AGENCIES BY REQUESTING THE IMPLEMENTATION OF RECYCLING PROGRAMS AND ANNUAL REPORTS CONCERNING PURCHASE AND USE OF GOODS MADE FROM RECYCLED MATERIALS, THE ESTABLISHMENT OF INCENTIVES TO INCREASE PROCUREMENT OF RECYCLED GOODS, AND THE ADOPTION OF RULES TO INCREASE THE PERCENTAGES OF PREFERENCE FOR PRODUCTS CONTAINING RECYCLED MATERIAL."

Offered by: Senators Aduja, Kanno, Hooser, Kawamoto.

No. 123 "SENATE RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN FOR AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII."

Offered by: Senators Aduja, Espero, Ige, Trimble.

No. 124 "SENATE RESOLUTION REQUESTING THE DIRECTOR OF HEALTH AND THE PUBLIC UTILITIES COMMISSION TO JOINTLY REVIEW S.B. NO. 2305 (2004), REGARDING THE FEASIBILITY OF IMPLEMENTING S.B. NO. 2305 (2004), RELATING TO RECYCLING."

Offered by: Senators Aduja, Ige, Kanno, English, Kawamoto, Sakamoto, Inouye, Chun Oakland, Hooser.

No. 125 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REACTIVATE ITS AMNESTY PROGRAM FOR ONE YEAR IN ORDER TO ALLOW THE OWNERS OF NONCOMMERCIAL RESIDENTIAL PIERS ON KANEHOE BAY TO OBTAIN THE NECESSARY PERMITS."

Offered by: Senators Aduja, Inouye, Ige, Espero, Menor, Kanno, Tsutsui, Sakamoto, Chun Oakland, Hooser.

No. 126 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO RESEARCH AND DEVELOP A COMPREHENSIVE FLOOD ABATEMENT MANAGEMENT PLAN TO PREVENT THE HEEIA STREAM FROM OVERFLOWING

AND CAUSING DAMAGE TO THE SURROUNDING AREA.”

Offered by: Senators Aduja, Kanno, Hooser, Kawamoto.

STANDING COMMITTEE REPORTS

Senators Kim and Hanabusa, for the Committee on Tourism and the Committee on Judiciary and Hawaiian Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2924) recommending that H.B. No. 2608, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2608, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the majority of the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2925) recommending that H.B. No. 2781, H.D. 2, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2781, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES,” passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs with Senator Ihara voting “No.”

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2926) recommending that H.B. No. 1786, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 1786, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2927) recommending that H.B. No. 1919, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1919, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2928) recommending that H.B. No. 2446 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2446, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING INCREASES,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2929) recommending that H.B. No. 2466 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2466, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS’ COMPENSATION PROGRAM,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2930) recommending that H.B. No. 2467, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2467, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SALARIES,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2931) recommending that H.B. No. 2579, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2579, H.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2932) recommending that H.B. No. 2580 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2580, entitled: “A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2933) recommending that H.B. No. 2581, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2581, H.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2934) recommending that H.B. No. 2582 pass Second Reading and be referred to the Committee on Ways and Means.

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

and H.B. No. 2582, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2935) recommending that H.B. No. 2583 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2583, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2936) recommending that H.B. No. 2584, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2584, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2937) recommending that H.B. No. 2659, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2659, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2938) recommending that H.B. No. 2294 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2294, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ADMINISTRATIVE COSTS IN TRAFFIC CASES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2939) recommending that H.B. No. 2301, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2301, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2940) recommending that H.B. No. 2803, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2803, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG ENFORCEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2941) recommending that H.B. No. 2976, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2976, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED STRATEGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2942) recommending that H.B. No. 1875, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1875, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TEXTBOOKS FOR PUBLIC SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2943) recommending that H.B. No. 1907, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 1907, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2944) recommending that H.B. No. 1926 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1926, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2945) recommending that H.B. No. 2273 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2273, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2946) recommending

that H.B. No. 2645, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2645, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2947) recommending that H.B. No. 2815 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2815, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2948) recommending that H.B. No. 1818, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1818, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2949) recommending that H.B. No. 2064 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2064, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2950) recommending that H.B. No. 2363, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2363, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2951), recommending that S.C.R. No. 47 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and S.C.R. No. 47, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO ESTABLISH A NEW DEPARTMENT OF

AGING AND LONG-TERM CARE," was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2952) recommending that H.B. No. 1991, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1991, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2953) recommending that H.B. No. 2170, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2170, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2954) recommending that H.B. No. 2472, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2472, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2955) recommending that H.B. No. 2539, H.D. 2, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2539, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2956) recommending that H.B. No. 2798, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2798, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2957) recommending that H.B.

No. 680, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 680, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2958) recommending that H.B. No. 1770, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1770, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2959) recommending that H.B. No. 1806, H.D. 2, pass Second Reading and be referred to the Committee on Water, Land, and Agriculture.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1806, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY INSTALLATIONS," passed Second Reading and was referred to the Committee on Water, Land, and Agriculture.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2960) recommending that H.B. No. 1904, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1904, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2961) recommending that H.B. No. 2290, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2290, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2962) recommending that H.B. No. 2354 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2354, entitled: "A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION TO RISK MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2963) recommending that H.B. No. 2444, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2444, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MILITIA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2964) recommending that H.B. No. 2523, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2523, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2965) recommending that H.B. No. 2630, H.D. 2, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2630, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2966) recommending that H.B. No. 2956, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2956, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MASS TRANSIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2967) recommending that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

WINNIFRED AOKI, in accordance with Gov. Msg. No. 284;

SIGNE A. GODFREY, in accordance with Gov. Msg. No. 285;

MALCOLM T. KOGA, in accordance with Gov. Msg. No. 286; and

LORNA L.U. OTA, in accordance with Gov. Msg. No. 287.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2967 and Gov. Msg. Nos. 284, 285, 286 and 287 was deferred until Thursday, March 25, 2004.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2968) recommending that S.C.R. No. 45, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2968 and S.C.R. No. 45, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A ONE YEAR EXTENSION OF THE STATEWIDE INTERAGENCY TASK FORCE TO CONTINUE TO DEVELOP A PLAN FOR COORDINATION AND EXPANSION OF SERVICES PROVIDED THROUGH HEALTHY START TO YOUNG CHILDREN AND THEIR FAMILIES," was deferred until Thursday, March 25, 2004.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2877 (Gov. Msg. Nos. 187, 188, 189, 190, 191, 192, 193, 194, 195 and 196):

Senator Baker moved that Stand. Com. Rep. No. 2877 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:

MARGARET M. BAXTER, term to expire June 30, 2007 (Gov. Msg. No. 187);

DAVID F. FRAY, terms to expire June 30, 2004, and June 30, 2008 (Gov. Msg. Nos. 188 and 189);

PAUL K. HIGA, term to expire June 30, 2007 (Gov. Msg. No. 190);

JOHN L. NOLAND, term to expire June 30, 2007 (Gov. Msg. No. 191);

DEBORAH J. RIVERS, term to expire June 30, 2007 (Gov. Msg. No. 192);

HELEN SMALLEY-BOWER, term to expire June 30, 2007 (Gov. Msg. No. 193);

CHARLENE N. TARR, term to expire June 30, 2007 (Gov. Msg. No. 194);

PAUL S. VARGAS JR., term to expire June 30, 2007 (Gov. Msg. No. 195); and

JONNA ZANE PHD, term to expire June 30, 2007 (Gov. Msg. No. 196),

seconded by Senator Chun Oakland.

Senator Hemmings rose in support of the all the nominees as follows:

"Mr. President, on behalf of your Senate Minority, we'd like to recognize all the nominees this morning who have stepped forth from their private lives to donate their talents to public service. There's a broad array of boards and commissions that

are being advised and consented on today – everything from contractor's licensing, credit union, dental examiners, electrical, plumbers, nursing, mental health, developmental disability, drug abuse, pest control – no reference to any political party there – paroling authority, and others, and all these individuals have gone through the committee advice and consent process. But more importantly, they are giving of themselves for the betterment of this state, and for this, I hope the Majority Party joins us in thanking them profusely for their service to the state."

Senator Baker rose in support of the nominees and said:

"Mr. President, I rise in support of various governor's messages that we are recommending advise and consent from the Health Committee.

"I would just like to note for all of my colleagues that these individuals came forward to the Committee and indicated their willingness to serve. They are well qualified for the positions. Some are re-appointments. These boards and commissions that these individuals are serving make important recommendations that are vital to the workings of the Department of Health, particularly the developmental disabilities and the mental health areas. These folks do give of their time, their talents, and their energy, and we certainly appreciate their willingness to help be part of the citizen input in our government.

"Thank you."

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

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

Stand. Com. Rep. No. 2878 (Gov. Msg. No. 197):

Senator Baker moved that Stand. Com. Rep. No. 2878 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 WILLIAM K. KOKI II to the Disability and Communication Access Board, term to expire June 30, 2005, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 2879 (Gov. Msg. No. 198):

Senator Baker moved that Stand. Com. Rep. No. 2879 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 GARY L. BLAICH MD to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 2880 (Gov. Msg. No. 199):

Senator Baker moved that Stand. Com. Rep. No. 2880 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 RONALD T. TANIGUCHI to the Drug Product Selection Board, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 2881 (Gov. Msg. Nos. 267, 268, 269, 270, 271, 272 and 273):

Senator Baker moved that Stand. Com. Rep. No. 2881 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 Mental Health of the following:

BARBARA ARASHIRO, term to expire June 30, 2007 (Gov. Msg. No. 267);

GARY L. BLAICH MD, term to expire June 30, 2004 (Gov. Msg. No. 268);

WILLIAM S. BUD BOWLES, term to expire June 30, 2007 (Gov. Msg. No. 269);

SHELLY H. OGATA, term to expire June 30, 2007 (Gov. Msg. No. 270);

HALIMAH SHABAZZ, term to expire June 30, 2007 (Gov. Msg. No. 271);

POE POE SUAAVA III, term to expire June 30, 2007 (Gov. Msg. No. 272); and

WAYNE SUNAHARA, term to expire June 30, 2004 (Gov. Msg. No. 273),

seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 2882 (Gov. Msg. Nos. 275, 276, 320, 321, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332 and 364):

Senator Sakamoto moved that Stand. Com. Rep. No. 2882 be received and placed on file, seconded by Senator Hooser and carried.

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

CATHERINE A. ADAMS RN, MSN, term to expire June 30, 2006 (Gov. Msg. No. 275);

PATTY P. CABANA, term to expire June 30, 2007 (Gov. Msg. No. 276);

AGNES P. CADIZ, terms to expire June 30, 2004, and June 30, 2008 (Gov. Msg. Nos. 320 and 321);

SALLY T. ISHIKAWA, term to expire June 30, 2006 (Gov. Msg. No. 323);

JANE K. KADOHIRO DRPH, APRN, term to expire June 30, 2005 (Gov. Msg. No. 324);

BARBARA P. MATHEWS RN, MSN, CNAA, term to expire June 30, 2005 (Gov. Msg. No. 325);

PENNYLYNN A. ONTAI, term to expire June 30, 2007 (Gov. Msg. No. 326);

ROSE ANN POYZER RN, BSN, terms to expire June 30, 2004, and June 30, 2008 (Gov. Msg. Nos. 327 and 328);

ANA MARIA SILVA RN, CAN, BC, term to expire June 30, 2005 (Gov. Msg. No. 329);

CHEN-YEN WANG PHD, term to expire June 30, 2007 (Gov. Msg. No. 330);

JOAN PRINDIVILLE WHITE, term to expire June 30, 2005 (Gov. Msg. No. 331);

AMY E. YASUNAGA RN, MSN, PHDC, term to expire June 30, 2006 (Gov. Msg. No. 332); and

CLEMENTINA D. CERIA PHD, MS, RN, term to expire June 30, 2006 (Gov. Msg. No. 364),

seconded by Senator Hooser.

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

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

Stand. Com. Rep. No. 2883 (Gov. Msg. No. 169):

Senator Menor moved that Stand. Com. Rep. No. 2883 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of RIKE WEISS to the Board of Acupuncture, term to expire June 30, 2005, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2884 (Gov. Msg. No. 171):

Senator Menor moved that Stand. Com. Rep. No. 2884 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of CHRISTOBAL J. QUINTANA to the State Board of Barbering and Cosmetology, term to expire June 30, 2007, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2885 (Gov. Msg. Nos. 172 and 173):

Senator Menor moved that Stand. Com. Rep. No. 2885 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 Board of Chiropractic Examiners of the following:

FRANCIS G. BREWER DC, CICE, term to expire June 30, 2007 (Gov. Msg. No. 172); and

FLORENTINA J. JOHNASSEN, term to expire June 30, 2006 (Gov. Msg. No. 173),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2886 (Gov. Msg. Nos. 177, 178 and 179):

Senator Menor moved that Stand. Com. Rep. No. 2886 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 Contractors License Board of the following:

F.M. SCOTTY ANDERSON, term to expire June 30, 2007 (Gov. Msg. No. 177);

ERIC CARSON, term to expire June 30, 2007 (Gov. Msg. No. 178); and

RONALD K. OSHIRO, term to expire June 30, 2007 (Gov. Msg. No. 179),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2887 (Gov. Msg. No. 181):

Senator Menor moved that Stand. Com. Rep. No. 2887 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of SHARLENE E. SUGANUMA to the Credit Union Advisory Board, term to expire June 30, 2007, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2888 (Gov. Msg. No. 186):

Senator Menor moved that Stand. Com. Rep. No. 2888 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of STANWOOD H. KANNA DDS to the Board of Dental Examiners, term to expire June 30, 2007, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2889 (Gov. Msg. Nos. 206, 207 and 208):

Senator Menor moved that Stand. Com. Rep. No. 2889 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 Electricians and Plumbers of the following:

NORMAN N. AHU, term to expire June 30, 2007 (Gov. Msg. No. 206);

TYRUS KAGAWA, term to expire June 30, 2007 (Gov. Msg. No. 207); and

ORLANDO L. MATIAS, term to expire June 30, 2007 (Gov. Msg. No. 208),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2890 (Gov. Msg. Nos. 277, 342, 343 and 344):

Senator Menor moved that Stand. Com. Rep. No. 2890 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 Physical Therapy of the following:

JULIE TILSON PT, DPT, NCS, term to expire June 30, 2007 (Gov. Msg. No. 277);

GWEN T. CHINN, term to expire June 30, 2007 (Gov. Msg. No. 342);

GILBERT PERRY HAGER MD, term to expire June 30, 2006 (Gov. Msg. No. 343); and

JAMES K. HEWSON, term to expire June 30, 2007 (Gov. Msg. No. 344),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2891 (Gov. Msg. Nos. 336, 337, 338 and 339):

Senator Menor moved that Stand. Com. Rep. No. 2891 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 Pest Control Board of the following:

CARLTON L. AGENA RME, term to expire June 30, 2007 (Gov. Msg. No. 336);

MICHAEL MCINERNEY, terms to expire June 30, 2004, and June 30, 2008 (Gov. Msg. Nos. 337 and 339); and

ERIC M. HIGASHIHARA, term to expire June 30, 2007 (Gov. Msg. No. 338),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2892 (Gov. Msg. Nos. 157, 158, 159 and 160):

Senator Hanabusa moved that Stand. Com. Rep. No. 2892 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Hawai'i Paroling Authority of the following:

DANE K. ODA, term to expire June 30, 2006 (Gov. Msg. No. 157);

EDWARD M. SLAVISH, term to expire June 30, 2007 (Gov. Msg. No. 158); and

ALBERT TUFONO, terms to expire June 30, 2004, and June 30, 2008 (Gov. Msg. Nos. 159 and 160),

seconded by Senator Chun Oakland.

Senator Hogue rose in support of the nominees and said:

"Mr. President, on behalf of three of the nominees who are sitting up here in the audience, I just wanted to stand up and speak on their behalf in support. This is Gov. Msg. Nos. 157, 158, 159, and 160. These are the confirmation of Hawaii Paroling Authority nominees Dane Oda, Ed Slavish, and Albert Tufono. They all came before our Judiciary Committee and they were all tremendous nominees. They have shown compassion, intelligence, hard work ethic, and, above all, integrity. They should all serve Hawaii well.

"So Mr. President, I encourage all of my colleagues to advise and consent here on these judicial nominees. Thank you."

Senator Hanabusa rose in support of the nominees and said:

"Mr. President, I'd also like to encourage yourself and my colleagues to vote in favor of all of the nominees we have before you for the Judiciary Committee. But I would like to also speak specifically on Gov. Msg. No. 157, Mr. Dane Oda;

Gov. Msg. No. 158, Edward Slavish; and Gov. Msg. Nos. 159 and 160, which is Albert Tufono.

"Mr. President, the reason I feel compelled to say a few words about these gentlemen is because they've been on the job for the past eight months with the paroling authority. Mr. President, their statistics are that they've already heard 733 minimum sentencing hearings; 1,450 parole or parole violation hearings; 108 reductions in minimum sentencing, and in addition have made 82 recommendations for pardons.

"Mr. President, two of the gentlemen are part-timers only, and only Mr. Tufono is a fulltimer. I see Tommy Johnson up there and I guess he would not be pleased if I didn't try to plug the fact that they want to be fulltimers and they're all saying they are more than willing to serve. The amount of work that they've gotten done is just amazing and I believe that they should have our support, even if Mr. Tufono went to Iolani. I told him I would not hold it against him. (Laughter.) He went to Iolani, but that's okay, Mr. President.

"So, with that, Mr. President, I hope that you, along with my colleagues, join in advising and consenting to these nominees. Thank you."

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

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

Stand. Com. Rep. No. 2893 (Gov. Msg. Nos. 174, 175 and 176):

Senator Hanabusa moved that Stand. Com. Rep. No. 2893 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Civil Rights Commission of the following:

CORAL WONG PIETSCH, term to expire June 30, 2007 (Gov. Msg. No. 174);

ROGER DANIEL RIZZO, term to expire June 30, 2005 (Gov. Msg. No. 175); and

LISA ANN S.L. WONG, term to expire June 30, 2007 (Gov. Msg. No. 176),

seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 2894 (Gov. Msg. Nos. 182 and 183):

Senator Hanabusa moved that Stand. Com. Rep. No. 2894 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Crime Victim Compensation Commission of the following:

LISA A. DUNN, term to expire June 30, 2007 (Gov. Msg. No. 182); and

REBECCA S. WARD, term to expire June 30, 2005 (Gov. Msg. No. 183),

seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 2895 (Gov. Msg. No. 184):

Senator Hanabusa moved that Stand. Com. Rep. No. 2895 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of ALFRED B. CASTILLO JR to the Defender Council, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 2896 (Gov. Msg. Nos. 302 and 310):

Senator Hanabusa moved that Stand. Com. Rep. No. 2896 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Commission on the Status of Women of the following:

SHEILA LEAS, term to expire June 30, 2007 (Gov. Msg. No. 302); and

SUSAN M. PIRSCH, term to expire June 30, 2007 (Gov. Msg. No. 310),

seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 2897 (Gov. Msg. Nos. 249 and 250):

Senator Chun Oakland moved that Stand. Com. Rep. No. 2897 be received and placed on file, seconded by Senator Inouye and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Statewide Council on Independent Living of the following:

KIMBERLY M. SHIRAISHI, term to expire June 30, 2006 (Gov. Msg. No. 249); and

JOHN W. STONE, term to expire June 30, 2006 (Gov. Msg. No. 250),

seconded by Senator Inouye.

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

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

Stand. Com. Rep. No. 2898 (Gov. Msg. Nos. 161 and 162):

Senator Fukunaga moved that Stand. Com. Rep. No. 2898 be received and placed on file, seconded by Senator Aduja and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of KEVIN H.M. CHONG KEE to the Stadium Authority, terms to expire June 30, 2004, and 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, 24. Noes, none. Excused, 1 (Tsutsui).

Stand. Com. Rep. No. 2899 (Gov. Msg. Nos. 288, 289, 290, 291 and 292):

Senator Fukunaga moved that Stand. Com. Rep. No. 2899 be received and placed on file, seconded by Senator Aduja and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Small Business Regulatory Review Board of the following:

JEANETTE OTSUKA CHANG, term to expire June 30, 2005 (Gov. Msg. No. 288);

JOYCE M. EDWARDS, term to expire June 30, 2005 (Gov. Msg. No. 289);

DORVIN D. LEIS, term to expire June 30, 2004 (Gov. Msg. No. 290);

EDWARD MACDOWELL, term to expire June 30, 2005 (Gov. Msg. No. 291); and

BRIAN K. ZINN, term to expire June 30, 2006 (Gov. Msg. No. 292),

seconded by Senator Aduja.

Senator Slom rose in support of the nominees and said:

"Mr. President, I want to echo the words of the Minority Leader and also to single out for additional recognition those nominees to the Small Business Regulatory Review Board. It was a long process in getting this legislation passed, to get it implemented, to make it important.

"I would like to single out Jeanette Otsuka Chang from Kauai, Joyce Edwards, Dorvin Leis, Edward MacDowell, and Brian Zinn for their willingness to help the small business communities.

"Thank you, Mr. President."

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

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

Stand. Com. Rep. No. 2900 (Gov. Msg. No. 297):

Senator Fukunaga moved that Stand. Com. Rep. No. 2900 be received and placed on file, seconded by Senator Aduja and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of BRENDA K.H. CHING to the Hawai'i Television and Film Development Board, term to expire June 30, 2007, seconded by Senator Aduja.

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

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

Stand. Com. Rep. No. 2915 (Gov. Msg. Nos. 210, 211 and 212):

Senator Menor moved that Stand. Com. Rep. No. 2915 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 Elevator Mechanics Licensing Board of the following:

CLIFFORD R. SMITH, term to expire June 30, 2007 (Gov. Msg. No. 210); and

JUNE J. TAKANO, terms to expire June 30, 2004, and June 30, 2008 (Gov. Msg. Nos. 211 and 212),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2916 (Gov. Msg. No. 274):

Senator Menor moved that Stand. Com. Rep. No. 2916 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JERRY W. JORDAN to the Motor Vehicle Industry Licensing Board, term to expire June 30, 2007, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 2917 (Gov. Msg. No. 248):

Senator Menor moved that Stand. Com. Rep. No. 2917 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of KAY T. YAMADA to the Board of Directors of the Hawai'i Hurricane Relief Fund, term to expire June 30, 2007, seconded by Senator Baker.

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

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

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM TUESDAY, MARCH 23, 2004

Stand. Com. Rep. No. 2918 (S.C.R. No. 17):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 17, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO INCREASE FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH," was adopted.

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
No. 1937, H.D. 2	Committee on Transportation, Military Affairs, and Government Operations
No. 2143, H.D. 2	Committee on Commerce, Consumer Protection and Housing
No. 2426	Committee on Commerce, Consumer Protection and Housing

ADJOURNMENT

At 12:41 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 25, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

THIRTY-SEVENTH DAY

Thursday, March 25, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Marla Wade, Living Streams Christian Fellowship, after which the Roll was called showing all Senators present with the exception of Senators Aduja, Kim and Trimble who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 414 to 422) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 414, dated February 27, 2004, transmitting the Spouse and Child Abuse Special Account Annual Report for Fiscal Year Ending June 30, 2003, prepared by the Department of Human Services, Social Services Division, pursuant to Section 346-7.5, HRS, was placed on file.

Gov. Msg. No. 415, dated March 1, 2004, transmitting a Report on Review of the Provision of Mental Health Services for Medicaid and Quest Participants, prepared by the Department of Human Services pursuant to H.C.R. No. 203 (2003), was placed on file.

Gov. Msg. No. 416, dated March 1, 2003, transmitting a report prepared by the Department of Human Services, Social Services Division, pursuant to Act 98, SLH 2003, regarding the cost-effectiveness and administration of the certification process of community care foster family homes, and the possibility of integrating or consolidating the classification of such homes with adult residential care homes, was placed on file.

Gov. Msg. No. 417, dated March 1, 2003, transmitting a Report Relating to the State Budget on the Funding Provided to the Child Welfare Services Branch for Multi-Agency Case Coordinators and Case Support Aides, prepared by the Department of Human Services, Social Services Division, pursuant to Act 200, Section 31, SLH 2003, was placed on file.

Gov. Msg. No. 418, dated March 4, 2003, transmitting a Report Regarding Federal Funds for Child Welfare Services, prepared by the Department of Human Services, Social Services Division, pursuant to Act 200, Sections 32, 33 and 34, SLH 2003, was placed on file.

Gov. Msg. No. 419, dated March 17, 2004, transmitting a Report on the General Fund Appropriation for Adult and Community Care Services, prepared by the Department of Human Services, Social Services Division, pursuant to Act 200, Sections 35 and 37, SLH 2003, was placed on file.

Gov. Msg. No. 420, dated March 17, 2004, transmitting a Report on Prescription Drugs for Fee-for-Service Clients Including Mental Health Treatment, prepared by the Department of Human Services, Social Services Division, pursuant to Act 200, Section 36, SLH 2003, was placed on file.

Gov. Msg. No. 421, submitting for consideration and consent, the nomination of BERT I. AYABE to the office of Judge, 21st Division, Circuit Court of the First Circuit, in

accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 422, submitting for consideration and consent, the nomination of ALEXA D.M. FUJISE to the office of Associate Judge, Intermediate Court of Appeals, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary.

STANDING COMMITTEE REPORTS

Senators Hanabusa and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2969) recommending that H.B. No. 267, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 267, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Hanabusa and Sakamoto, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2970) recommending that H.B. No. 1335, H.D. 3, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 1335, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2971) recommending that H.B. No. 2297, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2297, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP AND PROTECTIVE PROCEEDINGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2972) recommending that H.B. No. 2186, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2186, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FILIPINO CENTENNIAL CELEBRATION COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kim and Fukunaga, for the Committee on Tourism and the Committee on Economic Development, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2973) recommending that H.B. No. 2809, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2809, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOTEL PROJECT TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2974) recommending that H.B. No. 2093, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2093, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL PROFESSIONAL LICENSING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2975) recommending that H.B. No. 2098, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2098, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2976) recommending that H.B. No. 2109, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2109, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2977) recommending that H.B. No. 2981, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2981, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2978) recommending that H.B. No. 1848, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1848, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2979) recommending that H.B. No. 2716 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2716, entitled: "A BILL FOR AN ACT RELATING TO THE SOUTH KONA WILDERNESS AREA," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2980) recommending that H.B. No. 2849, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2849, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ORGANIC AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2981) recommending that H.B. No. 2569, H.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2569, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NIIHAU SHELL PRODUCTS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2982) recommending that H.B. No. 1898, H.D. 1, pass Second Reading and be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1898, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY FOR YOUTH MONTH," passed Second Reading and was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2983) recommending that H.B. No. 2023, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2023, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE APPEALS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2984) recommending that H.B. No. 2814, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2814, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2985) recommending that H.B. No. 2844, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2844, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Menor and Ige, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2986) recommending that H.B. No. 2137, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2137, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Menor and Ige, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2987) recommending that H.B. No. 2172, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2172, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2988) recommending that H.B. No. 2786, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2786, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2989)

recommending that H.B. No. 1756, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1756, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2990) recommending that H.B. No. 1796, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1796, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 2991) recommending that H.B. No. 2739, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2739, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2992) recommending that H.B. No. 2788, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2788, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2993) recommending that H.B. No. 1856, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1856, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Labor, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2994) recommending that H.B. No. 1924, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1924, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Ige, for the Committee on Economic Development and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2995) recommending that H.B. No. 2191, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2191, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto, Kanno and Hanabusa, for the Committee on Education, the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2996) recommending that H.B. No. 2667, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2667, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE MEDIUM EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga, Inouye and Ige, for the Committee on Economic Development, the Committee on Water, Land, and Agriculture and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2997) recommending that H.B. No. 2840, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2840, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2998) recommending that H.B. No. 1743, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water, Land, and Agriculture.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1743, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," passed Second Reading and was referred to the Committee on Water, Land, and Agriculture.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2999) recommending that H.B. No. 2223, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

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

and H.B. No. 2223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Fukunaga and Menor, for the Committee on Economic Development and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3000) recommending that H.B. No. 2961, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2961, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3001) recommending that H.B. No. 1590, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1590, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS' RIGHTS AND BENEFITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3002) recommending that H.B. No. 1765, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1765, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT BOARDS, COMMISSIONS, AND AGENCIES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Kawamoto and Sakamoto, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3003) recommending that H.B. No. 1908, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 1908, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3004) recommending that H.B. No. 1987, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1987, H.D. 1, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3005) recommending that H.B. No. 2181, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2181, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING FINANCING PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Hanabusa, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3006) recommending that H.B. No. 2250, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2250, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Kim, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism, presented a joint report (Stand. Com. Rep. No. 3007) recommending that H.B. No. 2291, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2291, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Fukunaga, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3008) recommending that H.B. No. 2321, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2321, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Fukunaga, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3009) recommending that H.B. No. 2662, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2662, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3010) recommending that H.B. No. 2883, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2883, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3011) recommending that H.B. No. 1727, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1727, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3012) recommending that H.B. No. 1769, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 1769, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT CONTRACTS FOR BROADCAST INDUSTRY EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3013) recommending that H.B. No. 1774, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1774, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Sakamoto, for the Committee on Labor and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3014) recommending that H.B. No. 1780, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 1780, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed

Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3015) recommending that H.B. No. 1792, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 1792, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3016) recommending that H.B. No. 2092, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2092, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3017) recommending that H.B. No. 2215, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2215, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3018) recommending that H.B. No. 2703, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2703, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Menor, for the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3019) recommending that H.B. No. 1839, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 1839, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAIN PATIENT'S BILL OF RIGHTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3020) recommending

that H.B. No. 1710, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1710, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3021) recommending that H.B. No. 1747, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1747, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY PROJECTS AND PURPOSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3022) recommending that H.B. No. 1893, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1893, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3023) recommending that H.B. No. 1928, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1928, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3024) recommending that H.B. No. 1929, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1929, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3025) recommending that H.B. No. 2286, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2286, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3026) recommending that H.B. No. 2547, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2547, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3027) recommending that H.B. No. 2911, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2911, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3028) recommending that H.B. No. 1634, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1634, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3029) recommending that H.B. No. 1944, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1944, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3030) recommending that H.B. No. 2048, H.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2048, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3031) recommending that H.B. No. 2142, H.D. 2, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2142, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS PRACTICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3032) recommending that H.B. No. 2969, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2969, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3033) recommending that H.B. No. 2974, H.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2974, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Fukunaga and Kawamoto, for the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3034) recommending that H.B. No. 2661, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2661, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Hanabusa, for the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3035) recommending that H.B. No. 2025, H.D. 3, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2025, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EQUAL PAY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3036) recommending that H.B. No. 2013, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2013, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO POLYBROMINATED DIPHENYL ETHERS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3037) recommending that H.B. No. 2578, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2578, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3038) recommending that H.B. No. 432, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 432, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STREAM EROSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3039) recommending that H.B. No. 1560, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 1560, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF VESSELS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3040) recommending that H.B. No. 1793, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1793, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3041) recommending that H.B. No. 1946, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1946, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEACH RESTORATION AND PROTECTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3042) recommending that H.B. No. 2322, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2322, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3043) recommending that H.B. No. 2439 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2439, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE SIRENS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3044) recommending that H.B. No. 2493, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2493, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3045) recommending that H.B. No. 2528, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2528, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION LAND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3046) recommending that H.B. No. 2722, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2722, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI WATERSHED IMPROVEMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations,

presented a joint report (Stand. Com. Rep. No. 3047) recommending that H.B. No. 2792, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2792, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE ROADS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Inouye and Kim, for the Committee on Water, Land, and Agriculture and the Committee on Tourism, presented a joint report (Stand. Com. Rep. No. 3048) recommending that H.B. No. 2859, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2859, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN INTERNATIONAL EQUESTRIAN FACILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3049) recommending that H.B. No. 2964, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2964, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE INSPECTIONS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3050) recommending that H.B. No. 1778, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 1778, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Ige and Fukunaga, for the Committee on Science, Arts, and Technology and the Committee on Economic Development, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3051) recommending that H.B. No. 2396, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2396, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the majority of the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3052) recommending that H.B. No. 2458, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2458, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3053) recommending that H.B. No. 2796, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2796, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3054) recommending that H.B. No. 1374, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1374, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Fukunaga and Ige, for the Committee on Economic Development and the Committee on Science, Arts, and Technology, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3055) recommending that H.B. No. 2611, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2611, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3056) recommending that H.B. No. 2206, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2206, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 2004.

Senators Hanabusa and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3057) recommending that H.B. No. 2251 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2251, entitled: "A BILL FOR AN ACT

RELATING TO CHAPTER 291E," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3058) recommending that H.B. No. 2280, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2280, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3059) recommending that H.B. No. 2337, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2337, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAME CHANGES," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 29, 2004.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3060), recommending that S.C.R. No. 43, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 43, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH ESTABLISH A VIOLENCE PREVENTION UNIT THAT INCLUDES SEXUAL ASSAULT, TO PROVIDE SAFETY FOR VICTIMS OF SEXUAL ASSAULT, PROMOTE EFFECTIVE INTERVENTION, AND REDUCE THE INCIDENCE OF SEXUAL ASSAULT," was referred to the Committee on Ways and Means.

Senators Fukunaga and Kawamoto, for the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3061) recommending that S.R. No. 18 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3061 and S.R. No. 18, entitled: "SENATE RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA," was deferred until Monday, March 29, 2004.

Senators Fukunaga and Kawamoto, for the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3062) recommending that S.C.R. No. 30 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3062 and S.C.R. No. 30, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP

COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA," was deferred until Monday, March 29, 2004.

Senators Baker and Menor, for the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3063) recommending that S.C.R. No. 37 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3063 and S.C.R. No. 37, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR COGNITIVE REHABILITATION," was deferred until Monday, March 29, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3064) recommending that the Senate advise and consent to the nomination of TIMMY L. ALBAO to the Credit Union Advisory Board, in accordance with Gov. Msg. No. 180.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3064 and Gov. Msg. No. 180 was deferred until Monday, March 29, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3065) recommending that the Senate advise and consent to the nomination of JAMES P. CHUNG to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 209.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3065 and Gov. Msg. No. 209 was deferred until Monday, March 29, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3066) recommending that the Senate advise and consent to the nominations to the Board of Examiners in Optometry of the following:

FRANKLIN Y.P. LAU OD, in accordance with Gov. Msg. No. 333;

JERE HU ENG LOO OD, in accordance with Gov. Msg. No. 334; and

ERNEST K. OSHIRO OD, in accordance with Gov. Msg. No. 335.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3066 and Gov. Msg. Nos. 333, 334 and 335 was deferred until Monday, March 29, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3067) recommending that the Senate consent to the nomination of SIMONE C. POLAK to the office of Judge, District Court of the Second Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 3.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3067 and Jud. Com. No. 3 was deferred until Monday, March 29, 2004.

ORDER OF THE DAY**HOUSE COMMUNICATIONS****MATTERS DEFERRED FROM
WEDNESDAY, MARCH 24, 2004**

H.C.R. No. 21, H.D. 1 (Hse. Com. No. 291):

By unanimous consent, action on H.C.R. No. 21, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA," was deferred until Monday, March 29, 2004.

H.C.R. No. 23 (Hse. Com. No. 292):

By unanimous consent, action on H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was deferred until Monday, March 29, 2004.

THIRD READING

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

Senator Hanabusa moved that H.B. No. 1828, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Slom rose in opposition to the measure and said:

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

"First of all, I think that the bill is going to be very difficult to enforce. Secondly, I think that of all the subject matter that we have and the issues before us, that this area really is of lesser importance. Thirdly, I'm concerned that the bill, even though it's been amended, will only apply within the boundaries of the downtown Honolulu area, thus exempting Waikiki and other areas.

"But I guess, more importantly, I'm concerned where it says about defecating in public places, because I'm afraid that the Legislature has been guilty of defecating on the State Constitution for many years now, and I don't want to find us in contempt. So, I'll be voting against it.

"Thank you, Mr. President."

The motion was put by the Chair and carried, H.B. No. 1828, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 1 (Slom). Excused, 6 (Aduja, Ige, Kim, Menor, Sakamoto, Trimble).

H.B. No. 2024, H.D. 1:

Senator Hanabusa moved that H.B. No. 2024, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

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

"Let me make it perfectly clear – I am absolutely opposed to violence and threats of violence from one person to another, and particularly with the use of a firearm or any other weapon. But I am also unalterably in support of the second amendment, and I find this bill yet another method of chipping away at law-abiding individuals who have firearms ownership.

"The problem here is that the bill seeks to address a problem which, by my reading, is already covered by existing federal statute. But in addition to that, it seeks to address a situation where there's a temporary restraining order issued in the case of spousal abuse. I think we can all agree on that. We can all support that. But the bill goes further. The bill is broad and vague and applies to any, any TRO for any purpose and bars the transfer of any firearms to any law-abiding person who may be outside of the ring of even the alleged TRO.

"Those of us that are aware of TROs can talk about their impact on spousal abuse or on violence, but we also know that individuals get TROs against other people for a variety of reasons, and oftentimes they stay in effect for a matter of years, thus denying a person not only their constitutional rights, but also the right of private property.

"So, while I support the intent of the bill to make sure that anyone that is involved in a violent situation gets the highest punishment and penalty, I think that we have other means of doing that and I don't believe that this bill passes that muster.

"Thank you."

The motion was put by the Chair and carried, H.B. No. 2024, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF OWNERSHIP OF FIREARMS AND AMMUNITION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 3 (Hogue, Slom, Whalen). Excused, 5 (Aduja, Ige, Kim, Sakamoto, Trimble).

H.B. No. 2298, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2298, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISQUALIFICATION OF JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aduja, Ige, Kim, Sakamoto, Trimble).

H.B. No. 2299, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2299, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE COURT COSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aduja, Ige, Kim, Sakamoto, Trimble).

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

Senator Tsutsui moved that H.B. No. 2863, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Espero.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Hanabusa rose on a point of clarification as follows:

"Mr. President, this is more of a point of clarification, if I may.

"There has been a question raised about the committee report, in particular the third paragraph. Just so that there's no confusion, Mr. President and members, what that paragraph is referring to is the fact that the Tourism Committee heard a proposed S.D. 1, which was posted and made available to the public prior to the hearing.

"Thank you very much."

The motion was put by the Chair and carried, H.B. No. 2863, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Aduja, Kim, Trimble, Whalen).

ADVISE AND CONSENT

Stand. Com. Rep. No. 2967 (Gov. Msg. Nos. 284, 285, 286 and 287):

Senator Chun Oakland moved that Stand. Com. Rep. No. 2967 be received and placed on file, seconded by Senator Inouye and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

WINNIFRED AOKI, term to expire June 30, 2007 (Gov. Msg. No. 284);

SIGNE A. GODFREY, term to expire June 30, 2007 (Gov. Msg. No. 285);

MALCOLM T. KOGA, term to expire June 30, 2006 (Gov. Msg. No. 286); and

LORNA L.U. OTA, term to expire June 30, 2006 (Gov. Msg. No. 287),

seconded by Senator Inouye.

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

Ayes, 21. Noes, none. Excused, 4 (Aduja, Kim, Trimble, Whalen).

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM WEDNESDAY, MARCH 24, 2004

Stand. Com. Rep. No. 2968 (S.C.R. No. 45, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 45, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A ONE YEAR EXTENSION OF THE STATEWIDE INTERAGENCY TASK FORCE TO CONTINUE TO DEVELOP A PLAN FOR COORDINATION AND EXPANSION OF SERVICES PROVIDED THROUGH HEALTHY START TO YOUNG CHILDREN AND THEIR FAMILIES," was adopted.

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, March 23, 2004:

Senate Concurrent Resolution	Referred to:
No. 74	Jointly to the Committee on Education and the Committee on Economic Development
No. 75	Jointly to the Committee on Health, the Committee on Human Services and the Committee on Education
No. 76	Committee on Health
No. 77	Committee on Health
No. 78	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health
No. 79	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
No. 80	Jointly to the Committee on Education and the Committee on Health
No. 81	Jointly to the Committee on Human Services and the Committee on Economic Development
No. 82	Jointly to the Committee on Judiciary and Hawaiian Affairs, the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations
No. 83	Jointly to the Committee on Human Services and the Committee on Health, then jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Education
No. 84	Jointly to the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs
No. 85	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development
No. 86	Jointly to the Committee on Education, the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations
No. 87	Committee on Transportation, Military Affairs, and Government Operations

- | | |
|--|--|
| <p>No. 88 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development</p> <p>No. 89 Committee on Judiciary and Hawaiian Affairs</p> <p>No. 90 Jointly to the Committee on Health and the Committee on Education</p> <p>No. 91 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 92 Jointly to the Committee on Education and the Committee on Health</p> <p>No. 93 Committee on Commerce, Consumer Protection and Housing</p> <p>No. 94 Committee on Commerce, Consumer Protection and Housing</p> <p>No. 95 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing</p> <p>No. 96 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 97 Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 98 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 99 Committee on Water, Land, and Agriculture, then to the Committee on Commerce, Consumer Protection and Housing</p> <p>No. 100 Jointly to the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 101 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 102 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development</p> <p>No. 103 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development</p> <p>No. 104 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations</p> | <p>No. 35 Jointly to the Committee on Health, the Committee on Human Services and the Committee on Education</p> <p>No. 36 Committee on Health</p> <p>No. 37 Committee on Health</p> <p>No. 38 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health</p> <p>No. 39 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs</p> <p>No. 40 Jointly to the Committee on Human Services and the Committee on Economic Development</p> <p>No. 41 Jointly to the Committee on Judiciary and Hawaiian Affairs, the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 42 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development</p> <p>No. 43 Jointly to the Committee on Education, the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 44 Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 45 Committee on Judiciary and Hawaiian Affairs</p> <p>No. 46 Jointly to the Committee on Health and the Committee on Education</p> <p>No. 47 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 48 Jointly to the Committee on Education and the Committee on Health</p> <p>No. 49 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing</p> <p>No. 50 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 51 Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 52 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations</p> <p>No. 53 Committee on Water, Land, and Agriculture, then to the Committee on Commerce, Consumer Protection and Housing</p> <p>No. 54 Jointly to the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations</p> |
|--|--|

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Tuesday, March 23, 2004:

- Senate Resolution Referred to:
- No. 34 Jointly to the Committee on Education and the Committee on Economic Development

No. 55 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development

No. 56 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations

RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill	Referred to:
No. 2741, H.D. 1	Committee on Ways and Means

ADJOURNMENT

At 12:07 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 29, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

THIRTY-EIGHTH DAY**Monday, March 29, 2004**

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:50 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Cal Takara, Kaimuki Christian Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Thirty-Seventh Day.

Senator Kawamoto introduced General Eric Shinseki, retired Chief of Staff of the United States Army, and commended him on his outstanding military service. Accompanying General Shinseki was his wife Patti.

At this time, the President invited General Shinseki to the podium to address the members of the Senate.

General Shinseki addressed the members of the Senate as follows:

"President Bunda, thank you very much for this rare privilege. I know that not everyone who visits this Chamber has the opportunity to stand at this microphone. Senator Kawamoto, thanks for the retribution and my greetings to my Kauai Senator here, Senator Hooser, and all the other members of this Body.

"I would like to thank you for this great recognition, great honor, and I will tell you also that I was a pretty normal and average kid who grew up and prowled the wilds of the island of Kauai, a product of our public school system there and a product of a good strong family as well as teachers who not just educated us but made learning important at a very early age. That stayed with me through 38 years as a soldier. They made learning a lifelong experience and I've never forgotten that.

"As a Chief, I oversaw the recruitment of young Americans who joined our force. Some of you may not know this, but we recruit anywhere from 174,000 to 180,000 young Americans into the Army each year. And as a result, we also put those numbers back into our communities. I would offer to you that while they are with us, not only do they grow in their skills as soldiers, but education is an important aspect of what they learn from us. This responsibility of self-development is not in the system. They have a role to play here with the experiences they have with us operationally, and I hope you have seen the merits of it. What you get back are very capable youngsters who stand on their feet, have an idea about what's important in their future lives, and come back as contributing members of your communities and go to work and add value to your communities.

"And so, after 38 years of serving as a soldier, and I know that this recognition today pretty much focuses on my last four as Chief of the Service, I would offer to you that the great honor in my life was the opportunity to spend every day of those 38 years as a soldier with some very great Americans and following in the footsteps of other great Americans from this State who served in years past in some terrible conflicts that we continue to recognize today.

"There are youngsters who continue to deploy. The 25th is on its way. I know they have a brigade I think they sent off to Afghanistan. They have a brigade on the ground in Iraq. You

can be very proud of these youngsters. They're following sort of the same traffic pattern that I followed 38½ years ago when I arrived to the 25th and six months later found myself deployed to Vietnam. I know what their families are going through.

"Your support, as the members of this Body, to those families, to those soldiers, to those commanders who have this tremendous responsibility is not missed. And those of us who have spent this much time in uniform, we've lived in all the alternatives to Hawaii. We've been to all the other places that don't quite match up, so coming home to Hawaii is always something special. And I think sometimes we miss just how good this State is and how much opportunity there is.

"And if there is any encouragement for you, it's to give every youngster the same opportunity I had all those many years ago as a kid prowling the wilds of Wailua and Lehu, Kauai, as a graduate of the public school system, and that is to give them the same opportunity.

"Thank you very much for the honor here today."

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

The Senate reconvened at 12:28 o'clock p.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 423, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of DORVIN D. LEIS, term to expire June 30, 2008, was read by the Clerk and was referred to the Committee on Commerce, Consumer Protection and Housing.

ORDER OF THE DAY**HOUSE COMMUNICATIONS****MATTERS DEFERRED FROM THURSDAY, MARCH 25, 2004**

H.C.R. No. 21, H.D. 1 (Hse. Com. No. 291):

By unanimous consent, action on H.C.R. No. 21, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA," was deferred until Tuesday, March 30, 2004.

H.C.R. No. 23 (Hse. Com. No. 292):

By unanimous consent, action on H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was deferred until Tuesday, March 30, 2004.

THIRD READING

H.B. No. 2206, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2206, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2251:

On motion by Senator Hanabusa, seconded by Senator Kawamoto and carried, H.B. No. 2251, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 291E," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2280, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 2280, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2337, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 2337, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAME CHANGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3064 (Gov. Msg. No. 180):

Senator Menor moved that Stand. Com. Rep. No. 3064 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of TIMMY L. ALBAO to the Credit Union Advisory Board, term to expire June 30, 2007, seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3065 (Gov. Msg. No. 209):

Senator Menor moved that Stand. Com. Rep. No. 3065 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JAMES P. CHUNG to the Elevator Mechanics Licensing Board, term to expire June 30, 2007, seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3066 (Gov. Msg. Nos. 333, 334 and 335):

Senator Menor moved that Stand. Com. Rep. No. 3066 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 Examiners in Optometry of the following:

FRANKLIN Y.P. LAU OD, term to expire June 30, 2007 (Gov. Msg. No. 333);

JERE HU ENG LOO OD, term to expire June 30, 2007 (Gov. Msg. No. 334); and

ERNEST K. OSHIRO OD, term to expire June 30, 2007 (Gov. Msg. No. 335),

seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3067 (Jud. Com. No. 3):

Senator Hanabusa moved that Stand. Com. Rep. No. 3067 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of SIMONE C. POLAK to the Office of Judge, District Court of the Second Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Chun Oakland.

Senator Hanabusa rose in support of the nominee and said:

"Mr. President, I rise to speak in support of Jud. Com. No. 3, the confirmation to the District Court of the Second Circuit, Simone Polak.

"Mr. President, Ms. Polak comes before us very well qualified for this position. Her education begins with a Bachelor of Arts in criminal justice from the John Jay College of Criminal Justice at the City University of New York. Her law degree is from the McGeorge School of Law at the University of the Pacific in California. Ms. Polak has 15 years of experience with the prosecutor's office. She presently sits as one of the lead lawyers in the appellate division. She has been a senior trial attorney. She specialized in violent crimes and has even done the much difficult area of child sexual assault, and in addition to family court, supervisor within the prosecutor's office. She has served at the United States Air Force Reserve and also as an EMS technician in New York. She has, as part of her resume, been a lecturer of various topics, primarily in the area of law.

"Mr. President, as we have done will all of our other judiciary nominees, we had input from the Hawaii State Bar Association. Ms. Polak, like Mr. Hong, received a 'not qualified' rating. The vote of Ms. Polak was 10 to 2, and the rationale given was that her absence of substantive civil litigation and/or family court (domestic relations) experience outweighed her experience working with the office of the prosecuting attorney of the County of Maui. And they

recognized, the Hawaii State Bar Association recognized, that she served that with distinction.

“Mr. President, members, my sentiments about the Hawaii State Bar Association and what they have done in terms of this rating system is very well known. And I would have to say that what they did with Ms. Polak also confirms my sentiment.

“The requirements under the constitution for a district court judge is five years of experience – nothing else. It doesn’t say if you’re going to go to the family court, Mr. President, you have to be five years in the family court. It doesn’t have any of those requirements. And she must be, of course, in good standing. Those are really the requirements that we need.

“The constitution also says that when we select anyone for the judiciary, the process that the people of this state have come up with is the judicial selection committee. Mr. President, the people of this state, when they enacted that constitutional amendment, wanted it known that lawyers shall not control the selection of judges because you cannot have a majority of the nine members of the judicial selection committee being members of my profession, and that’s because I believe the people wanted to make a statement when they said that.

“Dale Lee, the president of the bar association, came forward and basically told us that he did not want the process of the bar association to be at issue. He just wanted to come forward and explain why they arrived at their decision. He said that it was a very unique situation, because for some reason, they felt that the demand of the Maui family court were such that they needed someone who had family court experience. But they even qualified it even further than that, Mr. President. It wasn’t family court experience; it was domestic relations experience, which to us lawyers mean you have to practice divorce law, because Ms. Polak definitely has family court experience because that is exactly where child abuse cases go. So, to say that she had no family court experience, I don’t know where the bar association came off saying that.

“In an unprecedented move, the judiciary actually submitted testimony. This is the first time that they have done it. And the reason why was because of the action taken by the Hawaii State Bar Association. They made it very clear that they were not there to criticize the Hawaii State Bar Association, but you could tell they were clearly perplexed by what had happened. They explained to us what the Chief Justice does. He gets the six names from the judicial selection committee, then he basically interviews everyone. He asks judges. He asks community members. He asks everyone that he believes to be relevant in the determination as to who he will select. And he interviewed each and every one of the six candidates. Then the Chief Justice made his selection. He judged each and every one on basically 15 different criteria, and he felt that Ms. Polak was the most qualified. And he selected her and he sent her name to us.

“They came forward, the judiciary did, to remind us again that the process of the selection of judges, of making that list of six, is of the judicial selection committee, and he, the Chief Justice, is confident in that process and believes that they would not have sent to him a name that was not qualified. And in his interview and based upon his years of experience, he found her to be qualified.

“An interesting person who came forward to testify on behalf of Ms. Polak was Judge McNish, retired family court judge of Maui. He came forward and he said he wanted to have input and to basically give us some guidance as to what he felt are the necessary criteria for a great family court judge. He said, in order of priority, instead of saying that it doesn’t really matter,

he said in order of priority, the first thing is a desire to sit in the family court. The second is to be able to face highly charged emotional disputes. And I call your attention to the fact that Ms. Polak did child abuse cases. That would qualify anyone to be able to meet this criteria. The third is the willingness to work hard and to put in extra hours. The fourth is intelligence, and the fifth is the knowledge of substantive law.

“Judge McNish went on to say that when he was first appointed as a judge, he had no family court experience. In fact, Judge Romanchak, who was the judge who the implications were that people in Maui, the practitioners in Maui, may be feeling as they did about Ms. Polak because they love this judge and they could probably not find anyone to fulfill his position. Judge McNish said he had no family court experience when he was first appointed to the bench. They also said Victoria Marks, for example, Michael Broderick, they had no family court experience.

“An interesting gentleman, another retired judge, who came with her was Judge Baxa, Artemio Baxa. He basically held the Committee sort of captured in his, I guess, litany of compliments of Ms. Polak. He had such an interesting story, having supervised her before going to the bench, and after he retired, going back to the prosecutor’s office and having the opportunity to work with her again. He said she has a very independent mind and he believed that she had the kind of integrity that will be necessary to fulfill this job. He could not stop saying enough things about her.

“Mr. President, members, we are faced again with the bar association. Let us not forget, the bar association, by its own rules, says that a candidate can be not qualified only if it failed to meet one of the three criteria – integrity, judicial temperament, and professional competence. Mr. Lee said there is no question about Ms. Polak’s integrity, no question about her judicial temperament. The only question was in their range of something called professional competence. But even that, all that they could say was they were uncomfortable that she had no family court experience.

“Mr. President, there is nothing in the bar. There is nothing in the Rules. There is nothing that says you need family court experience. And in fact, we have confirmed, by the same structure, Mr. Broderick last year with no family court experience. Based upon that, based upon the overwhelming testimony that your Committee received in favor of Ms. Polak, I ask that you and my colleagues join me in confirming Ms. Polak to the district court of the second circuit.

“Thank you very much.”

Senator Hogue rose to speak in favor of the nominee and said:

“Mr. President, I rise in favor of Jud. Com. No. 3, confirmation to the District Court of the Second Circuit, nominee Simone C. Polak.

“I wanted to echo some of the comments offered by the Judiciary Chair about Ms. Polak – her intelligence, her independents, her hard work ethic, and also what I found to be very impressive, and this was an area that came into question, her ability to multi-task. One of the questions, apparently, that was put forward by some members of the bar association was that she had part-time work, outside part-time work, and I think it was very obvious that she did all of her jobs extremely well. This should be a great qualification for her in this tremendous job. She’s thorough; she’s patient; and she should make a very great judge.

"Experience became the issue, and I think it was Attorney General Mark Bennett who made a very good case for the fact that think of the message that is being sent here by the Hawaii State Bar Association. The message is that if you work for the county prosecutor's office, you can't be a judge. That's the message that they are sending, and that is an absurd message. I think that we have seen from the qualified judges who have gone and worked here in the State of Hawaii, that you can come out of the prosecutor's office, you can come out of the public defender's office, you can come out of many aspects of the legal community and do a great job as a judge.

"So really, the thing that is in question here is the credibility of the Hawaii State Bar Association. What we have learned through the nomination process of Ted Hong and Simone Polak is that the way that they handle their process really begs a number of questions. With Ted Hong, was it political? With Simone Polak, is it territorial? Is there something else going on in Maui with divorce court lawyers that we don't know about? But we can't get those questions answered, and that is very, very problematic. These people hide behind anonymity, confidentiality, and they don't come forward. It's a very, very, very troubling process.

"So, I urge you to send a message to them to get their house in order. It appears that Simone Polak has her house in order and is very qualified to be a great judge on the Valley Isle.

"Thank you, Mr. President."

Senator English rose to speak in support of the nominee and said:

"Mr. President, I rise in support.

"Mr. President, members, I ask that you help confirm Ms. Polak to the second circuit for one single reason – we need judges, and we need good judges in Maui County. Our county, as you know, is made up of islands and very remote areas, and so you have to understand the difference – the different norms and the different types of acceptability in different areas. And I think that this nominee understands, for instance, the lifestyle on Moloka'i and the difference that it has on the case as opposed to a juxtapose against a case from the urban area of Kihei or Lahaina.

"The second circuit covers these areas and I know that she will do a good job in adjudicating cases that come before her for the Island of Maui, the Island of Moloka'i, and the Island of Lana'i. I ask that you support her nomination today – that we also understand that the Hawaii State Bar Association is just one of many bits of information that we would receive in order to make our decisions. Ultimately, the decision rests with the 25 of us here, and we should never forget that – that we are the ones that make that choice.

"The bar association, actually, I think that this whole process that we've been through with them serves as a very good reminder to all of us that we do not cede our votes to anyone. We do not give our votes to the bar association, and we do not say that, well, because the bar association said unqualified, I have to vote 'no.' No, the vote belongs to you as an elected Senator and you take that into consideration, but vote your conscience.

"So, I ask you to please support this nominee. Thank you."

Senator Hooser rose to speak in opposition to the measure and said:

"Mr. President, I rise in opposition to the nomination.

"Mr. President, as was the case in the most recent judicial nomination requiring the consent of this Body, I find myself unable to support the nominee. Once again, the primary reason is that the nominee was determined by the Hawaii State Bar Association in a decisive vote of 10 to 2 to be not qualified.

"I do not question the credibility, the integrity, or the honesty of the Hawaii State Bar Association. I do question the process, and I think that's a subject we need to take up outside of this Session between the bar association and the judicial selection commission to figure out a better way to do this, because I'm not comfortable with the process either but I do respect and honor the integrity of the bar.

"The negative determination greatly influences my decision and there's a principal reason that with some reluctance I intend to vote 'no.' I say with reluctance, Mr. President, because I am confident that the nominee is competent in the work that she does, is of good character, and has conducted herself in a professional manner in the legal work she has undertaken. However, the position of family court judge is one that deeply affects the lives of many people, and this is a position, again, which I cannot feel comfortable on voting with reservations. There should be no reservations. And yet the bar association, essentially a jury of her peers, empowered by the Hawaii Supreme Court with the power and responsibility to aid the court, has gone even further than expressing reservations. They have determined in their own wisdom through a process approved by their organization that the nominee is not qualified.

"The bar association has stated, 'in absence of substantive civil litigation and/or family court experience.' And while you have heard today that with her unquestionable fairness, temperament, and ability to learn she may grow into her responsibilities, the president of the bar association points out that the Maui family court is a court where there is no luxury for on-the-job training.

"I have no doubt that this nominee is an able attorney and a good person. Perhaps if I were a resident of Maui and had personal and professional relationships with those who know her best and would work with her, I might very well come to a different conclusion. And perhaps if I were myself an attorney who had worked with the nominee, I might give the bar association's determination less weight in my own decision making. However, out of the last 12 judicial nominations, only one nominee, until this nomination, was found by the Hawaii bar to be not qualified. And my decision now, as it was then, is to withhold consent.

"Mr. President, I trust the recommendation of the Hawaii State Bar Association. I have doubts about the nomination for this sensitive and important judicial appointment, and I wish to have no doubts when fulfilling my own important responsibility in this process. Therefore, Mr. President, in good conscience and with no malice, I am unable to support the nomination.

"Thank you, Mr. President."

Senator Baker rose to speak in support of the nominee and said:

"Mr. President, I rise in support of Jud. Com. No. 3.

"This appointment is to the district family court in the second circuit of Maui, and the nominee is Simone Polak, who for the past 15 years has been a deputy prosecuting attorney in our county. By all accounts she has provided exemplary service in that capacity. I received numerous e-mails from her current and former colleagues and supervisors. I've heard from former

family and circuit court judges on Maui who greatly respect her and her ability in support of her nomination.

"After reviewing her resume, I was taken aback that the Hawaii State Bar Association gave her an unqualified rating based on her lack of experience in domestic relations. Mr. President and colleagues, while she has no private civil litigation experience, she has years of exemplary criminal litigation experience, much of it dealing with adult and child abuse and sex assault cases, exactly the kind of cases that are part and parcel of the family court caseload.

"The testimony indicated that Ms. Polak is a very able researcher and legal student and would have no difficulty mastering the substantive areas where she has not practiced. Even the ABA standards indicate, quote, 'a candidate should not normally be expected to possess expertise in any particular substantive field,' close quote. The ABA guidelines go on further to state, quote, 'the important consideration is the depth and breadth of the professional experience and the competence with which it has been performed, rather than the candidate's particular type of professional experience,' close quote.

"Mr. President and colleagues, in my view, the Hawaii State Bar Association overreached on this one. They set standards above the recommendation of the ABA, and beyond what had been previously published as their own criteria, and beyond what the judicial selection commission uses as well.

"For anyone who votes for Ms. Polak and voted against Mr. Hong, as the newspapers will probably try to foment, and others may say that it was just politics that dictated those votes, to that I say rubbish. The concern for Mr. Hong's nomination had to do with judicial temperament as well as concerns raised by private individuals and others in the community. I submitted then and submit now that judicial temperament is a quality that one has and is not something that can be acquired with experience. Judicial temperament goes to the heart of one's ability to be fair, impartial, and treat parties with respect. It was indeed a factor in my vote, but not the sole factor. Had I wanted to do the political thing, Mr. President, I would have voted for confirmation. But when all the factors were weighed, I could not.

"Mr. President, I believe that as Senators, we have to weigh each set of factors when it comes before us. I do not and will not cast aspersions on the reasoning or motivation of any of my colleagues who may disagree with the conclusions that I reach, and I expect the same consideration.

"With regard to Simone's qualifications, her family court absent civil experience in that area, let me note as our Judiciary Chair did, that there are many fine jurists currently serving and recently retired who would not have met the HSBA standard. Retired Judges Marie Milks, Dan Kochi, Judge McNish of Maui are just a few examples, and there are many others – distinguished jurists all.

"While the Judiciary Chair has quoted from some of Judge McNish's testimony, I'd like to have it all inserted into the Journal, but I'd like to read just a portion: 'The substantive law can be learned,' he said. 'The first four qualities cannot.' And those four qualities that he mentioned were desire to sit on the family court, comportment in the face of highly charged emotional disputes, willingness to work hard and put in extra hours, and intelligence. Then Judge McNish goes on to state, 'every judge, regardless of experience or knowledge of the substantive law, will have a steep learning curve in route to becoming an exemplary judge. Because she has the first four qualities in abundance, I believe Ms. Polak will succeed on that

learning curve. I hope she is given the opportunity to do so.' So do I, Mr. President.

"I would also like to have included in the record, although I'm not going to read them, several additional comments that I received from some of Simone's colleagues, people who know her best. All of these individuals believe that Simone has the background, litigation experience, ability to continue to learn the law, temperament, and capacity to be an exemplary judge. On that, I also concur – plus, we need more women on the bench.

"Mr. President, I ask all of my colleagues to join me in voting to confirm Simone Polak to the district court, second circuit, County of Maui.

"Thank you very much."

The Chair having so ordered, Senator Baker's insertion of Judge McNish's testimony reads as follows:

"As a former family court judge in the Second Circuit, I strongly support the nomination of Ms. Polak. I understand a question has arisen regarding her substantive knowledge of family law. While knowledge of the substantive law is indeed an asset for a new family court judge, it is the least important of five significant qualities. In order of importance, I would list those five qualities as follows:

1. A desire to sit in family court
2. Comportment in the face of highly charged emotional disputes
3. Willingness to work hard and put in extra hours
4. Intelligence
5. Knowledge of the substantive law

"Of these five, the first three are the most important. In fact, because of the broad jurisdiction, it would be difficult for anyone to have knowledge of all areas of family law. Criminal, juvenile, domestic relations, child protection, adoption, mental health commitment and other areas of the law are all included within its scope.

"Personally I believe that Ms. Polak does have knowledge of some of the substantive family law from prosecuting domestic violence cases and child abuse cases – the latter involving her in the workings of the Children's Justice Center.

"The substantive law can be learned, the first four qualities cannot. Every judge, regardless of experience or knowledge of the substantive law will have a steep learning curve in route to becoming an exemplary judge. Because she has the first four qualities in abundance, I believe Ms. Polak will succeed on that learning curve. I hope she is given the opportunity to do so.

"Thank you for the opportunity to provide testimony. I plan to be present at the hearing to further address the committee and answer questions.

Respectfully,

/s/ Douglas S. McNish
Douglas S. McNish"

The Chair having so ordered, Senator Baker's insertions of comments received from Ms. Polak's colleagues read as follows:

"From: Lena Lorenzo
Sent: Tuesday, March 23, 2004 4:44 PM
Subject: Judicial Nominee Simone C. Polak

Please support the confirmation of judicial nominee Simone C. Polak for the District Court of the Second Circuit, Maui. For fifteen years I have worked closely with Ms. Polak at the Department of the Prosecuting Attorney. I am presently the Director of the Victim/Witness Assistance Division. Prior to becoming a director, I worked with Ms. Polak on several cases involving violent crimes primarily adult and child sex assault cases. Every work day, I have contacts with Ms. Polak. In all my contacts with her, I have known her to be truthful personally and professionally. She displays a moral conscience that guides her steadily in doing the 'right thing' and to give consideration to others' needs. She treats people equally and/or the same with dignity and respect no matter what background or socioeconomic status they are from. She is open to others opinions though they may be different from hers.

Ms. Polak is one that the deputy prosecutors in the office approach for legal advice. Because of her well rounded work and life experiences and her non-judgmental ability to listen to facts, other staff members seek her counsel in various topics and situations. Ms. Polak's legal experience will help her to be a good judge. I truly believe that it is the amalgamation of her experiences including that in the medical, military and private sector that will help her to be an excellent judge.

It is my great pleasure to provide this information as I believe Ms. Polak would make an excellent judge given the opportunity. Thank you very much for your kind consideration."

"From: Jenna Smith
Sent: Tuesday, March 23, 2004 4:40 PM
Subject: Please confirm Simone Polak's judicial appointment

I am writing to you asking for your support of Simone Polak's judicial appointment. I have worked with Ms. Polak for the last five years in the Maui County Department of the Prosecuting Attorney in my capacity as a Victim/Witness Counselor.

As a prosecutor in the Appellate Division, Ms. Polak consistently demonstrates her vast knowledge of the law in debates with her colleagues and preparing legal briefs. She is who the other prosecutors go to when they need legal questions answered. In addition to thoroughly knowing the law, Ms. Polak displays integrity and moral courage. She is someone who can apply the law fairly and judiciously to real life situations. Her compassion for crime victims is particularly remarkable.

I have every confidence that Ms. Polak's intelligence, experience in fairly analyzing legal issues, and fair temperament will make her an excellent, highly regarded member of the judiciary. Please confirm the judicial appointment of Simone Polak to the Maui Family Court. Thank you for your thoughtful consideration."

"From: JW Hupp
Sent: Tuesday, March 23, 2004 8:19 AM
Subject: Simone Polak, Judicial Nominee

Dear Senator,

Please accept this recommendation on behalf of Simone Polak for the post of Family Court Judge for the Second Circuit. I would like to begin by expressing my great dismay towards the position taken by the Hawaii State Bar Association. The Bar appears to be throwing words out with out any regard on the weight they might have. To categorize Ms. Polak as being 'unqualified' because she hasn't practiced in other areas of the law is absurd. By creating a standard where any judge must

have practiced as a litigate every area of law they may encounter on the bench is ridiculous. The Bar is labeling all career Prosecutors (and all career Public Defenders) as unqualified. By their label, they will determine every attorney who has not done criminal prosecution, defense, child custody and divorce as 'unqualified.' To please the Bar, an attorney is apparently expected to move from job to job. Of course, then they risk being labeled as 'flighty' and 'without any firm foundation.'

A potential nominee may be more rounded if they have experience in all different areas of the law, but a potential nominee could be just as qualified if they have taken the time to dedicate themselves to a particular area of the law. I implore you to stand against this arbitrary labeling process. What really matters when considering whether someone should sit on the bench is not learned in books or by writing a memo in a divorce case. What we need to see in a judge is wisdom, integrity and honor. A judge must treat all people with dignity and respect, while not shying away from tough decisions. That is the kind of person we need to have serving our community as a judge.

That said, Simone Polak is such a person. I have worked with her for nearly eleven years, and I have always turned to her for her advice on issues. She and I have not always agreed, but I always have respected her opinion. When a tough issue arises in our office, it is not uncommon to here someone say, 'I need to talk to Simone about this.' Whenever she takes a position on a matter, she will always carefully analyze the facts and the law, and clearly explain how she came to her conclusion. This is they kind of person you want serving as a judge - she's sharp, so you do not have to worry about her being able to learn what she hasn't been exposed to as a prosecutor.

Sincerely,
J.W. Hupp
Deputy Prosecuting Attorney
County of Maui"

Senator Sakamoto rose in opposition to the nominee and said:

"Mr. President, I rise in opposition.

"Mr. President, I hope that the Hawaii State Bar Association will continue to improve the process in their adding input to this nomination process. I believe they are well aware of the various parts of the process as has been stated. I believe their members are well aware of their colleagues and people in their profession, and certainly, each nominee is unique.

"Each time we vote, we should consider what is best for the people, not necessarily what is best for the nominee. We're voting for the people. Based on concerns raised, will the people who deserve a fair trial, an impartial trial, based on concerns raised, will this nominee be able to immediately sit and afford people a fair and impartial trial or proceeding? That has been called into question, therefore, I'm not able to vote in the affirmative on this nominee, Mr. President.

"Thank you."

Senator Kim rose in opposition and said:

"Mr. President, may I have the remarks of the good Senator from Kauai entered as my own."

The Chair so ordered.

Senator Tsutsui rose in support and said:

“Mr. President, I’d like to have the words of the good Senator from South and West Maui inserted into the Journal as though they were my own.”

The Chair so ordered.

Senator Hemmings rose to speak in favor of the nominee and stated:

“Mr. President, I rise to speak in favor of the nominee.

“Mr. President, after reading the committee report, with the consideration of the Chairman of Ways and Means Committee, a very lucid committee report clearly shows that this nominee is eminently qualified scholastically, as a human being, and as a hard working individual to serve on the bench. Unfortunately, this nominee’s only problem is that her nomination came to this Body in the wake of Ted Hong’s advice and consent debate on this Floor. But I must emphasize, that was a very healthy debate and it wasn’t a partisan debate because people on both sides of the aisle argued both sides of the issue.

“What I find problematic in speaking for this nominee is the fact that it seems that some would acquiesce their vote to the opinion of a handful of leaders in the state bar association. I would suggest that that is, just as I said, acquiescence of their responsibility to a third party. I’m hoping that we will, in this nomination, make decisions based upon the merits of the individual as we see it and consider the overwhelming testimony from most everybody for the qualifications of this nominee, with the exception of the Hawaii State Bar Association.

“So the question has to be asked – and we’ll never get an answer – why on this nomination has the Hawaii State Bar Association chosen to determine not qualified? They say in their testimony because of lack of experience in other family court matters. Those proponents that stood on the Floor today echoed what it said so well in the committee report, and said by testifiers, that many of them, many sitting judges who are renowned for their expertise in this area, they themselves had no experience in this area.

“So I would suggest there’s one lesson that we’ve learned in the last two debates concerning judicial nominees, and that is that possibly this Senate, no matter what side of the debate we’ve been on, is rendering a decision for most of us that the bar association leadership is not qualified to serve. And therefore, I will submit that their recommendations to these last two nominations should be ignored and we should vote in favor of the nominations.

“Thank you, Mr. President.”

Senator Slom rose to speak in support as follows:

“Mr. President, I rise in support of the judicial nominee, Ms. Simone Polak.

“I met with Ms. Polak. I found her intelligent, personable, engaging, experienced, and refreshing. And for those of us that had been lobbied last year and the year before about the problems of family court in general and family court on Maui in particular, we know that something’s not right and that we need individuals that are independent, that are able to do the job, rather than part of any ‘old boy’ or ‘old girl’ network. Simone Polak doesn’t fit that description.

“I think some people took offense to the fact that she actually has worked for a living, that she’s worked, as was said earlier, multitasking. She served her country in the United States Air

Force Reserve. She drove cars for Hertz at the airport. Mr. President, I may have to disclose conflict of interest – I’m a Hertz gold card member and maybe she drove my car. (Laughter.) She has shown an ability to be where the people are, and what a great talent and experience that is for family court in particular.

“She is open. One other thing that she did that probably was a mistake, during her soccer career she admitted to having her leg broken in four places and then even put on her resume ‘but I didn’t sue.’ Now, how can the Hawaii State Bar Association embrace somebody like that? But the people can . . . the people of Maui can.

“She’s going to be confirmed and she’s going to be a great judge, and I think she has a great future in many other areas. However, Mr. President, I’m going to call for a Roll Call vote today, again, because I detect some hypocrisy on this Senate Floor. Now, I give full credit to the Senator from Moanalua and the good Senator from Kauai. They’re sticking to their guns. They will follow blindly the discredited Hawaii State Bar Association. But several other of my colleagues who turned down Mr. Hong also alluded to how much weight they put on the bar association. So I would certainly expect them to be consistent today and vote against this nominee because the bar association said so.

“No, it’s not an indictment of the bar association, but obviously something is wrong. The Minority Floor Leader alluded to maybe there’s another possibility of why they came up with this negative proposal this time. I’ll state it clearly – my personal belief is they’re trying to cover their okole for what they did to Ted Hong.

“So, those of my colleagues that voted against Mr. Hong because of the importance of the Hawaii State Bar Association, I know they will want to do it again. And then after this is over, we should sincerely look at criteria and statements made when good people come forward and volunteer to serve our community and are subject to some of these statements and some of the antics that we’ve seen in the last couple of weeks.

“So, I wholeheartedly endorse Ms. Polak and urge my colleagues to support her too. Thank you, Mr. President.”

Senator Hooser rose again and said:

“Mr. President, just a brief remark, if I could, in rebuttal.

“I’d like the record to reflect that I follow no one blindly, and I take great offense to the self-righteous, pompous comments given by the Senator from Hawaii Kai.

“Thank you.”

Senator Inouye rose in support of the nominee and said:

“Mr. President, I speak in support of the nominee, and I’d like the words of my colleague from South and West Maui entered into the record as if it were my own. Thank you, Mr. President.”

The Chair so ordered.

Senator Ige rose to speak in support with reservations and said:

“Mr. President, I would just like to note my support with reservations, and I would like to echo the remarks of the Chairman of the Judiciary Committee. The Hawaii State Bar Association is one input of many that we take, in looking at

judicial nominees. I find that in looking at all of the information that I have before me, that I can support the nominee with reservations.

“Thank you.”

Senator Kawamoto rose to speak in support of the nominee and said:

“Mr. President, I rise in support of the nominee and not because of the bar association, not because of anything else. I owe my life to an E-5 who was my crew chief on an airplane. She was an E-5 and that’s part of my reason why I support her.

“Thank you.” (Laughter.)

The motion was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hooser, Kim, Sakamoto).

At this time, Senator Hanabusa introduced Judge Polak to the members of the Senate.

At 1:05 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:10 o’clock p.m.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, MARCH 25, 2004

Stand. Com. Rep. No. 3061 (S.R. No. 18):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 18, entitled: “SENATE RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA,” was adopted.

Stand. Com. Rep. No. 3062 (S.C.R. No. 30):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 30, entitled: “SENATE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA,” was adopted.

Stand. Com. Rep. No. 3063 (S.C.R. No. 37):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 37, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR COGNITIVE REHABILITATION,” was adopted.

RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill	Referred to:
No. 1261, H.D. 2	Committee on Judiciary and Hawaiian Affairs

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The Chair re-referred the following Senate concurrent resolution that was offered:

Senate Concurrent Resolution	Referred to:
No. 67	Jointly to the Committee on Economic Development and the Committee on Labor

RE-REFERRAL OF SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

Senate Resolution	Referred to:
No. 31	Jointly to the Committee on Economic Development and the Committee on Labor

Senator Fukunaga, Chair of the Committee on Economic Development, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 68.

Senator Fukunaga noted:

“Mr. President, this is requesting a pilot program to support the efforts of the Hawaii Chamber of Commerce of Northern California.

“The purpose of the waiver is to allow the House and Senate Committees hearing these resolutions to do so concurrently.

“Thank you.”

The Chair then granted the waiver.

ADJOURNMENT

At 1:12 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Tuesday, March 30, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

THIRTY-NINTH DAY

Tuesday, March 30, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:57 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Chaplain Lieutenant Colonel David R. Brock, United States Army, Pacific, after which the Roll was called showing all Senators present with the exception of Senators Kim and Whalen who were excused.

The President announced that he had read and approved the Journal of the Thirty-Eighth Day.

At 12:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:27 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 293 to 311) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 293, returning S.B. No. 2529, which passed Third Reading in the House of Representatives on March 25, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2529, and requested a conference on the subject matter thereof.

Hse. Com. No. 294, returning S.B. No. 2983, S.D. 2, which passed Third Reading in the House of Representatives on March 25, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2983, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 295, returning S.B. No. 3098, which passed Third Reading in the House of Representatives on March 25, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3098, and requested a conference on the subject matter thereof.

Hse. Com. No. 296, returning S.B. No. 3162, S.D. 1, which passed Third Reading in the House of Representatives on March 25, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3162, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 297, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1828, H.D. 1 (S.D. 1); and
H.B. No. 2863, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 298, transmitting S.B. No. 2278, which passed Third Reading in the House of Representatives on March 29, 2004, was placed on file.

Hse. Com. No. 299, transmitting S.B. No. 2394, S.D. 1, which passed Third Reading in the House of Representatives on March 29, 2004, was placed on file.

Hse. Com. No. 300, transmitting S.B. No. 2902, S.D. 2, which passed Third Reading in the House of Representatives on March 29, 2004, was placed on file.

Hse. Com. No. 301, transmitting S.B. No. 3172, S.D. 1, which passed Third Reading in the House of Representatives on March 29, 2004, was placed on file.

Hse. Com. No. 302, returning S.B. No. 2009, S.D. 1, which passed Third Reading in the House of Representatives on March 29, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2009, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 303, returning S.B. No. 2294, S.D. 1, which passed Third Reading in the House of Representatives on March 29, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2294, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 304, returning S.B. No. 2443, S.D. 1, which passed Third Reading in the House of Representatives on March 29, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2443, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 305, returning S.B. No. 2844, S.D. 1, which passed Third Reading in the House of Representatives on March 29, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2844, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 306, returning S.B. No. 3185, S.D. 1, which passed Third Reading in the House of Representatives on March 29, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3185, S.D. 1, and requested a conference on the subject matter thereof.

At 12:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:28 o'clock p.m.

Hse. Com. No. 307, transmitting H.C.R. No. 40, which was adopted by the House of Representatives on March 29, 2004, was placed on file.

By unanimous consent, action on, H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THAT MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, SHALL SERVE AS THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII," was deferred until Wednesday, March 31, 2004.

Hse. Com. No. 308, transmitting H.C.R. No. 47, which was adopted by the House of Representatives on March 29, 2004, was placed on file.

By unanimous consent, action on, H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE UNITED STATES POSTAL SERVICE TO HOST THE FINAL CEREMONY MARKING THE RELEASE OF THE 'SOUVENIR SHEET' OF ALL TWELVE CHINESE LUNAR NEW YEAR COMMEMORATIVE POSTAGE STAMPS IN HAWAII IN JANUARY 2005," was deferred until Wednesday, March 31, 2004.

Hse. Com. No. 309, transmitting H.C.R. No. 50, H.D. 1, which was adopted by the House of Representatives on March 29, 2004, was placed on file.

By unanimous consent, action on, H.C.R. No. 50, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL PUBLIC AND PRIVATE ORGANIZATIONS TO COLLABORATE WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO SUSTAIN AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was deferred until Wednesday, March 31, 2004.

Hse. Com. No. 310, transmitting H.C.R. No. 54, H.D. 1, which was adopted by the House of Representatives on March 29, 2004, was placed on file.

By unanimous consent, action on, H.C.R. No. 54, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND COOPERATING PARTNERS TO PROTECT AND ENHANCE THE KANEOHE MEADOWLAND (HE'EIA WETLANDS)," was deferred until Wednesday, March 31, 2004.

Hse. Com. No. 311, transmitting H.C.R. No. 71, which was adopted by the House of Representatives on March 29, 2004, was placed on file.

By unanimous consent, action on, H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO SPONSOR A STATEWIDE CONFERENCE ON TOURISM IN HAWAII," was deferred until Wednesday, March 31, 2004.

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3068) recommending that H.B. No. 1737, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1737, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3069) recommending that H.B. No. 2139, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3070) recommending that H.B. No. 2140, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2140, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3071) recommending that H.B. No. 2147, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2147, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3072) recommending that H.B. No. 2417 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2417, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3073) recommending that H.B. No. 2418 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2418, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES," passed

Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3074) recommending that H.B. No. 2421, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2421, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3075) recommending that H.B. No. 2423 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2423, entitled: "A BILL FOR AN ACT RELATING TO COSMETOLOGY LICENSE RESTORATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 1, 2004.

ORDER OF THE DAY

**REFERRAL OF
HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM
MONDAY, MARCH 29, 2004**

The President made the following committee assignments of House concurrent resolutions that were received on Wednesday, March 24, 2004:

House
Concurrent
Resolution Referred to:

No. 21, H.D. 1 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations

No. 23 Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations

**REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Wednesday, March 24, 2004:

Senate
Concurrent
Resolution Referred to:

No. 105 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health

No. 106 Jointly to the Committee on Human Services and the Committee on Health

No. 107 Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology

No. 108 Jointly to the Committee on Water, Land, and Agriculture, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development

No. 109 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs

No. 110 Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs

No. 111 Committee on Water, Land, and Agriculture

No. 112 Jointly to the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing

No. 113 Committee on Transportation, Military Affairs, and Government Operations

No. 114 Committee on Education

No. 115 Committee on Education

No. 116 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

No. 117 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

No. 118 Committee on Transportation, Military Affairs, and Government Operations

No. 119 Committee on Judiciary and Hawaiian Affairs

No. 120 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Science, Arts, and Technology, then jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Education

No. 121 Jointly to the Committee on Health and the Committee on Human Services

No. 122 Committee on Health

No. 123 Jointly to the Committee on Education and the Committee on Labor

No. 124 Committee on Tourism

No. 125 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health

No. 126 Committee on Transportation, Military Affairs, and Government Operations

No. 127 Committee on Labor

No. 128 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations

No. 129 Jointly to the Committee on Tourism and the Committee on Economic Development

No. 130	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Health	No. 153	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
No. 131	Jointly to the Committee on Science, Arts, and Technology and the Committee on Education	No. 154	Committee on Judiciary and Hawaiian Affairs
No. 132	Committee on Transportation, Military Affairs, and Government Operations	No. 155	Committee on Transportation, Military Affairs, and Government Operations
No. 133	Committee on Education	No. 156	Jointly to the Committee on Education and the Committee on Health
No. 134	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health	No. 157	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Judiciary and Hawaiian Affairs
No. 135	Jointly to the Committee on Human Services and the Committee on Commerce, Consumer Protection and Housing	No. 158	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health
No. 136	Jointly to the Committee on Education and the Committee on Commerce, Consumer Protection and Housing	No. 159	Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs
No. 137	Jointly to the Committee on Education and the Committee on Economic Development	No. 160	Committee on Judiciary and Hawaiian Affairs
No. 138	Committee on Economic Development	No. 161	Jointly to the Committee on Energy and Environment and the Committee on Health
No. 139	Committee on Transportation, Military Affairs, and Government Operations	No. 162	Committee on Water, Land, and Agriculture
No. 140	Jointly to the Committee on Health and the Committee on Labor	No. 163	Committee on Health
No. 141	Committee on Ways and Means	No. 164	Committee on Education
No. 142	Committee on Education, then to the Committee on Ways and Means	No. 165	Committee on Education
No. 143	Jointly to the Committee on Labor and the Committee on Education	No. 166	Committee on Energy and Environment
No. 144	Committee on Labor	No. 167	Committee on Judiciary and Hawaiian Affairs
No. 145	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health	No. 168	Jointly to the Committee on Energy and Environment and the Committee on Economic Development
No. 146	Committee on Health	No. 169	Committee on Energy and Environment
No. 147	Committee on Water, Land, and Agriculture	No. 170	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology
No. 148	Committee on Water, Land, and Agriculture	No. 171	Jointly to the Committee on Energy and Environment and the Committee on Economic Development
No. 149	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing	No. 172	Committee on Water, Land, and Agriculture
No. 150	Committee on Judiciary and Hawaiian Affairs	No. 173	Committee on Water, Land, and Agriculture
No. 151	Committee on Judiciary and Hawaiian Affairs	No. 174	Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations
No. 152	Committee on Water, Land, and Agriculture	No. 175	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Energy and Environment
		No. 176	Jointly to the Committee on Water, Land, and Agriculture, the Committee on Economic Development and

the Committee on Transportation, Military Affairs, and Government Operations	No. 198	Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs
No. 177 Committee on Energy and Environment, then to the Committee on Science, Arts, and Technology	No. 199	Jointly to the Committee on Human Services and the Committee on Labor
No. 178 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means	No. 200	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 179 Committee on Water, Land, and Agriculture	No. 201	Committee on Judiciary and Hawaiian Affairs
No. 180 Jointly to the Committee on Energy and Environment and the Committee on Health	No. 202	Committee on Water, Land, and Agriculture
No. 181 Committee on Transportation, Military Affairs, and Government Operations	No. 203	Committee on Transportation, Military Affairs, and Government Operations
No. 182 Jointly to the Committee on Health and the Committee on Water, Land, and Agriculture	No. 204	Committee on Energy and Environment
No. 183 Jointly to the Committee on Health and the Committee on Energy and Environment	No. 205	Committee on Energy and Environment
No. 184 Committee on Water, Land, and Agriculture	No. 206	Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations
No. 185 Jointly to the Committee on Energy and Environment and the Committee on Health	No. 207	Committee on Energy and Environment
No. 186 Committee on Health	No. 208	Committee on Judiciary and Hawaiian Affairs
No. 187 Committee on Water, Land, and Agriculture	No. 209	Committee on Water, Land, and Agriculture
No. 188 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Energy and Environment	No. 210	Committee on Energy and Environment
No. 189 Jointly to the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs	No. 211	Jointly to the Committee on Energy and Environment and the Committee on Commerce, Consumer Protection and Housing
No. 190 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations	No. 212	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations
No. 191 Jointly to the Committee on Education and the Committee on Ways and Means	No. 213	Jointly to the Committee on Judiciary and Hawaiian Affairs, the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations
No. 192 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs	No. 214	Committee on Energy and Environment
No. 193 Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing	No. 215	Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 194 Committee on Judiciary and Hawaiian Affairs	No. 216	Committee on Energy and Environment
No. 195 Jointly to the Committee on Human Services and the Committee on Health	No. 217	Committee on Energy and Environment
No. 196 Jointly to the Committee on Labor and the Committee on Education	No. 218	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations
No. 197 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means	No. 219	Committee on Labor
	No. 220	Committee on Energy and Environment
	No. 221	Committee on Energy and Environment

No. 222 Jointly to the Committee on Science, Arts, and Technology and the Committee on Economic Development

No. 223 Committee on Energy and Environment

No. 224 Committee on Energy and Environment

No. 225 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Energy and Environment

No. 73 Jointly to the Committee on Human Services and the Committee on Commerce, Consumer Protection and Housing

No. 74 Jointly to the Committee on Education and the Committee on Economic Development

No. 75 Committee on Economic Development

No. 76 Jointly to the Committee on Labor and the Committee on Education

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Wednesday, March 24, 2004:

Senate Resolution Referred to:

No. 57 Jointly to the Committee on Economic Development and the Committee on Science, Arts, and Technology

No. 58 Jointly to the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing

No. 59 Committee on Transportation, Military Affairs, and Government Operations

No. 60 Committee on Education

No. 61 Jointly to the Committee on Education and the Committee on Labor

No. 62 Committee on Tourism

No. 63 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health

No. 64 Committee on Transportation, Military Affairs, and Government Operations

No. 65 Committee on Labor

No. 66 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations

No. 67 Jointly to the Committee on Tourism and the Committee on Economic Development

No. 68 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Health

No. 69 Jointly to the Committee on Science, Arts, and Technology and the Committee on Education

No. 70 Committee on Transportation, Military Affairs, and Government Operations

No. 71 Committee on Education

No. 72 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health

No. 77 Committee on Labor

No. 78 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health

No. 79 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing

No. 80 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Judiciary and Hawaiian Affairs

No. 81 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health

No. 82 Committee on Judiciary and Hawaiian Affairs

No. 83 Committee on Water, Land, and Agriculture

No. 84 Committee on Education

No. 85 Committee on Education

No. 86 Committee on Energy and Environment

No. 87 Committee on Judiciary and Hawaiian Affairs

No. 88 Jointly to the Committee on Energy and Environment and the Committee on Economic Development

No. 89 Committee on Energy and Environment

No. 90 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology

No. 91 Jointly to the Committee on Energy and Environment and the Committee on Economic Development

No. 92 Committee on Water, Land, and Agriculture

No. 93 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

No. 94 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Energy and Environment

No. 95 Jointly to the Committee on Water, Land, and Agriculture, the Committee on Economic Development and

the Committee on Transportation, Military Affairs, and Government Operations

No. 96 Committee on Water, Land, and Agriculture

No. 97 Jointly to the Committee on Energy and Environment and the Committee on Health

No. 98 Committee on Transportation, Military Affairs, and Government Operations

No. 99 Jointly to the Committee on Health and the Committee on Water, Land, and Agriculture

No. 100 Jointly to the Committee on Health and the Committee on Energy and Environment

No. 101 Committee on Water, Land, and Agriculture

No. 102 Jointly to the Committee on Energy and Environment and the Committee on Health

No. 103 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Energy and Environment

No. 104 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

No. 105 Jointly to the Committee on Education and the Committee on Ways and Means

No. 106 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs

No. 107 Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing

No. 108 Jointly to the Committee on Human Services and the Committee on Health

No. 109 Jointly to the Committee on Labor and the Committee on Education

No. 110 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means

No. 111 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs

No. 112 Committee on Judiciary and Hawaiian Affairs

No. 113 Committee on Education, then to the Committee on Judiciary and Hawaiian Affairs

No. 114 Committee on Transportation, Military Affairs, and Government Operations

No. 115 Committee on Energy and Environment

No. 116 Committee on Energy and Environment

No. 117 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

No. 118 Committee on Energy and Environment

No. 119 Committee on Judiciary and Hawaiian Affairs

No. 120 Committee on Water, Land, and Agriculture

No. 121 Committee on Energy and Environment

No. 122 Jointly to the Committee on Energy and Environment and the Committee on Commerce, Consumer Protection and Housing

No. 123 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

No. 124 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Energy and Environment

No. 125 Committee on Water, Land, and Agriculture

No. 126 Committee on Water, Land, and Agriculture

**RE-REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following Senate concurrent resolutions that were offered:

Senate Concurrent Resolution	Referred to:
No. 86	Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations
No. 87	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture
No. 103	Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Water, Land, and Agriculture and the Committee on Economic Development

**RE-REFERRAL OF
SENATE RESOLUTIONS**

The Chair re-referred the following Senate resolutions that were offered:

Senate Resolution	Referred to:
No. 44	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture
No. 55	Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Water, Land, and Agriculture and the Committee on Economic Development

Senator English, Chair of the Committee on Energy and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

S.C.R. No. 166;
S.C.R. No. 169;
S.R. No. 86; and
S.R. No. 89.

Senator English noted:

“Mr. President, S.C.R. No. 166 and S.R. No. 86 are Urging the State Departments and Agencies to Implement the Precautionary Principle Policy Framework on Environmental Protection in Conducting the State’s Affairs, and S.C.R. No. 169 and S.R. No. 89 are Expressing the Support of the Legislature of the State of Hawaii for the Development of the Seawater Air Conditioning/Thermal Energy Storage System by Honolulu Seawater Air Conditioning LLC for Use on the Island of Oahu.”

The Chair granted the waiver.

ADJOURNMENT

At 12:30 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Wednesday, March 31, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FORTIETH DAY

Wednesday, March 31, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Stefanie Sakamoto-Sato, Office of Senator Shan Tsutsui, after which the Roll was called showing all Senators present with the exception of Senators Ige and Ihara who were excused.

The President announced that he had read and approved the Journal of the Thirty-Ninth Day.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

HOUSE COMMUNICATION

Hse. Com. No. 312, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2206, H.D. 1 (S.D. 1);
H.B. No. 2337, H.D. 1 (S.D. 1); and
H.B. No. 2280 (S.D. 1),

was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senators Menor and Baker, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3076) recommending that S.C.R. No. 27 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3076 and S.C.R. No. 27, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR FEDERAL LEGISLATION AUTHORIZING THE IMPORTATION OF PRESCRIPTION DRUGS," was deferred until Thursday, April 1, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3077) recommending that H.B. No. 2196, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2196, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3078) recommending that H.B. No. 2375, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2375, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," passed

Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3079) recommending that H.B. No. 2378 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2378, entitled: "A BILL FOR AN ACT RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3080) recommending that H.B. No. 2379, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2379, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TESTIMONY," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3081) recommending that H.B. No. 2380, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2380, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3082) recommending that H.B. No. 2685 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2685, entitled: "A BILL FOR AN ACT RELATING TO BAIL JUMPING," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3083) recommending that H.B. No. 2689 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2689, entitled: "A BILL FOR AN ACT RELATING TO STALKING," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senators Hanabusa and Taniguchi, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways

and Means, presented a joint report (Stand. Com. Rep. No. 3084) recommending that H.B. No. 2300, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2300, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3085) recommending that H.B. No. 1800, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 1800, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3086) recommending that H.B. No. 2796, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3086 and H.B. No. 2796, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred until Friday, April 2, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3087) recommending that H.B. No. 2743, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2743, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senators Sakamoto and Taniguchi, for the Committee on Education and the Committee on Ways and Means, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3088) recommending that H.B. No. 2002, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2002, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3089) recommending that H.B. No. 1824, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1824, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO ELECTRICIANS AND PLUMBERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3090) recommending that H.B. No. 2411, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2411, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senators Hanabusa and Baker, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3091) recommending that H.B. No. 2003, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2003, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3092) recommending that H.B. No. 2004, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2004, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3093) recommending that H.B. No. 2683, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2683, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3094) recommending that H.B. No. 2789, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2789, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Second

Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senators Kawamoto and Fukunaga, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3095) recommending that H.B. No. 1103, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 1103, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

ORDER OF THE DAY

**REFERRAL OF
HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM
TUESDAY, MARCH 30, 2004**

The President made the following committee assignments of House concurrent resolutions that were received on Tuesday, March 30, 2004:

- | | |
|-----------------------------------|--|
| House
Concurrent
Resolution | Referred to: |
| No. 40 | Jointly to the Committee on Science, Arts, and Technology and the Committee on Tourism |
| No. 47 | Jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations |
| No. 50, H.D. 1 | Jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations |
| No. 54, H.D. 1 | Committee on Water, Land, and Agriculture |
| No. 71 | Committee on Tourism |

RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

- | | |
|------------------|-----------------------------|
| House Bill | Referred to: |
| No. 2759, H.D. 1 | Committee on Ways and Means |

Senator Kawamoto rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, it is with deep sadness that I've seen the degradation of Senate courtesy and the unspoken rule of treating fellow Senators with respect and honor for their position.

"In this morning's talk show, a Senator used my name in vain to prove his point. As for me, after this Session, my skin is

thick like an elephant with all the things that go on. But what bothers me the most is that this Senator used a bill that was a bad bill . . . not a bad bill, a bad example of a bill. It's not a bad bill. It's a good bill. Anyway, that bill was not a good example for where veto power of the chair was used. The veto power was not taken at that time. In fact, he was part of the discussion when the bill was recommitted in the House after rejecting the House request.

"All I ask is that the Senator, if he wants to use my name in vain, at least do the research as he's done on other things to prove his point. Because, the veto power was not used on that bill that he announced on the radio today.

"Thank you very much."

ADJOURNMENT

At 12:05 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 1, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FORTY-FIRST DAY

Thursday, April 1, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Dan Hatch, Manoa Valley Church, after which the Roll was called showing all Senators present with the exception of Senators Ihara and Kim who were excused.

The President announced that he had read and approved the Journal of the Fortieth Day.

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:18 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 424 to 427) were read by the Clerk and were placed on file:

Gov. Msg. No. 424, dated February 25, 2004, transmitting a report, "Regarding Maternal and Child Health Services and Contract Services for Early Identification and Home Visiting Services to Support Healthy Start Program," prepared by the Department of Health, pursuant to Act 200, Section 19, SLH 2003.

Gov. Msg. No. 425, dated March 1, 2004, transmitting the Annual Financial Report for the Newborn Metabolic Screening Special Fund, prepared by the Department of Health, pursuant to Section 321-291, HRS.

Gov. Msg. No. 426, dated March 9, 2004, transmitting the Annual Report on the Activities of the Office of Solid Waste Management, prepared by the Department of Health, pursuant to Section 342G-15, HRS.

Gov. Msg. No. 427, dated March 17, 2004, transmitting the Department of Agriculture's Annual Report for Fiscal Year 2003, pursuant to Section 141-7, HRS.

DEPARTMENTAL COMMUNICATION

Dept Com. No. 32, from the State Auditor dated March 29, 2004, transmitting its 2003 Annual Report, was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3096) recommending that the Senate advise and consent to the nomination of SIDNEY M. ROSEN to the State Highway Safety Council, in accordance with Gov. Msg. No. 244.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3096 and Gov. Msg. No. 244 was deferred until Friday, April 2, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3097) recommending that the Senate advise and consent to the nomination of MARIE H.

WEITE to the State Highway Safety Council, in accordance with Gov. Msg. No. 245.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3097 and Gov. Msg. No. 245 was deferred until Friday, April 2, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3098) recommending that H.B. No. 2198, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3098 and H.B. No. 2198, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH," was deferred until Monday, April 5, 2004.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3099), recommending that S.C.R. No. 39 as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 39, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT," was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

H.B. No. 1737, H.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 1737, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ihara, Kim, Sakamoto).

H.B. No. 2139, H.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Kim).

H.B. No. 2140, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2140, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Kim).

H.B. No. 2147, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2147, H.D. 1, S.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Kim).

H.B. No. 2417:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2417, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Kim).

H.B. No. 2418:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2418, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Kim).

H.B. No. 2421, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2421, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Kim).

H.B. No. 2423:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2423, entitled: "A BILL FOR AN ACT RELATING TO COSMETOLOGY LICENSE RESTORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Kim).

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM WEDNESDAY, MARCH 31, 2004

Stand. Com. Rep. No. 3076 (S.C.R. No. 27):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 27, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR FEDERAL LEGISLATION AUTHORIZING THE IMPORTATION OF PRESCRIPTION DRUGS," was adopted.

RE-REFERRAL OF GOVERNOR'S MESSAGES

The Chair re-referred the following governor's messages that were received:

Governor's Message Referred to:

No. 246 Committee on Science, Arts, and Technology

No. 423 Committee on Economic Development

RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill Referred to:

No. 1374, H.D. 2, S.D. 1 Committee on Labor, then to the Committee on Ways and Means

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following Senate concurrent resolutions that were offered:

Senate Concurrent Resolution Referred to:

No. 118 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor, then to the Committee on Ways and Means

No. 119 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 125 Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations

No. 129 Jointly to the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations

No. 143 Committee on Education

No. 144 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations

No. 158 Committee on Health

No. 184 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

No. 196 Committee on Education

No. 202 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

RE-REFERRAL OF SENATE RESOLUTIONS

The Chair re-referred the following Senate resolutions that were offered:

Senate Resolution Referred to:

No. 63 Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Health

and the Committee on Transportation, Military Affairs, and Government Operations

No. 67 Jointly to the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations

No. 76 Committee on Education

No. 77 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations

No. 81 Committee on Health

No. 101 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

No. 109 Committee on Education

At 12:27 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:28 o'clock p.m.

ADJOURNMENT

At 12:28 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 2, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FORTY-SECOND DAY

Friday, April 2, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:51 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Malia Wong, Dominican Sisters of the Most Holy Rosary, after which the Roll was called showing all Senators present with the exception of Senator Whalen who was excused.

The President announced that he had read and approved the Journal of the Forty-First Day.

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o'clock p.m.

HOUSE COMMUNICATION

Hse. Com. No. 313, transmitting H.C.R. No. 36, H.D. 1, which was adopted by the House of Representatives on April 1, 2004, was read by the Clerk and was placed on file.

By unanimous consent, action on, H.C.R. No. 36, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING AND REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES AND THE STATE OF RABAT-SALÉ-ZEMMOUR-ZAËR OF THE KINGDOM OF MOROCCO," was deferred until Monday, April 5, 2004.

STANDING COMMITTEE REPORTS

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3100) recommending that the Senate advise and consent to the nominations to the Environmental Council of the following:

MICHAEL A. FAYE, in accordance with Gov. Msg. No. 217;

D'ARCY KERRIGAN, in accordance with Gov. Msg. No. 218;

VICTOR T. KIMURA, in accordance with Gov. Msg. No. 219;

CHESTER SAITO, in accordance with Gov. Msg. No. 220; and

BRANT T. TANAKA, in accordance with Gov. Msg. No. 221.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3100 and Gov. Msg. Nos. 217, 218, 219, 220 and 221 was deferred until Monday, April 5, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3101) recommending that the Senate advise and consent to the nominations to the Board of Certification of Operating Personnel in Wastewater Treatment Plants of the following:

MANSFIELD DACAY, in accordance with Gov. Msg. No. 301;

MARSHALL LUM, in accordance with Gov. Msg. No. 303;

EASSIE M. MILLER, in accordance with Gov. Msg. No. 304; and

VICTOR D. MORELAND, in accordance with Gov. Msg. Nos. 305 and 306.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3101 and Gov. Msg. Nos. 301, 303, 304, 305 and 306 was deferred until Monday, April 5, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3102) recommending that the Senate advise and consent to the nomination of DANIEL K. MASUNO to the Board of Certification of Public Water System Operators, in accordance with Gov. Msg. No. 308.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3102 and Gov. Msg. No. 308 was deferred until Monday, April 5, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3103) recommending that the Senate advise and consent to the nomination of SHAD S. KANE to the Environmental Council, in accordance with Gov. Msg. No. 378.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3103 and Gov. Msg. No. 378 was deferred until Monday, April 5, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3104) recommending that H.B. No. 2511, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2511, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3105) recommending that H.B. No. 2397, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2397, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII STATE DISASTER REVOLVING LOAN FUND," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 2004.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3096 (Gov. Msg. No. 244):

Senator Kawamoto moved that Stand. Com. Rep. No. 3096 be received and placed on file, seconded by Senator Espero and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of SIDNEY M. ROSEN to the State Highway Safety Council, term to expire June 30, 2007, seconded by Senator Espero.

Senator Kawamoto rose to speak in support of the nominee and said:

“Mr. President, I’d like to speak on Stand. Com. Rep. No. 3096.

“Your TMG Committee held a hearing on Gov. Msg. No. 244, nominating Sid M. Rosen to the State Highway Safety Council for a term to expire 6/30/07.

“Sid Rosen received a Ph.D. in American studies from the University of Hawaii in 1985 and retired as a UH faculty member after 27 years of teaching. Dr. Rosen is the founder and the chief executive officer of Adult Friends for Youth and was instrumental in collaborating with the Department of Transportation’s Safe Highways Office to establish a driver education program for young people. This program has been showcased by the US Department of Transportation National Highway Traffic Safety Administration.

“Your Committee finds the nominee highly qualified and would be a valuable addition to the State Highway Safety Council. I urge my colleagues to advise and consent to this nomination.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

Stand. Com. Rep. No. 3097 (Gov. Msg. No. 245):

Senator Kawamoto moved that Stand. Com. Rep. No. 3097 be received and placed on file, seconded by Senator Espero and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of MARIE H. WEITE to the State Highway Safety Council, term to expire June 30, 2007, seconded by Senator Espero.

Senator Kawamoto rose to speak in support of the nominee as follows:

“Mr. President, I’d like to speak on Stand. Com. Rep. No. 3097.

“Mr. President, your TMG Committee also held a hearing on Gov. Msg. No. 245, nominating Marie Weite to the State Highway Safety Council for a term to expire 6/30/07.

“Marie Weite serves as a bodily injury unit leader and litigation senior adjuster in the areas of automobile, homeowner’s and general liability insurance for First Insurance Company of Hawaii Ltd. Prior to her current position with First Insurance Company, she worked as an adjuster for Island Insurance Companies Ltd. for over 20 years. Ms. Weite is also a certified child safety consultant and has participated as an instructor in many child-passenger safety educational events.

“Your Committee finds this nominee highly qualified and would be a valuable addition to the State Highway Safety Council. I urge my colleagues to advise and consent on this nominee.

“Thank you.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

THIRD READING

H.B. No. 1800, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 1800, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Taniguchi rose to speak in support of the measure as follows:

“Mr. President, I rise to speak in favor of this measure.

“Mr. President, H.B. No. 1800 is the 2004 supplemental budget for the executive branch of government.

“Before I give some short remarks about the bill itself, I would like to acknowledge a few people who were instrumental in putting this measure together.

“First would be my hardworking staff, the Ways and Means staff, some of whom have joined us in the gallery today. With your permission, Mr. President, I’d like to ask them to rise to be recognized. (The members of the Ways and Means staff rose to be recognized.) Of this group, Mr. President, I’d like to especially acknowledge my Committee Clerk, Mr. Rod Tanonaka, who’s done an outstanding job.

“Next, I would also like to acknowledge my colleagues on the Ways And Means Committee. I would like to especially thank them for their patience and their open debates, and most of all, their faith in me as their Chair.

“I would also like to thank you, Mr. President, and the rest of the Senate Leadership for providing guidance and leadership to us in all our deliberations thus far.

“Finally, Mr. President, I’d like to acknowledge the support of my family – my wife Jan, and my two kids. They’ve always been supportive of me and been able to push me out the door when sometimes I wanted to stay in bed. It’s been especially hard for us. We’ve been taking care of my mother-in-law who suffers from dementia. So, it’s been especially hard on us, but they’ve come through real well for me.

“Mr. President, my true desire would have been to address this measure with very little fanfare. While it is an extremely important bill, and it really is the centerpiece of our financial plan, I believe the bill speaks for itself.

“As far as appropriations go, this measure does what we have consistently done over the years – we have provided much needed resources to very crucial government programs.

“We have again demonstrated our support for public education. We shored up our programs in health, human services and public safety. We even found a way to grant the HHSC, the Hawaii Hospital Systems Corporation, their full subsidy request.

“We also took the time to trim government spending very carefully, paring back some of the Governor’s \$120 million requests for new spending, and we also reduced the size of government in the process.

“Moreover, these adjustments paved the way to provide the funds for collective bargaining agreements recently concluded. They have strengthened our battle against ice, and we’ll be able to get more resources to our schools – all of these things the Governor has not been able to do in her financial plan.

“Mr. President, as we head into Conference, I must advise this Body that, as always, this bill is a work in progress. We must be mindful that the HSTA and UPW are still out their trying to hammer out their contracts. Although we are moving efficiently, our vote on the budget today does not close the door on them.

“On that note, I ask my colleagues to remain patient and support me, as well as our counterparts in the House, as we enter the final weeks of this Session.

“With that, I ask my fellow members to support this bill. Thank you.”

Senator Hemmings rose in support of the measure and said:

“Mr. President, I rise to speak in favor of this bill.

“Mr. President, I know the good Chairman of the Ways and Means Committee is going to be elated that I’m going to be joining them on the Conference Committee. (Laughter.) I, too, would like to thank his staff. They’ve done such wonderful work and when they do come into the Committee and aid us with our deliberations they are very well informed. An amazing group of people, they work behind closed doors, more or less the illuminati of the legislative process and they do an excellent job. I do have faith in our Committee Chairman. I know he’s going to adhere to his principles and do what he and his colleagues in the Majority Party think are appropriate.

“In addressing this budget and speaking to it, I do want to refer to the committee report on a couple of issues that are pertinent to this in comparison to the executive budget. Your Loyal Minority, Mr. President, has constantly stood up and recognized that vacant positions are problematic, and we’re very pleased that the Majority, under the leadership of the Chairman of Ways and Means, are addressing these issues. But we also note that the vacant position funding has been used for well over 30 years to fund other programs necessary to run the state. We’re very pleased that vacant positions are being eliminated, but we do want to remind the Majority Party that that funding oftentimes is used to pay salaries and overtime of public employees, and by unilaterally eliminating those vacant position fundings from the budget process and not replacing money that’s used to pay employees, we’re imperiling the jobs and the future of some departments and their programs. And that, to us, seems problematic.

“We do recognize that the good Chairman of the Ways and Means Committee did put back into the budget, funding for our health service programs and our state hospitals throughout the state. Then we come in the committee report to the very sticky issue of collective bargaining, and the committee report and Majority Party seems to take issue with the settlement of UHPA. The committee report laments that it is a six-year plan funding. I might, for the record, remind my Majority Party colleagues that the six-year plan quite frankly is a good plan. It does address increases in UHPA pay incrementally, and in the years projected where the state will be lean on money, the pay increases reflect that by not being as extensive. It also allows for 25 percent of the pay increase to be paid by the University of Hawaii directly, thus the \$124 million over the six years comes out to a little over \$20 million a year that has to come out of the state coffers.

“There’s another principle involved here because the committee report goes on and compares UHPA pay raises to the recently arbitrated pay raises for HGEA. I think it’s incredibly important for the Majority Party to recognize something that seems readily apparent to us, and that is we do have to set priorities. Compensation of university professors and the work they do and the amount of preparation they have to do to become doctorate or master degree holders and the amount of work they do in their day-to-day work with the University of Hawaii cannot be compared to many of the other bargaining units. The bottom line is they’re all different and they all should be treated differently in the collective bargaining process. I think the Governor recognizes that the University of Hawaii professors deserved a pay raise and she gave it to them.

“There’s another thing that is extremely salient where this committee report and the Majority Party, who’s supporting it, seem to contradict themselves. The collective bargaining for the UH professors was done with the right to strike. The collective bargaining for the HGEA, at one point, did not become bargaining anymore because it went to binding arbitration. The committee report is a little misleading. It says fiscal impact of the decision will cost the State of Hawaii \$33 million in general funds for fiscal year 2004-2005. Well, that’s for about a half a year it’s going to cost \$33 million. What the committee report doesn’t say is that it’s going to cost \$54 million a year for every year thereafter, far surpassing what is being spent in the university area, which it tried to compare itself to.

“This committee report says this Governor is implying the administration may not be bargaining in good faith. Well, I’ll tell you what I don’t think is good faith. This administration cannot bargain in good faith when they’re sent to binding arbitration where they no longer bargain and the third party oftentimes not from the State of Hawaii makes an arbitration decision. What’s not good faith is the Majority Party members who several years ago eliminated binding arbitration and voted to put the right to strike back into the collective bargaining process. What’s not good faith is 23 Majority Party members last year did a 180 degrees on their prior vote to have good faith bargaining reinstated by having the right to strike rather than arbitration. I do recall when the Governor vetoed that bill and it was overridden on this Floor, Mr. President, the Majority Party was very defensive about that issue when your loyal opposition said that these arbitration decisions are going to result in dramatic increases in state spending and sometimes we will not be able to move forward. And what we have done is we’ve really taken the arbitration out of it and we’ve acquiesced our control over the bargaining process to a third party arbitrator, often as has happened.

“And so, Mr. President, we do have fundamental ideological differences in this budget. I will be voting ‘yes.’ I do believe in the process, and I do believe that over the long haul, hopefully we can find some common ground to do what’s best for the people that are paying these bills.

“As the argument goes on, we would also like to demonstrate to the public some of the facts concerning the compensation of public employees in relationship to their counterparts in the private sector, including their benefits. So Mr. President, as the good Senator from Manoa did say, this is a work in progress, and we will continue to progress.

“Thank you, Mr. President.”

Senator Kokubun rose to speak in support of the measure and stated:

"Mr. President, I stand in support of H.B. No. 1800, H.D. 1, S.D. 1.

"First, I'm very pleased, Mr. President, to acknowledge the fact that the good Senator from Waimanalo has seen fit to change his vote, in a matter of days, to support this budget now as he opposed it in Committee and has evidently seen the light in terms of why he will support this budget to a greater degree.

"Mr. President, on behalf of the members of the Ways and Means Committee, I want to personally thank the Chair for his evenhandedness and calm demeanor. That truly set the right atmosphere for all our deliberations in Ways and Means. I think that was the appropriate atmosphere to have, in terms of us dealing with sometimes what can be some very cold issues, just dealing with lots of money. But, you know, his sense of humor always brought a very human element to our deliberations on the Committee. I think no one can argue with the fact that his being fair – a very, very fair Chairperson – in terms of looking at all the factors that go into making decisions is really indisputable. I really take my hat off to him and for imparting his knowledge to all of us on the Committee.

"Also, I of course want to thank the members of the Ways and Means staff. They did an excellent job as has been acknowledged all around. More than anything, I think, just getting to know them as people and the kind of warm personalities that they have, also adds to our deliberations on the budget, because I know that even in terms of developing the committee report, they have their jobs to do. They have budget analysts, for instance, that have to take a very hard look at what's being proposed. But I think they also have compassion and they demonstrate that, I think, in how they help the Committee.

"So, Mr. President, I stand in support and I also want to again personally thank the Chair. Thank you."

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to the bill.

"First, I, too, would like to hand out the accolades to the Chairman and Vice Chairman, fellow committee members, and the staff. I think everyone did do a good job in terms of having and fostering open debate.

"But for the Vice Chairman's edification, some of us see the same light that we saw in Committee and follow that same light. So that's why I'm standing in opposition today.

"I think part of the problem is that there is certainly a difference of opinion between the executive budget as presented and certainly the House version and our Senate version. And I think that the Senate version that we're voting on today does differ significantly in a number of key areas from what the executive proposed. I think that the executive had a financial blueprint and I think we are varying from that blueprint and trying to make things up as we go along.

"I accept the idea that this is a work in process and I regret that I won't be able to join you every night to hear the call of 'agree/disagree, agree/disagree.' But the Minority Leader will be able to carry the water for us on that and bring back the light to us.

"I know, for example that the administration had asked that various positions be funded by the general fund rather than general obligation bonds, and the Senate did not concur with that. It is a common fiscal practice that you don't take care of

operating expenditures and things like salaries with long-term bonds, but that is the Senate position here.

"The administration also asked for additional general fund money for certain primary care services. And again, the Senate in its budget version disagrees. Instead, we are going to take up two other bills – one that will raid the emergency reserve fund and another that will raid the rainy day fund or the, I'm sorry, the special funds – so that two things here – one, the budget does not give a full total and accurate picture of the state's expenditures and fiscal plan; and two, again we are in the process of raiding funds. In terms of closing down those funds, some of us certainly agree to that. We agree with that the auditor had said years ago. We're not doing that. We like to fatten up the funds and then raid them and keep them going, allowing the people to think that in fact they are special and that those funds are going to be used for the purposes in which they're taxed or have fees attached – both of which are not the case.

"In addition to that, the issue of vacant positions, Mr. President and colleagues, I remind you, it was not the Majority Party, it was the Minority that kept talking about abolition of vacant positions for years and seemed to fall on deaf ears until there was a change in administration and now there is a rush to remove vacant positions starting with those that are six months or longer. We were talking about the ones that were several years in length and where monies had been diverted for purposes other than those positions or those functions. So, certainly we have to take a broader look at this in the future.

"In addition to that, if we look overall at the version that is before us today and the executive's plan, we see that there is not a great amount of difference. It's probably about 1-1½ percent in overall dollars, but there is a significant difference, as I say, as to where the positions are. For example, the Lt. Governor's Office denied positions. We know about the transfer of functions out of DAGS to the auditor and so forth. And also, on the funding, not only general fund versus general obligation bonds, but also funding in this budget document versus outside.

"So, I certainly will keep an open mind and see what comes out of the Conference Committee, but at this time, with these figures and this philosophy, I must vote 'no.'

"Thank you, Mr. President.

Senator Baker rose to speak in support of the measure as follows:

"Mr. President, I rise in support of this measure.

"Mr. President, I think there are many, many things in this budget to commend it, not only the hard work of the Ways and Means Committee, the staff, and the tireless hours that the Chair and Vice Chair put in. Having sat in those seats, I understand what they've gone through, and I think they've done an excellent job. I think we have a solid financial plan, and there are many wonderful things in this budget to commend.

"I'd also like to thank the Chair and Vice Chair for the courtesies extended to me and my colleague and often Co-Chair, the Chair of Human Services. Since neither of us sit on Ways and Means they've sought our advice and input on many of the measures that the Committee decides on, without our being at the table to have direct input.

"I'd also like to say mahalo for the effort that went into WAM taking another look at the Hawaii Health Systems Corporation. The fact that they heard from folks on the neighbor islands, heard from me, heard from my Maui

colleagues and others who asked them to fully fund HHSC. I acknowledge that there are some issues in this area that we're going to need to continue to work on. I look forward to having the opportunity next Session to work with the Chair on some other ways that we might improve the system, recognizing, I think, full well that it's never going to be self-sufficient. There's no other public hospital system on the mainland that is.

"And while I might have said some things differently in this report, it nevertheless acknowledges some real issues that I think the Chair was wise to bring forward, and I look forward to the opportunity to continue to work with my colleagues on this measure.

"I urge everyone to support it. Thank you."

The motion was put by the Chair and carried, H.B. No. 1800, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 2002, H.D. 2, S.D. 1:

Senator Sakamoto moved that H.B. No. 2002, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Hooser rose in support of the measure and said:

"Mr. President, I rise in support of H.B. No. 2002, S.D. 1.

"Mr. President, this is our education omnibus package bill. It contains many, many good items and I just want to acknowledge that it's a work of many, many, many people. There are a great number of people who have contributed to this bill – teachers, principals, students, parents. We had some representatives of the Hawaii State Student Council who have contributed to the bill, and PTSA, the Hawaii Business Roundtable, the Governor or chief executive . . . key ideas, components contained in this bill, many of them . . . representatives from the San Francisco district school area, Edmonton, and of course our colleagues in the House and the Senate. I believe that it represents a great piece of work of collaboration on many important areas in education, reinvention and reform.

"Just a few days ago, the Senate Education Committee had a public meeting where we discussed and had people come in from all over the state and heard about four hours of testimony representing a broad range of topics – topics including the seven school board issue, weighted funding, the role of parents and principals. I have to say it was a really truly great discussion. Those of you that had the opportunity to watch it on television or attend the meeting, I think you'll agree with me that it was a well informed, articulate discussion of the issues.

"But at the end of the day, there were two points that are very, very clear. One is that there were many, many areas of agreement. If you look at the executive branch, you look at the legislative branch, you look at the teachers, principals, parents, there are many, many things that we all agree on. And there are a few points of disagreement.

"I'd like to focus my comments on the broad range of agreement and encourage my colleagues, as well, to move forward and think about where we agree, where we can work together, where we can collaborate.

"Almost all the participants support the concept of the weighted funding formula. This is a central component of both the Governor and the legislative package and it is an, of course, essential component of this bill. Almost all participants agree that we need to place more money, more control at the school level and push decision making down to the school level. Again, just about everyone agrees with that, and this is a part of this important piece of legislation.

"Almost everyone agrees that principals are the key leaders in schools and ultimately responsible for the school's success and that we need to empower our principals, support them with ongoing training and support, and may work for exceptional performance. Again, we all agree, and this is in the bill.

"We all agree that teachers are the central figures in the classroom and it is in the classroom where student growth and achievement happens. This is where the rubber meets the road, and most of us agree that we need to foster teacher excellence and reward those teachers who excel. Again, this is an important component of this bill.

"Number five, I think we all agree also, certainly the testimony that I hear, the parents deserve and require a meaningful opportunity to actively participate and collaborate with their school and to take responsibility for the success of their school. Again, much agreement and this is in the bill.

"Small class size – I think research clearly shows that most people when they go out in the community and ask people what they want, they'll tell you small class size is important. Again, this is in the bill for grades K-3. Books, facilities – the testimony comes in that we need to spend more money on books. Again, these are areas of agreement and areas that are supported in the bill.

"Yes, Mr. President, colleagues, the debate over the past 18 months on educational reform has covered many, many issues. Some areas we agree, some we don't. It's been a good debate, often intense, sometimes with rancor. But it is clear that the primary elements of this bill have wide spread support. It is also clear that we have areas of disagreement. But I think it's time, Mr. President, colleagues, that we move forward, that we set aside our differences and move forward on the areas that we know are important and that we all agree are critical to making our schools a better place for our students.

"It's time to move forward from debate to action. It's time to set aside the rancor. It's time to set aside the rhetoric. It's time to work together with parents, with students, with teachers, with administrators, with our business community, with the Governor, with the House, with both parties in the Legislature. It's time to move forward for positive education reform.

"This bill offers systemic change that will significantly improve the way we manage our schools. And more importantly, it will have a direct and positive impact on improving student achievement.

"For these reasons, Mr. President, I urge unanimous support so that we may again move forward together in positive support of our public education system.

"Thank you, Mr. President."

Senator Hogue rose to speak in opposition to the measure as follows:

"Mr. President, I rise in opposition to this particular measure.

"I appreciate the comments of the past speaker and all those who have worked on this discussion regarding education reform. There have been tremendous debates going on all over this great state about this very important subject in the past several weeks and several months. I appreciate the civility of the Chair of the Education Committee and the Vice Chair as well for keeping our discussions in our Committee civil, where in other areas of our society those debates were not civil. I think it's very important that we listen to those people who don't share the same point of view. So, Education Chair, thank you very much in that regard.

"My opposition, colleagues, comes from what has been left out of this bill. I agree with the previous speaker that there have been areas of agreement – weighted student formula, empowering principals, helping out the teachers, and the charter schools, etc., etc., etc. However, we have left out one very important area of agreement, and that is allowing, ultimately, the voters to decide on this.

"If I could liken this to a sports competition, it's as if we're getting ready to play a championship football game. We've had the pep rallies. The coaches have talked to the media. All the kids have gotten on the bus. Everybody is ready to cheer. The football teams have gone down to the stadium. They put on their uniforms. Everybody is ready to go, then at the last minute they say you're not going to play. That's what we've done here. We've said we're going to have this debate, but you ultimately, public, are not going to get an opportunity to decide this issue. That's the one area of education reform that we must have.

"Ultimately, I guess the public is going to decide because they're going to decide all of our fates in upcoming elections. It would have been nice if they could have decided on education reform instead. So, I would encourage those who are going to support this measure to still consider that one very important bit of competition – that the public should have the right to decide this issue at the ballot box. And for that reason, I'll be voting 'no.'

"Thank you."

The motion was put by the Chair and carried, H.B. No. 2002, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 2003, H.D. 1, S.D. 1:

Senator Hanabusa moved that H.B. No. 2003, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

At 12:57 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:03 o'clock p.m.

Senator Hogue rose to speak in support of the measure with reservations and said:

"Mr. President, I rise to support this measure with reservations.

"First of all, I want to thank the Chair of the Judiciary Committee. She answered all of my questions that I had about one of the sections of this particular bill.

"The area that I have in question and that I have reservations about is Section 22 of the bill. It's on page 61. We had a lengthy discussion about it in Committee. This essentially has to do with home rule. It is about drug rehab homes in residential areas. What this bill purports to do is to have the state oversee this particular process and take it away from the counties.

"There's one sentence in here that I find objectionable and I've had calls from members of neighborhood boards and they're very concerned about it as well. It says no conditional use permit, variance, or special exception shall be required for a residence used as a drug rehabilitation home. What you've done is you've taken the counties out of the process. And maybe that's the intent of this particular bill, but I don't think that's a very good idea. We should have more or most local control over issues like this.

"We had some people at the hearing, and although they were not specifically talking about a drug rehabilitation home, they had some concerns about some problems that had occurred in their particular area. And that area happened to be in my district.

"So, I would hope, as this bill moves forward and I appreciate the discussion on it, that we can strike Section 22 and give this right back to the counties where, frankly, it should be.

"Thank you very much, Mr. President."

Senator Aduja rose to speak in support of the measure and stated:

"May it please the President and my Senate Colleagues that I rise in support of H.B. No. 2003, H.D. 1, S.D. 1.

"As one of the three Co-Chairs of the Joint House/Senate Task Force on Ice and Drug Abatement I urge my colleagues to support this substance abuse omnibus bill.

"Mr. President, as you know, your devoted members of the Legislative Task Force have attended over 80 hours of informational briefings and public hearings and made numerous site visits to fully understand the scope of the ice and drug epidemic and to hear the will of the people in all of our communities. The findings of the legislative task force have been extensively documented in its final report, which was presented to the President and the Speaker in January 2004.

"The diligent work of the Legislative Task Force produced H.B. No. 2003 and its companion, S.B. No. 3233. S.B. No. 3233 was passed by this Body on March 1st with the votes of all Democrats and one Republican. Mr. President, H.B. No. 2003, as with its Senate companion, adds and amends various laws relating to criminal conduct for drug-related offenses. It designates a significant amount of funds for treatment and rehabilitation to assist those addicted to drugs to turn their lives around. This bill also provides for stiffer penalties for drug dealers, increased authority for law enforcement, and the expansion of drug courts.

"Mr. President, this is an excellent bill which deserves the support of all your members who truly care to stem the ice epidemic and help our communities heal.

"Mr. President, your Windward Senator truly knows that the ice epidemic in Hawaii is so serious, so commonplace that many of us know someone close enough who has fallen victim to drug addiction.

“Mr. President, ice does not discriminate. It preys on the young and the old, the rich and poor, the educated and the illiterate, the professional and the amateur, the doctors, lawyers, their husbands, wives, children and everyone in between. We are all affected in one way or another, and with this bill and its companion, the Legislature has taken full responsibility to turn this tide around, as we can no longer prolong inaction.

“We need to move swiftly, soundly, and efficiently, which is precisely what this measure empowers our communities to do. Mr. President, your Windward Senator fully credits the communities of Kahaluu, Kaaawa, Punaluu, Hauula, and Laie. The ice campaign, which originated in your Windward communities has spread like wildfire.

“We can no longer remain silent. The car thefts, the abandoned vehicles, the car accidents, the burglaries, forgeries, stealing of mail and the altering of checks, the assaults, the abuse of household members, the child abandonments, the homicides, the suicides – we have heard and seen it all. Some of us have even lived through it. Some of us are still suffering.

“Now is the time, Mr. President, to walk the talk – not walk and talk, but to walk the talk. We have talked about it long enough, and now let’s put our words to action. Mr. President, we can, and should, and must work together to protect our children – our most vulnerable members of our community – from drugs. We also must provide long-term treatment for those hardcore drug addicts. At the same time, we must also provide for stiffer penalties for the drug dealers and increased authority for law enforcement. Mr. President, H.B. No. 2003, H.D. 1, S.D. 1, does just that.

“It is your Windward Senator’s hope that this bill will receive bipartisan support. This issue is not about politics. It is about people of Hawaii – our kamali’i, our children, our keiki – and their future.

“Mahalo nui loa and I thank you Mr. President for all of your blessings during the term of the Task Force. In May of 2003 we humbly asked you for your authority to form, and you openly gave it to us. And with everyone’s cooperation, we presented you with this package. Now, colleagues, I urge all of you to pass this bill.

“Thank you.”

Senator Slom rose to speak in opposition as follows:

“Mr. President, I rise in opposition to the bill.

“I don’t think there’s any disagreement on all of us acknowledging the realization of a problem and the impact and the effects of the problem. I think where the differences come in are where we look at the solution.

“The Legislative Task Force worked very diligently. They performed a valuable community service. Basically, they validated what the Lt. Governor’s drug task force did. Those of us that did attend the community meetings, that did hear the stories that the last speaker was talking about, the incidents and all, fully agree with all of that information.

“Where we disagree is what do we do about it. And while there’s talk about stiffer penalties in this bill, there also, if you read very closely, a broadening and a liberalizing of opportunities for those that commit crimes. Certainly we don’t disagree with the concept of treatment, but none of us like to be patsies. None of us like to have hardened criminals use the drug court or drug treatment options as a ‘get out of jail free’ card. And in fact, that’s what this bill allows.

“It does not provide for the stiffer penalties that we talk about, or I guess we can agree to disagree what stiffer penalties mean. It does not provide, as the previous speaker said, the walk and talk and knock and talk, some of the things that the law enforcement coalition wanted. It does liberalize and broaden and expand Act 161, which a number of us had problems with. From the very beginning we’ve said we’ll give it a try and see how it works. Well, we did see how it worked and what we hear from the community is they want these people off the street. They want swifter justice. They want the tools in the hands of the law enforcement community. And this bill does not make it easier to shut down drug houses. It does not make it more certain that people are going to pay for their crimes. It just means that we’re going to spend more money for treatment and allow people to say, well yes, I robbed; oh yes, I abused; oh yes, I raped and pillaged, but I was on drugs at the time. I think that’s the wrong message and I think that’s the wrong emphasis.

“So while there are many good things in this bill, and hopefully it will become an even better bill during Conference, at this time I’m going to vote ‘no.’

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 2003, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 2004, H.D. 1, S.D. 1:

Senator English moved that H.B. No. 2004, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hemmings.

Senator Taniguchi rose and said:

“Mr. President, I just have comments I’d like to insert into the Journal in favor.”

The Chair having so ordered, Senator Taniguchi’s insert reads as follows:

“Mr. President, I rise to speak in favor of H.B. No. 2004, H.D. 1, S.D. 1.

“At the close of the 2003 Regular Session of the State Legislature, the Speaker of the House of Representatives and you, Mr. President, convened the formation of the Joint House-Senate Task Force on Ice and Drug Abatement. The mission of the task force was to formulate a comprehensive approach to the myriad of profoundly disturbing problems associated with the ice epidemic that has taken root in our communities.

“The task force recommendations offer many initiatives to battle the ice problem. These initiatives primarily focus on drug prevention, treatment/rehabilitation, and enforcement.

“The measure before us today implements many of these initiatives through appropriations totaling approximately \$16 million in fiscal year 04-05. If I may highlight just a few of these important provisions, Mr. President S.D. 1 provides funds to:

Expand the drug court programs in the second and third circuits;

Provide substance abuse prevention and school-based and adult treatment services for our children and families;

Provide grants-in-aid to the counties to sustain grassroots anti-drug campaigns; and

Expand the kashbox substance abuse treatment program at the Waiawa correctional center.

“We are **not** ‘throwing money at a problem,’ Mr. President. To the contrary, we have formulated a battle plan to defeat a vicious scourge.

“I urge all my colleagues to support this very important piece of legislation.

“Thank you Mr. President.”

The motion was put by the Chair and carried, H.B. No. 2004, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 2196, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2196, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

H.B. No. 2375, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2375, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

H.B. No. 2378:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2378, entitled: “A BILL FOR AN ACT RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

H.B. No. 2379, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2379, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TESTIMONY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

H.B. No. 2380, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2380, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

H.B. No. 2685:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2685, entitled: “A BILL FOR AN ACT RELATING TO BAIL JUMPING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

H.B. No. 2689:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2689, entitled: “A BILL FOR AN ACT RELATING TO STALKING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

H.B. No. 2300, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, H.B. No. 2300, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

Stand. Com. Rep. No. 3086 (H.B. No. 2796, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3086 was adopted and H.B. No. 2796, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STATE FUNDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hogue, Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 2743, H.D. 2, S.D. 1:

Senator Taniguchi moved that H.B. No. 2743, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Taniguchi rose and said:

“Mr. President, I’d like to have comments in favor inserted into the Journal.”

The Chair having so ordered, Senator Taniguchi’s comments read as follows:

“Mr. President, I rise to speak in favor of H.B. No. 2743, H.D. 2, S.D. 1.

“Mr. President, this measure transfers approximately \$55 million in excess balances contained in various special and revolving funds to the general fund. As you know, this year, as

in years past, the legislature and the executive branch have scrutinized the balances of the various special and revolving funds and have determined that many of these funds have balances in excess of their needs.

“Scrutinizing the financial statements of these funds has always proven to be a good thing. It is, in essence, the Legislature exercising its financial oversight responsibilities of all government operations.

“As I stated earlier, when the companion measure S.B. No. 1491, S.D. 1, was before us for consideration and adoption, this bill is a necessity. This is so because I believe the Governor has not formulated a truly balanced budget. Her six-year financial plan ends with only a \$6 million ending balance two years from now, and, she has failed to reasonably anticipate future expenditures required to provide more resources to our public schools, fight the war on ice, and fund collective bargaining pay raises.

“This measure will provide your Committee on Ways and Means with an additional, and much needed source of revenue, to address these and other vital issues, as we proceed to craft our supplemental budget.

“Mr. President, this measure also repeals the statutory authority of the Governor and the various executive departments’ to transfer excess balances from special funds to the general fund at any time during the fiscal year.

“Last year alone, the Governor authorized the transfer of over \$240 million from special and revolving funds to the general fund. These transfers were executed without the benefit of legislative oversight, public participation, and open debate.

“By repealing this provision all proposals to transfer excess special and revolving funds to the general fund will be subject to public scrutiny in open legislative forums where it rightfully and democratically belongs.

“I urge my colleagues to support this measure.”

The motion was put by the Chair and carried, H.B. No. 2743, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

H.B. No. 1824, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 1824, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

H.B. No. 2411, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2411, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

H.B. No. 2683, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2683, S.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 Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Taniguchi, Whalen).

H.B. No. 2789, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2789, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Taniguchi, Whalen).

H.B. No. 1103, H.D. 2, S.D. 1:

Senator Kawamoto moved that H.B. No. 1103, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to oppose the measure and said:

“Mr. President, I rise in opposition to this bill.

“It’s interesting that the committee report says that this bill is in support of small business but really has nothing to do with small business. It has to do with union prevailing wage rates. It was a gutted bill. It’s completely changed. It has to do with mandating the use of union rates for all kinds of people, a number of whom are not even defined in current labor law.

“It will harm small business. It will probably harm a lot of big businesses, and it will cost the taxpayers more money.

“Thank you.”

Senator Sakamoto rose and said:

“Please note my vote with reservations.”

The Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 1103, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill Referred to:

No. 2005, H.D. 1 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health

**RE-REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following Senate concurrent resolutions that were offered:

- Senate
Concurrent
Resolution Referred to:
- No. 150 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations
- No. 151 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations
- No. 164 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations
- No. 177 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Science, Arts, and Technology

**RE-REFERRAL OF
SENATE RESOLUTIONS**

The Chair re-referred the following Senate resolutions that were offered:

- Senate
Resolution Referred to:
- No. 43 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations
- No. 84 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations

At 1:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:40 o'clock p.m.

HOUSE COMMUNICATION

Hse. Com. No. 314, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1800, H.D. 1, and has requested a conference on the subject matter thereof, in consequence of which on April 2, 2004, the Speaker appointed Representatives Takamine, chair, Kaho'ohalahala, Karamatsu, Kawakami, Magaoay, Mindo, Nakasone, Nishimoto, Shimabukuro, Wakai, Waters, Bukoski, Moses as managers on the part of the House for the consideration of said amendments, was read by the Clerk and was placed on file.

In accordance therewith, the President appointed Senators Taniguchi, chair; Kokubun, Aduja, English, Espero, Hooser, Inouye, Kanno, Kawamoto, Kim, Sakamoto, Tsutsui, Hemmings as managers on the part of the Senate at such conference.

Senator Hemmings rose to speak on a point of personal privilege as follows:

"Mr. President, may I be permitted a point of personal privilege.

"Colleagues, I didn't want to do this when the gallery was full to make a point of this, but I think it's worth putting on the record.

"I voted 'no' against the budget in the Ways and Means Committee procedurally for the simple reason that I did not have a lot of the details in front of me. I know decisions were made while papers were being handed out half way through the hearing on it regarding what was going to happen, which led many of the testifiers to believe that they were testifying in vain.

"I didn't want to bring all of these things up. When we got to the Floor I realized that if I voted 'no' on the Floor, I wouldn't be on the Conference Committee, Mr. Chairman. And I believe that there are probably those who thought that was a great idea, but Mr. Chairman, I hope that we can continue to live in a free society where the right to dissent, the right to have a contrary point of view with the Majority is appreciated and allowed. I don't make the Rules. The Rule says if you vote 'no' on Third Reading of the bill, the interpretation of the Rule is you're not on Conference Committee.

"I really believe that the point of view that we represent over here needs to be represented. The point of view of the Governor needs to be represented, therefore, I voted 'yes.' That explains my vote and what might be perceived by some Majority members as a 180. I don't make the rules, Mr. Chairman, and I'm doing what I think is best to advance what I believe in my heart, believe in for my whole life. The fact that some people in the Majority Party want only people on the Conference Committee that will rubberstamp their dictates makes me even more desirous to be on the Conference Committee.

"I thank the leaders for recognizing the fact that voting 'no' on the Floor is where its decided who's going to be on Conference Committee. Thank you, Mr. President."

Senator Taniguchi rose in response and said:

"Mr. President, just in response.

"I guess part of it is that the theory I guess I've always had in my numerous years here is that, generally speaking, when you go to Conference, the conferees on behalf of the Senate are supposed to vigorously support the Senate position in Conference in opposition to what the House is doing. So, I think part of it for us is that if people vote 'no' on these bills, then I guess there's some question as to whether they will be supporting the Senate position.

"That's historically why people who vote 'no' on the bill weren't allowed to go to Conference because that was I guess the philosophy behind Conference is that you're supposed to really fight for our position even if you may not even agree with it. But if you voted for it, then you've got to go with it.

"That's a lot of why the Rule was established. It's not a matter of partisanship or that kind of thing or trying to keep a particular perspective out, but that's the basis of it. That's why I think we do have questions as to why people vote 'no' on particular bills and still would want to be on the Conference. I think we've had members in the Majority Party who also voted 'no' and would like to be on, or voted with reservations so that they could stay on to provide their input and I think we've acknowledged that.

“So, maybe that philosophy that I’ve had over the years about Conference maybe changed a little bit, but I think that was the reason why the Rule was established.

“Thank you.”

ADJOURNMENT

At 1:47 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Monday, April 5, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FORTY-THIRD DAY

Monday, April 5, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Jerry Rauckhorst, Catholic Charities, after which the Roll was called showing all Senators present with the exception of Senator Ige who was excused.

The President announced that he had read and approved the Journal of the Forty-Second Day.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 428, informing the Senate that on March 31, 2004, she signed into law House Bill No. 1113 as Act 2, entitled: "RELATING TO DRIVERS' LICENSES," was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 315 to 321) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 315, transmitting H.C.R. No. 138, H.D. 1, which was adopted by the House of Representatives on April 2, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 138, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, HAWAII MEDICAL ASSOCIATION, AND AMERICAN CANCER SOCIETY TO SUPPORT ADEQUATE LEVELS OF REIMBURSEMENT FOR MAMMOGRAPHY SERVICES AND TO SUPPORT PHYSICIANS TO BE ALLOWED TO PROVIDE MORE ACCESS TO TECHNOLOGY," was deferred until Tuesday, April 6, 2004.

Hse. Com. No. 316, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

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),

was placed on file.

Hse. Com. No. 317, returning S.B. No. 3238, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3238, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 318, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1103 H.D. 2 (S.D. 1);
H.B. No. 1824 (S.D. 1);
H.B. No. 2002 H.D. 2 (S.D. 1);
H.B. No. 2003 H.D. 1 (S.D. 1);
H.B. No. 2004 H.D. 1 (S.D. 1);
H.B. No. 2196 H.D. 1 (S.D. 1);
H.B. No. 2300 H.D. 1 (S.D. 1);
H.B. No. 2375 H.D. 1 (S.D. 1);
H.B. No. 2379 H.D. 1 (S.D. 1);
H.B. No. 2380 H.D. 1 (S.D. 1);
H.B. No. 2411 H.D. 1 (S.D. 1);
H.B. No. 2683 (S.D. 1);
H.B. No. 2743 H.D. 2 (S.D. 1);
H.B. No. 2789 H.D. 1 (S.D. 1); and
H.B. No. 2796 H.D. 1 (S.D. 2),

was placed on file.

Hse. Com. No. 319, informing the Senate that the Speaker on April 2, 2004, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 2002, H.D. 2 (S.D. 1):

Representatives Takumi, Takamine, co-chairs; Evans, Kawakami, Ching.

H.B. No. 2003, H.D. 1 (S.D. 1):

Representatives Hamakawa, Takamine, co-chairs; B. Oshiro, Kawakami, Pendleton.

H.B. No. 2004, H.D. 1 (S.D. 1):

Representatives Takamine, chair; Kawakami, Nishimoto, Meyer.

H.B. No. 2300, H.D. 1 (S.D. 1):

Representatives Takamine, Hamakawa, co-chairs; Kaho`ohalahala, Karamatsu, Kawakami, Magaoay, Mindo, Nakasone, Nishimoto, Shimabukuro, Wakai, Waters, Bukoski, Jernigan, Meyer, Moses.

In accordance therewith, the President appointed Senators Hanabusa, Taniguchi, co-chairs; Aduja, English, Espero, Hooser, Inouye, Kanno, Kawamoto, Kim, Kokubun, Sakamoto, Tsutsui, Hemmings, Slom, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2743, H.D. 2 (S.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone, Jernigan.

H.B. No. 2796, H.D. 1 (S.D. 2):

Representatives Kahikina, Arakaki, Takamine, co-chairs; Kawakami, Finnegan,

was placed on file.

Hse. Com. No. 320, informing the Senate that the Speaker on April 2, 2004, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bill:

H.B. No. 2280 (S.D. 1):

Representatives Takamine, chair; Kawakami, Moses,

was placed on file.

Hse. Com. No. 321, informing the Senate that the Speaker on April 5, 2004, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bill:

S.B. No. 3238, S.D. 2 (H.D. 2):

Representatives Takumi, M. Oshiro, Takai, co-chairs; Ching,

was placed on file.

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3106) recommending that H.B. No. 1259, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1259, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 7, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3107) recommending that H.B. No. 2408, H.D. 2, as amended in S.D. 1, pass Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2408, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 7, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3108) recommending that H.B. No. 2013, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3108 and H.B. No. 2013, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS," was deferred until Wednesday, April 7, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3109) recommending that H.B. No. 2223, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3109 and H.B. No. 2223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3110) recommending that H.B. No. 1765, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3110 and H.B. No. 1765, H.D. 1, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO GOVERNMENT BOARDS, COMMISSIONS, AND AGENCIES," was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3111) recommending that H.B. No. 1859, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3111 and H.B. No. 1859, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3112) recommending that H.B. No. 1926 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3112 and H.B. No. 1926, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3113) recommending that H.B. No. 1987, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3113 and H.B. No. 1987, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3114) recommending that H.B. No. 1991, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3114 and H.B. No. 1991, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3115) recommending that H.B. No. 2020, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3115 and H.B. No. 2020, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3116) recommending that H.B. No. 2098, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3116 and H.B. No. 2098, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3117) recommending that H.B. No. 2142, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3117 and H.B. No. 2142, H.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO BUSINESS PRACTICES," was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3118) recommending that H.B. No. 2290, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3118 and H.B. No. 2290, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3119) recommending that H.B. No. 2472, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3119 and H.B. No. 2472, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE," was deferred until Wednesday, April 7, 2004.

ORDER OF THE DAY
REFERRAL OF
HOUSE CONCURRENT RESOLUTION
MATTER DEFERRED FROM
FRIDAY, APRIL 2, 2004

The President made the following committee assignment of a House concurrent resolution that was received on Friday, April 2, 2004:

House Concurrent Resolution	Referred to: No. 36, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations
-----------------------------------	---

ADVISE AND CONSENT

Stand. Com. Rep. No. 3100 (Gov. Msg. Nos. 217, 218, 219, 220 and 221):

Senator English moved that Stand. Com. Rep. No. 3100 be received and placed on file, seconded by Senator Kokubun and carried.

Senator English then moved that the Senate advise and consent to the nominations to the Environmental Council of the following:

MICHAEL A. FAYE, term to expire June 30, 2007 (Gov. Msg. No. 217);

D'ARCY KERRIGAN, term to expire June 30, 2007 (Gov. Msg. No. 218);

VICTOR T. KIMURA, term to expire June 30, 2007 (Gov. Msg. No. 219);

CHESTER SAITO, term to expire June 30, 2007 (Gov. Msg. No. 220); and

BRANT T. TANAKA, term to expire June 30, 2007 (Gov. Msg. No. 221),

seconded by Senator Kokubun.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 3101 (Gov. Msg. Nos. 301, 303, 304, 305 and 306):

Senator English moved that Stand. Com. Rep. No. 3101 be received and placed on file, seconded by Senator Kokubun and carried.

Senator English then moved that the Senate advise and consent to the nominations to the Board of Certification of Operating Personnel in Wastewater Treatment Plants of the following:

MANSFIELD DACAY, term to expire June 30, 2007 (Gov. Msg. No. 301);

MARSHALL LUM, term to expire June 30, 2007 (Gov. Msg. No. 303);

EASSIE M. MILLER, term to expire June 30, 2007 (Gov. Msg. No. 304); and

VICTOR D. MORELAND, terms to expire June 30, 2004, and June 30, 2008 (Gov. Msg. Nos. 305 and 306),

seconded by Senator Kokubun.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 3102 (Gov. Msg. No. 308):

Senator English moved that Stand. Com. Rep. No. 3102 be received and placed on file, seconded by Senator Kokubun and carried.

Senator English then moved that the Senate advise and consent to the nomination of DANIEL K. MASUNO to the Board of Certification of Public Water System Operators, term to expire June 30, 2007, seconded by Senator Kokubun.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 3103 (Gov. Msg. No. 378):

Senator English moved that Stand. Com. Rep. No. 3103 be received and placed on file, seconded by Senator Kokubun and carried.

Senator English then moved that the Senate advise and consent to the nomination of SHAD S. KANE to the Environmental Council, term to expire June 30, 2008, seconded by Senator Kokubun.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

THIRD READING

Stand. Com. Rep. No. 3098 (H.B. No. 2198, H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Hooser and carried, Stand. Com. Rep. No. 3098 was adopted and H.B. No. 2198, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

H.B. No. 2511, S.D. 1:

Senator Taniguchi moved that H.B. No. 2511, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to this bill.

"The original idea, which was an administration objective, was to make the state law the same as the federal law. The federal law has certain requirements at a \$50,000 level. The bill came in at \$40,000. It was amended in the Senate to \$20,000. The point is, whatever the amount, it's going to impact and affect small businesses the most. It's going to be most difficult for them.

"And as I've said before, really, business is the tax collector in this state. We in business do all of the tax collecting, the cost, the personnel, and everything else and we just turn over the money to the state.

"This will be more of a burden and I urge a 'no' vote on it. Thank you."

Senators Kim, Ihara, Sakamoto, Aduja, Hooser requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2511, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Ige).

H.B. No. 2397, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 2397, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII STATE DISASTER REVOLVING LOAN FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

Senator Slom rose to speak on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"I brought up an issue in the Ways and Means Committee this morning that at first looked rather innocuous. There was a problem – a constituent called about a vote that was taken on Friday, one of the many bills that we voted on in Ways and Means. And in getting the bill status off the computer, I noticed that the bill said that everyone was present at the Ways and Means Committee, all 15 votes – 12 Democrats voted aye; 3 Republicans voted nay. The problem with that, Mr. President, is, as I pointed out to the Ways and Means Committee this morning, that in fact was not the case.

"Those of you that know what I do, from the time that I've been in here, I take copious notes when I'm at the committee hearing, including when people are there so that you look at the different vote totals just as the Senate Clerk has to do here – people walk in; they walk out; they're not here; they are here – and in Ways and Means and other Committees too. And sometimes it's a daunting problem.

"Calling that to the attention, however, I did volunteer to share my notes with the Chair at the time, and he later said that he had checked and they found that there was an error that was made and that was it. I was curious, though, because we had some instances last year where incorrect votes had shown up on the computer on the public website, and people look to that website for accuracy. I've had people call me and say how come you voted no on something or how come you voted yes when in fact it was the wrong vote. Again, usually it was a mistake and the error was corrected.

"I'm concerned, however, because I had one of our researchers go through all of the bills on Friday and what I have in my possession is that of the 36 votes that were taken, 35 of the votes were incorrect. I think this is significant because this is what's on the website. Again, this is what the public downloads. This is the information they have.

"There is a consistency though it seems, and I was joking about it this morning. If a Republican gets up and leaves the room, all of a sudden there's a great deal of activity to have a lot of votes. When members of the Majority Party are not even in the room, they are counted as having voted.

"Now, I raise this point of personal privilege not to criticize or to point fingers at anyone, because I know, for example, in Ways and Means the Vice Chairman who usually does the recordation is very accurate in terms of looking around the room. The first vote is always a direct roll call vote for everyone. After that, there's plenty of opportunity for people to have reservations or noes and he, like I, look around the room and I actually do a physical count. I put it down on my sheet. But 35 errors out of 36 bills is not good.

"I guess my real question is, How accurate is all this information and has it happened in other Committees and other times? And I'm suggesting, because this website is so important and because this is the only way that the public has of looking at what we've actually done, that we should take a look at this. I don't know whether we need an investigation or what we need, but we need to make sure that these figures and this information once published is absolutely accurate.

"I remember last year there were a couple of questions that arose during crossover time and the issue was, well that's how the vote was taken and all of that. When my office pointed out that we had videotapes of the Session and we reviewed the videotapes, changes were subsequently made. We have some additional video tapes and if anyone would like to view them or review them, as well as the sheets that I have in terms of who was in the room at the time the voting was taken, I think that's an important point, Mr. President, because as we saw in this

latest survey that rated the Governor and the Legislature, that there is continuing criticism of the Legislature.

“I think that we should do everything in our power to make sure that the things that we do in here and the things that we put out for the public for public consumption are as accurate as possible. So, I’ll be very happy to work with anyone and share information I have, but I’m very concerned that the magnitude of this problem seems to be a lot larger than just an occasional mistake.

“Thank you, Mr. President.”

At 12:09 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:16 o’clock p.m.

Senator Kokubun rose to speak on a point of personal privilege and said:

“Mr. President, I rise on a point of personal privilege just to clarify the situation that the good Senator from Hawaii Kai raised.

“I think that is very good constructive criticism. I take it in that manner, and I think that this is something that we’re going to have to work on with staff just to be sure that accuracy is the most important part of our process in Ways and Means. I will certainly work toward that end.

“I appreciate the input, though. Thank you.”

APPOINTMENT OF CONFEREES

S.B. No. 3238, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3238, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Chun Oakland, Hooser, Kokubun, Tsutsui, Hogue as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:17 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Tuesday, April 6, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FORTY-FOURTH DAY

Tuesday, April 6, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Kahu William Kaina, Waianae Protestant Church, after which the Roll was called showing all Senators present with the exception of Senator Hanabusa who was excused.

The President announced that he had read and approved the Journal of the Forty-Third Day.

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:16 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 322 to 336) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 322, transmitting H.C.R. No. 86, H.D. 1, which was adopted by the House of Representatives on April 5, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 86, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PILOT PROGRAM TO SUPPORT THE EFFORTS OF THE HAWAII CHAMBER OF COMMERCE OF NORTHERN CALIFORNIA IN PROMOTING HAWAII AND ITS PRODUCTS," was deferred until Wednesday, April 7, 2004.

Hse. Com. No. 323, transmitting H.C.R. No. 121, which was adopted by the House of Representatives on April 5, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO PARTICIPATE IN THE 2005 WORLD EXPOSITION, AICHI, JAPAN," was deferred until Wednesday, April 7, 2004.

Hse. Com. No. 324, transmitting H.C.R. No. 133, which was adopted by the House of Representatives on April 5, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," was deferred until Wednesday, April 7, 2004.

Hse. Com. No. 325, transmitting H.C.R. No. 154, which was adopted by the House of Representatives on April 5, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO PROVIDE

DATA ON HAWAII'S FAMILY CAREGIVERS AND THE OLDER ADULTS TO WHOM THEY PROVIDE ASSISTANCE," was deferred until Wednesday, April 7, 2004.

Hse. Com. No. 326, transmitting H.C.R. No. 159, which was adopted by the House of Representatives on April 5, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII MEDICAL ASSOCIATION, THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION, AND THE AMERICAN PSYCHIATRIC ASSOCIATION IN EXTENDING AN INVITATION TO THE AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES TO RETURN TO HONOLULU, HAWAII FOR ITS INTERIM WINTER MEETING IN 2007 OR 2008," was deferred until Wednesday, April 7, 2004.

Hse. Com. No. 327, transmitting H.C.R. No. 161, which was adopted by the House of Representatives on April 5, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE HALEIWA TOWN AS THE SURFING CAPITAL OF THE WORLD," was deferred until Wednesday, April 7, 2004.

Hse. Com. No. 328, returning S.B. No. 1491, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1491, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 329, returning S.B. No. 1611, which passed Third Reading in the House of Representatives on April 5, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1611, and requested a conference on the subject matter thereof.

Hse. Com. No. 330, returning S.B. No. 2525, which passed Third Reading in the House of Representatives on April 5, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2525, and requested a conference on the subject matter thereof.

Hse. Com. No. 331, returning S.B. No. 2528, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2528, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 332, returning S.B. No. 2704, which passed Third Reading in the House of Representatives on April 5, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2704, and requested a conference on the subject matter thereof.

Hse. Com. No. 333, returning S.B. No. 2951, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2951, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 334, returning S.B. No. 3237, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3237, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 335, informing the Senate that the Speaker on April 5, 2004, made the following change to the conferees on the following bill:

S.B. No. 3238, S.D. 2 (H.D. 2):

Appointed Representative Hamakawa as fourth co-chair,
was placed on file.

Hse. Com. No. 336, informing the Senate that the Speaker on April 5, 2004, made the following change to the conferees on the following bill:

S.B. No. 3238, S.D. 2 (H.D. 2):

Appointed Representative Takamine as fifth co-chair,
was placed on file.

SENATE COMMUNICATION

Sen. Com. No. 2, notice to the Governor dated April 6, 2004, transmitting H.B. No. 2789, H.D. 1, S.D. 1, which proposes amendments to the Hawaii State Constitution, was read by the Clerk and was disposed of as follows:

By unanimous consent, the following notice was sent to the Governor:

“April 6, 2004

The Honorable Linda Lingle
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

H.B. No. 2789, H.D. 1, S.D. 1
‘RELATING TO SEXUAL ASSAULT.’

Respectfully,

/s/ Paul T. Kawaguchi
PAUL T. KAWAGUCHI
Clerk of the Senate”

STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3120) recommending that H.B. No. 1261, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1261, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 8, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3121) recommending that H.B. No. 2254, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2254, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHAPTER 707, HAWAII REVISED STATUTES,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 8, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3122) recommending that H.B. No. 1820, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1820, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 8, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3123) recommending that H.B. No. 2426 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2426, entitled: “A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 8, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3124) recommending that H.B. No. 2414 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3124 and H.B. No. 2414, entitled: “A BILL FOR AN ACT RELATING TO DENTAL INSURANCE,” was deferred until Thursday, April 8, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3125) recommending that H.B. No. 2539, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3125 and H.B. No. 2539, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," was deferred until Thursday, April 8, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3126) recommending that H.B. No. 2092, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3126 and H.B. No. 2092, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," was deferred until Thursday, April 8, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3127) recommending that H.B. No. 1770, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3127 and H.B. No. 1770, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Thursday, April 8, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3128) recommending that H.B. No. 2458, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3128 and H.B. No. 2458, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3129) recommending that H.B. No. 2297, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3129 and H.B. No. 2297, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP AND PROTECTIVE PROCEEDINGS," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3130) recommending that H.B. No. 2292, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3130 and H.B. No. 2292, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3131) recommending that H.B. No. 2301, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3131 and H.B. No. 2301, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3132) recommending that H.B. No. 1634, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3132 and H.B. No. 1634, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3133) recommending that H.B. No. 1944, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3133 and H.B. No. 1944, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3134) recommending that H.B. No. 2137, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3134 and H.B. No. 2137, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3135) recommending that H.B. No. 2170, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3135 and H.B. No. 2170, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3136) recommending that H.B. No. 2840, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3136 and H.B. No. 2840, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3137) recommending that H.B. No. 1885, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3137 and H.B. No. 1885, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A YOUTH SUMMIT," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3138) recommending that H.B. No. 2022, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3138 and H.B. No. 2022, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3139) recommending that H.B. No. 2459, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3139 and H.B. No. 2459, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3140) recommending that H.B. No. 1856, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3140 and H.B. No. 1856, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3141) recommending that H.B. No. 1893, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3141 and H.B. No. 1893, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3142) recommending that H.B. No. 1929, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3142 and H.B. No. 1929, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3143) recommending that H.B. No. 2547, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3143 and H.B. No. 2547, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3144) recommending that H.B. No. 2667, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3144 and H.B. No. 2667, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE MEDIUM EDUCATION," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3145) recommending that H.B. No. 2815, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3145 and H.B. No. 2815, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Thursday, April 8, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3146) recommending that H.B. No. 2911, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3146 and H.B. No. 2911, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred until Thursday, April 8, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3147) recommending that S.C.R. No. 3 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3147 and S.C.R. No. 3, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR OF THE LICENSING AND REGULATION OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was deferred until Wednesday, April 7, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3148) recommending that the Senate advise and consent to the nomination of DAVID M. SAITO MD to the Medical Advisory Board, in accordance with Gov. Msg. No. 258.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3148 and Gov. Msg. No. 258 was deferred until Wednesday, April 7, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3149) recommending that the Senate advise and consent to the nomination of WARREN J. FERREIRA MA CPP to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 278.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3149 and Gov. Msg. No. 278 was deferred until Wednesday, April 7, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3150) recommending that the Senate advise and consent to the nomination of JAMIE W. FURUTANI DVM to the Board of Veterinary Examiners, in accordance with Gov. Msg. No. 300.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3150 and Gov. Msg. No. 300 was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3151) recommending that the Senate consent to the nomination of BARBARA T. TAKASE to the office of Judge, District Court of the Third Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 4.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3151 and Jud. Com. No. 4 was deferred until Wednesday, April 7, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3152) recommending that the Senate advise and consent to the nomination of GLENN S. HARA to the office of Judge, Circuit Court of the Third Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 411.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3152 and Gov. Msg. No. 411 was deferred until Wednesday, April 7, 2004.

ORDER OF THE DAY

**REFERRAL OF
HOUSE CONCURRENT RESOLUTION**

**MATTER DEFERRED FROM
MONDAY, APRIL 5, 2004**

The President made the following committee assignment of a House concurrent resolution that was received on Monday, April 5, 2004:

House
Concurrent
Resolution Referred to:

No. 138, H.D. 1 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing

RECONSIDERATION OF ACTION TAKEN

H.B. No. 2408, H.D. 2, S.D. 1:

Senator Menor moved that the Senate reconsider its action taken on April 5, 2004, in adopting Stand. Com. Rep. No. 3107 and passing H.B. No. 2408, H.D. 2, S.D. 1, on Second Reading, seconded by Senator Baker.

Senator Menor noted:

“Mr. President, Stand. Com. Rep. No. 3107 contains an error in the recommendation paragraph. It recommended that H.B. No. 2408, S.D. 1, pass Third Reading, when it should have recommended that the bill pass Second Reading and be placed on the calendar for Third Reading. We would like an opportunity to correct this situation in order to prevent any questions on the validity of the bill’s passage.”

The motion was put by the Chair and carried.

Senator Menor then moved that Stand. Com. Rep. No. 3107 be received and placed on file, seconded by Senator Baker and carried.

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2408, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 7, 2004.

Senator Inouye, Chair of the Committee on Water, Land, and Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

- S.C.R. No. 87;
- S.C.R. No. 190;
- S.C.R. No. 212;
- S.R. No. 44;
- S.R. No. 104; and
- S.R. No. 123,

and the Chair granted the waiver.

Senator Inouye, Chair of the Committee on Water, Land, and Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

- S.C.R. No. 147;
- S.C.R. No. 148;
- S.C.R. No. 162;

- S.C.R. No. 187;
- S.C.R. No. 209;
- S.R. No. 83;
- S.R. No. 120;
- S.R. No. 125; and
- S.R. No. 126,

and the Chair granted the waiver.

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

- S.C.R. No. 10;
- S.C.R. No. 38;
- S.C.R. No. 113;
- S.C.R. No. 132;
- S.C.R. No. 139;
- S.R. No. 19;
- S.R. No. 59; and
- S.R. No. 70,

and the Chair granted the waiver.

Senator English, Chair of the Committee on Energy and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 2498, and the Chair granted the waiver.

At 12:22 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o’clock p.m.

ADJOURNMENT

At 12:24 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Wednesday, April 7, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FORTY-FIFTH DAY

Wednesday, April 7, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend George Scott, Central Union Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Fourth Day.

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 337 to 339) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 337, transmitting H.C.R. No. 98, which was adopted by the House of Representatives on April 6, 2004, was placed on file.

By unanimous consent, action on, H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP INCREASED EXPERTISE TO ASSIST HAWAII BUSINESSES WITH PROCUREMENT OPPORTUNITIES WITH THE FEDERAL GOVERNMENT AND OTHER STATE GOVERNMENTS AND TERRITORIES," was deferred until Thursday, April 8, 2004.

Hse. Com. No. 338, transmitting H.C.R. No. 150, which was adopted by the House of Representatives on April 6, 2004, was placed on file.

By unanimous consent, action on, H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING NATIONAL, STATE, AND LOCAL EFFORTS TO SECURE ACCESS AND REMOVE BARRIERS TO HEALTH CARE FOR MEN AND THEIR FAMILY MEMBERS," was deferred until Thursday, April 8, 2004.

Hse. Com. No. 399, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2397 H.D. 1 (S.D. 1); and
H.B. No. 2511 (S.D. 1),

was placed on file.

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3153) recommending that the Senate advise and consent to the nomination of ELAINE MARIE HEIBY to the Board of Psychology, in accordance with Gov. Msg. No. 279.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3153 and Gov. Msg. No. 279 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3154) recommending that the Senate advise and consent to the nominations to the Health Planning Council, West Oahu Subarea of the following:

JOYCE M. O'BRIEN, in accordance with Gov. Msg. No. 238; and

INAM UR RAHMAN MD, in accordance with Gov. Msg. No. 239.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3154 and Gov. Msg. Nos. 238 and 239 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3155) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Maui County Subarea of the following:

GLENN S. IZAWA, in accordance with Gov. Msg. No. 235;

JOHN ORNELLAS, in accordance with Gov. Msg. No. 236; and

ELAINE J. SLAVINSKY, in accordance with Gov. Msg. No. 237.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3155 and Gov. Msg. Nos. 235, 236 and 237 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3156) recommending that the Senate advise and consent to the nominations to the Emergency Medical Services Advisory Committee of the following:

JENNIE A. PANG, in accordance with Gov. Msg. No. 213;

JAMES PAPAYOANOU, in accordance with Gov. Msg. No. 214;

ANDY SCHWARTZ MD, in accordance with Gov. Msg. No. 215; and

CRAIG THOMAS MD, in accordance with Gov. Msg. No. 216.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3156 and Gov. Msg. Nos. 213, 214, 215 and 216 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3157) recommending that the Senate advise and consent to the nomination of STANLEY G. YATES to the Health Planning Council, Kaua'i County Subarea, in accordance with Gov. Msg. No. 227.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3157 and Gov. Msg. No. 227 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3158) recommending that the

Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

WILLIAM GERALD CHUNG, in accordance with Gov. Msg. No. 222;

PATTY FOLEY, in accordance with Gov. Msg. No. 223;

DAVID W. HEYWOOD, in accordance with Gov. Msg. No. 224;

CLYDE SMITH MD, in accordance with Gov. Msg. No. 225; and

LOIS E. WEISS, in accordance with Gov. Msg. No. 226.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3158 and Gov. Msg. Nos. 222, 223, 224, 225 and 226 was deferred until Thursday, April 8, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3159) recommending that the Senate advise and consent to the nomination of WILLES LEE to the State Boxing Commission of Hawai'i, in accordance with Gov. Msg. No. 376.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3159 and Gov. Msg. No. 376 was deferred until Thursday, April 8, 2004.

Senators Menor, Baker and Kawamoto, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3160) recommending that S.C.R. No. 56 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3160 and S.C.R. No. 56, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS," was deferred until Thursday, April 8, 2004.

Senators Menor, Baker and Kawamoto, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3161) recommending that S.R. No. 24 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3161 and S.R. No. 24, entitled: "SENATE RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS," was deferred until Thursday, April 8, 2004.

Senators Menor and Ige, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3162) recommending that S.C.R. No. 29 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3162 and S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL TRADE COMMISSION TO INVESTIGATE AND TAKE ACTION AGAINST THE USE OF UNSOLICITED PORNOGRAPHIC

POPUP ADVERTISEMENTS," was deferred until Thursday, April 8, 2004.

Senators Menor and Ige, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3163) recommending that S.R. No. 17 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3163 and S.R. No. 17, entitled: "SENATE RESOLUTION URGING THE FEDERAL TRADE COMMISSION TO INVESTIGATE AND TAKE ACTION AGAINST THE USE OF UNSOLICITED PORNOGRAPHIC POPUP ADVERTISEMENTS," was deferred until Thursday, April 8, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3164) recommending that S.C.R. No. 93 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3164 and S.C.R. No. 93, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS," was deferred until Thursday, April 8, 2004.

Senators Menor and Baker, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3165) recommending that S.C.R. No. 105 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3165 and S.C.R. No. 105, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE SOCIAL AND FINANCIAL EFFECTS OF MANDATING EQUITABLE REIMBURSEMENT UNDER HEALTH INSURANCE PLANS FOR PHYSICIANS WITH A NUTRITION SUBSPECIALTY," was deferred until Thursday, April 8, 2004.

Senators Baker and Kawamoto, for the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3166) recommending that S.C.R. No. 40 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 40, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA 'PEARL CITY' INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Baker and Kawamoto, for the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3167) recommending that S.R. No. 20, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 20, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA 'PEARL CITY' INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Menor and Hanabusa, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3168) recommending that H.B. No. 2558, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2558, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION PLANS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3169) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Health Systems Corporation of the following:

ANDREW DON MD, in accordance with Gov. Msg. No. 154; and

RUSSELL T. STODD MD, in accordance with Gov. Msg. No. 155.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3169 and Gov. Msg. Nos. 154 and 155 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3170) recommending that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

ARCHIE HAPAI III, in accordance with Gov. Msg. No. 200;

JAMES Y.T. KAM, in accordance with Gov. Msg. No. 201;

LAURA E. MILLMAN, in accordance with Gov. Msg. No. 202;

CHARLENE SUMIDA, in accordance with Gov. Msg. No. 203; and

DANIEL VARGAS, in accordance with Gov. Msg. No. 205.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3170 and Gov. Msg. Nos. 200, 201, 202, 203 and 205 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3171) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Hawai'i County Subarea of the following:

THOMAS O. BROWN, in accordance with Gov. Msg. No. 228;

ROBERTA CARTWRIGHT, in accordance with Gov. Msg. No. 229;

SUSAN B. HUNT, in accordance with Gov. Msg. No. 230; and

IRENE A. NAGAO, in accordance with Gov. Msg. No. 231.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3171 and Gov. Msg. Nos. 228, 229, 230 and 231 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3172) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Honolulu Subarea of the following:

KATHLEEN E. DELAHANTY, in accordance with Gov. Msg. No. 232;

PAMELA HINSDALE, in accordance with Gov. Msg. No. 233; and

EMMET WHITE, in accordance with Gov. Msg. No. 234.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3172 and Gov. Msg. Nos. 232, 233 and 234 was deferred until Thursday, April 8, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3173) recommending that the Senate advise and consent to the nominations to the Radiologic Technology Board of the following:

LORI H.O. KAMIKAWA, in accordance with Gov. Msg. No. 280;

MICHAEL MEAGHER MD, in accordance with Gov. Msg. No. 281;

STEIN ERIK RAFTO MD, in accordance with Gov. Msg. No. 282; and

DANIEL W. RICKENBACHER, in accordance with Gov. Msg. No. 283.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3173 and Gov. Msg. Nos. 280, 281, 282 and 283 was deferred until Thursday, April 8, 2004.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3174) recommending that S.C.R. No. 193 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.C.R. No. 193, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE DENIAL OF COVERAGE UNDER THE PREPAID HEALTH CARE ACT," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3175) recommending that S.R. No. 107 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.R. No. 107, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE DENIAL OF COVERAGE UNDER THE PREPAID HEALTH CARE ACT," was referred to the Committee on Commerce, Consumer Protection and Housing.

ORDER OF THE DAY

**REFERRAL OF
HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM
TUESDAY, APRIL 6, 2004**

The President made the following committee assignments of House concurrent resolutions that were received on Tuesday, April 6, 2004:

House Concurrent Resolution	Referred to:
No. 86, H.D. 1	Jointly to the Committee on Economic Development and the Committee on Tourism, then to the Committee on Ways and Means
No. 121	Committee on Tourism
No. 133	Jointly to the Committee on Health, the Committee on Human Services and the Committee on Education
No. 154	Jointly to the Committee on Health and the Committee on Human Services
No. 159	Committee on Health
No. 161	Jointly to the Committee on Tourism and the Committee on Economic Development

ADVISE AND CONSENT

Stand. Com. Rep. No. 3148 (Gov. Msg. No. 258):

Senator Kawamoto moved that Stand. Com. Rep. No. 3148 be received and placed on file, seconded by Senator Espero and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of DAVID M. SAITO MD to the Medical Advisory Board, term to expire June 30, 2007, seconded by Senator Espero.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3149 (Gov. Msg. No. 278):

Senator Menor moved that Stand. Com. Rep. No. 3149 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of WARREN J. FERREIRA MA CPP to the Board of Private Detectives and Guards, term to expire June 30, 2005, seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3150 (Gov. Msg. No. 300):

Senator Menor moved that Stand. Com. Rep. No. 3150 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JAMIE W. FURUTANI DVM to the Board of Veterinary Examiners, term to expire June 30, 2007, seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3151 (Jud. Com. No. 4):

Senator Hanabusa moved that Stand. Com. Rep. No. 3151 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of BARBARA T. TAKASE to the Office of Judge, District Court of the Third Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Chun Oakland.

Senator Hanabusa rose to speak in favor of the nominee and stated:

"Mr. President, I rise in favor of Jud. Com. No. 4.

"Mr. President, Jud. Com. No. 4 submits for consideration and confirmation to the District Court of the Third Circuit, State of Hawaii, judicial nominee Barbara Takase. Ms. Takase's education background completely shows her to be born and raised on the Big Island. She is a Ka'u High School graduate, and that's apparently located in Pahala, Hawaii. She's a University of Hawaii Hilo graduate with a Bachelor's of Art in psychology and a teaching certificate. In addition, she received a law degree from the University of Hawaii William S. Richardson School of Law.

"It is her experience, Mr. President, that makes her so well qualified for this position. She began as a pre-trial or pre-sentence investigator for the Hawaii Correctional Center. She did employment counseling. She did victim witness counseling for the County of Hawaii Prosecuting Attorney's Office. Then she went on to law school and returned as a deputy prosecuting attorney for the County of Hawaii. She has served, for my good colleague from Hawaii Kai, as a hearings officer for Felix due process matters, as well as being a per diem judge for the district and family courts for the third circuit for the past five years. Mr. President, that's almost as long as a term for a district court judge.

"The Hawaii State Bar Association found her qualified, with five voting highly qualified and six voting qualified. The Hawaii County Bar reported her basically highly qualified with 24 of her colleagues voting her as such and seven voting her as qualified.

"Mr. President, the most telling statement about Ms. Takase is the fact that she admitted that she has never had any ambitions to be a judge but it was having been provided the

opportunity to serve as a per diem judge and sitting on a regular basis between three to four days a week that made her decision to be a judge. She found the work to be challenging, the people appearing before her interesting and stimulating, because this is where (this is what Ms. Takase says as to the district court) most everyday people may have their only exposure to the judicial system either through something like traffic tickets or small claims. She felt it was so important to give them their day in court.

“The person that she replaces, Sandra Schutte, who retired in June, flew from the Big Island to testify on her behalf and she felt that Ms. Takase is highly competent because she has watched her handle difficult calendars, she has a great demeanor, the strength and the courage to make the hard decisions.

“Another attorney was impressed with how Ms. Takase managed the courtroom. Mr. President, when you look at her background, you can understand how someone who has had such diverse experience in the criminal justice system would be able to handle this courtroom. Someone said she has the humility and she serves in the courtroom like she did as a victim’s counselor – with compassion and really understanding, which is what you really need in that district courtroom.

“I ask that you join me to basically put into the position, someone who as almost served a full term as a per diem judge, someone who clearly deserves the appointment. Mr. President and colleagues, I ask that you join me in consenting to Ms. Takase to the Third Circuit, State of Hawaii, District Court.

“Thank you very much.”

Senator Inouye rose to speak in support of the nomination as follows:

“Mr. President and colleagues, I speak in support of the appointment of Barbara K. Takase to serve as a District Court Judge of the Third Circuit. Ms. Takase is highly qualified for this post, as has been described by the good Senator from Waianae, the Chair of Judiciary, with her impressive background that should prepare her well for the task ahead of her.

“Barbara has been, as well, an attorney in private practice working in the areas of real property, wills and trusts, and business law, including the formation of limited liability companies, nonprofit corporations, and S corporations as well. Since 1999, as we’ve heard, she has been a per diem judge in both district and family courts. Due to the vacancies in both courts, she often hears three cases or four days a week.

“Mr. President and colleagues, it is important that we have high expectations from the people we appoint to the bench, and I speak to you today with the assurance that Barbara Takase justifies that high expectation. It is also important that a judicial appointee understand the perspective of both sides of the cases she hears, and she should have the appropriate background to reflect that understanding.

“As an aside, Mr. President and colleagues, Barbara and her husband Gerald, who also is a deputy corporation counsel for Hawaii County, are proud parents of four children – an older daughter and triplets. When I was Mayor, in my recollection, and I think Barbara if you can remember, in the early ’90s at the orders of her doctor, she had to be bedridden for months before the triplets were delivered. She exhausted her sick leave and only the Mayor had the powers to extend her sick leave. And because of the hardship put upon the family, I extended the additional benefit of her sick leave in her case. So, I have a

personal interest whenever I see the triplets and a personal love for the family.

“As a former deputy prosecuting attorney for Hawaii County, an attorney in private practice, a per diem judge, and an active and concerned member of the Big Island community, Barbara certainly has demonstrated both through her words and actions that she is well prepared to assume the responsibilities of a district court judge of the third circuit.

“Mr. President and colleagues, I urge confirmation of Barbara Takase to this important post. Thank you.”

Senator Hogue rose in support of the nominee and said:

“Mr. President, I also rise in favor of this nominee, Barbara Takase, and I do it as a member of the Minority, also a member of the Judiciary Committee, and as a father of four. So, hats off to you. If you can judiciously do your job as a mother of four, I know that you will do a great job on the bench.

“She does, colleagues, have impressive experience, intelligence, compassion. There’s a serious side to her and I was very impressed with how seriously she takes this nomination and she does it with great humility as well.

“There is something that I think that we haven’t spoken about today and it really struck me when I met Barbara Takase for the first time. There is an aura of fairness about her, and I think that is so very important when you go before a judge. Many of the people that will stand in her courtroom will be doing so for the first time and I think it’s important that you have that kind of an aura.

“So, Barbara, you’ve got it. You’ve got my vote, and colleagues, I hope you have great consideration for her as well and I hope you will favor her with this advise and consent – Barbara Takase to the District Court of the Third Circuit, State of Hawaii.

“Thank you, Mr. President.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Hanabusa introduced Judge Takase and her family to the members of the Senate.

Stand. Com. Rep. No. 3152 (Gov. Msg. No. 411):

Senator Hanabusa moved that Stand. Com. Rep. No. 3152 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of GLENN S. HARA to the office of Judge, Circuit Court of the Third Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Chun Oakland.

Senator Hanabusa rose to speak in support of the nominee as follows:

“Mr. President, I rise to speak in favor of Gov. Msg. No. 411.

“Mr. President, Gov. Msg. No. 411, submitting for consideration and confirmation to the Circuit Court of the Third Circuit, State of Hawaii, Glenn Hara for a term of 10 years.

“Mr. President, Mr. Hara is Hilo grown. He is an honor grad and class president of Hilo High School, and I won’t tell you what year. He received his Bachelor’s in Economics from Stanford University and his Juris Doctorate from Stanford University Law School.

“His experience is as follows: he was a Judge Advocate General, a JAG, basically, in the US Army, and he was a law clerk for Kazuhisa Abe, also someone from Hilo.

“Mr. President, I didn’t realize this when I first met Mr. Hara because I would have made a comment to him. After Judge Abe stepped down from the Hawaii Supreme Court, I had a case with him, and at that time he was very proud of the fact that he had equivalent to two bound versions of Hawaii Reports – us lawyers know what the Hawaii Reports are – and it contained all of his dissents. I just hate to believe that Glenn Hara had something to do with all of those dissents.

“Glenn Hara also served as an attorney general and as a prosecuting attorney. He entered private practice and was a civil practitioner for part of the time. He served as a Grand Jury Counsel. He also served as a per diem judge for five years, an arbitrator, and after serving in solo practice for about eight years, he then joined about seven years ago the law firm of Roehrig, Roehrig, Wilson and Hara. This law firm, by the way, seems to have some kind of monopoly on the Big Island. Everybody seems to be connected to them.

“The Hawaii State Bar Association found him highly qualified, with ten voting highly qualified, six qualified, and one abstention. They did make a comment that they had to make some statement about his temperament. One of the issues raised was that he was much too aggressive as a soccer coach, but somehow that didn’t fall into judicial temperament. The Hawaii County Bar found him to be highly qualified. Basically, 22 of his colleagues voting as such; four qualified; one, basically, not qualified; and three blank votes.

“Many came from the Big Island to show their support for Mr. Hara. When asked why he wanted to serve, he basically said that he grew up in a family where citizenship and service was very important. He said that he found that this would be the way he could serve, short of elected office. That’s the one thing I guess he didn’t want to do. So, as 32 years as a lawyer, he felt that it was now time to serve and return to the Big Island community as a judge if we would confirm him.

“One of the most interesting people testifying on his behalf was Lincoln Ashida. Lincoln is, of course, the corporation counsel for the County of Hawaii now. He said that what he recalls the most about Glenn Hara is that after a case was pau, Glenn Hara will take him aside and tell him what he did right and what he did wrong and what he could do better. So, Lincoln Ashida basically said that the lawyer he is today is because of Glenn Hara. So if anyone has any problems with that, you can blame Glenn Hara.

“Glenn Hara is the son of Senator Stanley Hara, a Democrat, I may add, who served in this Legislature for 25 years. You can see that Mr. Hara’s desire to serve the community, the Big Island, is genuine and it is something that flows in his blood.

“Mr. President, members, I ask that you join me in consenting to Mr. Hara as the Circuit Court Judge for the Third Circuit of the State of Hawaii. Thank you.”

Senator Inouye rose in support of the nomination and said:

“Mr. President, I rise to speak in support of the appointment of Glenn S. Hara to serve as a Circuit Court Judge of the Third Circuit.

“Mr. President, as you know, it is very important that judicial appointments be filled by highly qualified persons with a wide range of judicial experience. Mr. Hara is just such a nominee as referenced by the good Senator from Waianae, the Chair of Judiciary.

“Mr. President, this is the range of experience we expect from a judicial appointee, and the people of Hawaii deserve nothing less. Mr. Hara brings an impressive educational background to his work as well. As we heard, he was an honors graduate of Hilo High School, which we’re all proud of, and was his senior class president, as well as our Senator from Waipahu who was our senior class president. I can say the year – 1958. (Laughter.)

“Mr. Hara worked hard to achieve these goals and his hard work has prepared him well for a life of public service. I wanted to add to Glenn that your friends have called and they all wish you well. Glenn S. Hara has sought challenges all his life and has met them with grace and skill. Mr. President, being a circuit court judge will be his greatest challenge to date, and he, as well as his wife Janet, is well prepared to meet it.

“I offer my wholehearted support to his nomination for this important post. Thank you, Mr. President.”

Senator Hogue rose to speak in support of the nominee and stated:

“Mr. President, I rise in support of this nominee.

“Colleagues, this nominee to the Circuit Court of the Third Circuit on the Big Island does have great experience and great intelligence. I was very impressed with him as I met with him in my office and also in his testimony before the Judiciary.

“He has a great commitment to the community and I wanted to talk just a little bit about that because he and I had a wonderful conversation about coaching girls athletic teams. I coach basketball and many years ago coached softball, and Glenn coaches soccer. We have learned that coaching girls can be one of the most satisfying, absolutely satisfying experiences of one’s life – the way that they listen, the way that they learn. Coaching boys is nice, but coaching girls is very, very special. Glenn and I not only had a great conversation but then he sent me some articles about coaching girls, which I really, really enjoyed. So, thank you very, very much.

“As a coach of a girls athletic team, you not only have to talk about the skills on the court or on the field, but life skills as well, and so it’s an absolutely perfect proving ground for being a judge. I know that Glenn has had wonderful experiences as a coach and I know he will be a wonderful judge, so I urge all my colleagues to vote ‘yes’ for Glenn Hara.

“Thank you very much.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Hanabusa introduced Judge Hara and his family to the members of the Senate.

At 12:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:50 o'clock p.m.

THIRD READING

H.B. No. 1259, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 1259, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

H.B. No. 2408, H.D. 2, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2408, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3108 (H.B. No. 2013, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3108 was adopted and H.B. No. 2013, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3109 (H.B. No. 2223, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3109 was adopted and H.B. No. 2223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3110 (H.B. No. 1765, H.D. 1, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3110 was adopted and H.B. No. 1765, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT BOARDS, COMMISSIONS, AND AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3111 (H.B. No. 1859, H.D. 2, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3111 was adopted and H.B. No. 1859, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3112 (H.B. No. 1926):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3112 was adopted and H.B. No. 1926, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3113 (H.B. No. 1987, H.D. 1, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 3113 be adopted and H.B. No. 1987, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition.

"The Department of Transportation testified that if this bill passes it would be in conflict with federal law. A portion of the bill that holds installers responsible needs to be removed in order not to be in conflict with federal law. So, for that reason, I'll be voting 'no.'

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3113 was adopted and H.B. No. 1987, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Aduja).

Stand. Com. Rep. No. 3114 (H.B. No. 1991, H.D. 1, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3114 was adopted and H.B. No. 1991, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3115 (H.B. No. 2020, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3115 be adopted and H.B. No. 2020, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose on a point of inquiry as follows:

"Mr. President, I rise on a point of inquiry.

"Current law says that profiting from prostitution is a misdemeanor. H.B. No. 2020 provides that promoting travel services for prostitution is a felon. My question is not really the difference in the penalty, but rather how an overzealous prosecutor will interpret promoting transportation services. Is a cab driver that takes a John or a Jane on a trip, could he be charged with a felony?"

The President then inquired:

“Are you directing your question to the Chair of the Judiciary Committee?”

Senator Trimble replied:

“That seems like the best place in the House.”

Senator Hanabusa responded as follows:

“Mr. President, the intent of this bill was not to cab drivers. It is the promotion of travel to developing countries in particular, and that’s the travel agencies that were looked upon as being class C felons if in fact they are promoting sex tours. This is the intent of this bill.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3115 was adopted and H.B. No. 2020, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROSTITUTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3116 (H.B. No. 2098, H.D. 1, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3116 was adopted and H.B. No. 2098, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MEDICAL RECORDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Aduja).

Stand. Com. Rep. No. 3117 (H.B. No. 2142, H.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3117 be adopted and H.B. No. 2142, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose with reservations as follows:

“Mr. President, I rise with reservations.

“You know, I think the appropriate place, if there is a problem with confidential information, is to change the law relating to the Office of Information Practices. There are a variety of departments, branches, and agencies that deal with confidential information, and instead of doing it one department, one agency at a time, I think it’s more appropriate to do it as it relates to the Office of Information Practices.

“Thank you.”

Senator Ihara rose to speak in favor of the measure with reservations as follows:

“Mr. President, I rise in favor of this bill with reservations.

“Mr. President, this bill would keep from public disclosure business trade secrets and proprietary records at one of the state agencies. Testimony from the Office of Information Practices says that this information that is sought to be kept secret is already protected from disclosure, and I have the same concern that the previous speaker mentioned in that it may encourage

other agencies to start coming in one after the other asking that their records be kept secret that’s already protected.

“The reason that they want to have their information not be, well, to put it in their law is that they want to have some degree of certainty that their records – this proprietary information and business trade secret information – are not made public, which is already the case. So, those are my concerns, Mr. President.

Senator Hogue rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition for much of the reasons that were brought up before us by the previous two speakers.

“This bill is unnecessary. This information is already protected. I think that we really need to be concerned about going this way. If we start protecting certain entities . . . for example, we had a bill come forward in Judiciary about protecting business disclosure for the convention center, for example, and there was a lot of concern there and so the bill ended up getting held.

“I think that we need to really look at this as a slippery slope here. Many times, as a Legislative Body, we are kind of dissed by those in the media and sometimes by the public that we don’t disclose everything and we need to make everything as open as we possibly can.

“So, I really think that this is problematic, especially since it’s unnecessary. Why even go down this road at all? Let’s make the Office of Information Practices be the place that makes certain that things should be or not be open.

“Thank you very much, Mr. President.”

Senator Slom rose to speak in opposition to the measure and stated:

“Mr. President, I, too, rise in opposition to this bill.

“As I’ve said on the Senate Floor this Session previously on other measures, I’m concerned because we seem to be moving in a direction to turn off the sunshine for meetings and information. The good Senator from Kaneohe just mentioned about the convention center bill, and we did discuss that earlier.

“Let me be clear – I’m all for protecting actual trade secrets and proprietary information. But as the good Senator from Kaimuki had mentioned, we already have a law in place and the proper agency for that is the OIP. In recent years we saw that the OIP had become a political football. I think that most of us are very enthusiastic about the new direction of the OIP and that in fact this is the direction and this is the location for these kinds of questions.

“I’m concerned when there is existing law against and yet someone comes in with a law to change that for their specific situation. So, I would urge caution on this. Actually, I urge my colleagues to vote ‘no.’

“I would also, if I may, direct a question specifically to the Chair of Judiciary because this had come up again in the issue about the convention center, and my question would be, the information would be sealed but would the Legislature or Legislative Committees under this law be able to find out the nature of that information?”

Senator Hanabusa rose and replied:

“Mr. President, the question from the good Senator from Hawaii Kai I think is referencing the convention center provision which had an exemption if it was the Legislature that made the inquiry. In this particular bill it is my recollection that there is no such exemption nor is it anticipated as far as the NELHA contracts are concerned.

“Thank you.”

Senator Slom responded:

“Thank you, Judiciary Chair. That was my understanding as well, and I think that makes this more of a difficult bill because here is the Legislature that is funding this agency but the Legislature itself would not be able to get any information. Apparently, others would not be able to get the information too.

“So, if we have a law already on the books, I would urge my colleagues, as I said, to vote ‘no.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3117 was adopted and H.B. No. 2142, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BUSINESS PRACTICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hogue, Slom, Trimble). Excused, 1 (Aduja).

Stand. Com. Rep. No. 3118 (H.B. No. 2290, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3118 be adopted and H.B. No. 2290, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hemmings rose to speak against the measure as follows:

“Mr. President, I rise to speak against H.B. No. 2290 in its final draft.

“Mr. President, if this bill is in response to racing and speeding on the highways, I would submit to my colleagues that it’s a non sequitur. It doesn’t fit the occasion. There’s considerable evidence that most of the speeding is being done by drivers who are young adults, and not 16- or 17-year-olds.

“The other principle that I think applies here is that we are penalizing the many for the sins of a few. The viable alternative is to implement swifter, surer traffic violation laws with genuinely strong penalties. And there’s another remedy to 16 and 17-year-olds’ accountability on the road with cars, and that is to do something that we used to do, Mr. President, when we were young kids – parents were held accountable. As we all know, parents have to sign for their children to get their license, and if more parents were held accountable for their children’s traffic violations, possibly there’d be more parental guidance in this area.

“I don’t believe it’s fair to all the young people that for years have been expecting to get their licenses to have to go through this particular process in order to attain it, especially when the vast majority of them – 99 percent of them – are good young kids that will use their license conscientiously possibly for work, school and other worthwhile endeavors. Therefore, I would urge my colleagues to reconsider this bill and vote ‘no’ against it and try to implement laws that are really going to penalize the people that are creating the problems.

“Thank you, Mr. President.”

Senator Kawamoto rose to speak in favor of the measure and said:

“Mr. President, I rise in favor of this bill.

“Mr. President, this is not to answer the racing concerns. This is not to answer the questions about speeding. This answer is about the fact that currently, right now, the number one killer for young people from ages 3 to 19 is accidents and situations that was brought in by young people.

“Again, Mr. President, we are one of six states that don’t have any sort of graduated license in the country. This is about young people’s lives. I had the unfortunate opportunity to attend funeral services for three young people who got killed in accidents. Again, we need to insure, and we tried to do that three years back with the education portion, but we still continue to have accidents and concerns about the process in which our young people get their license.

“Like the good Senator from Waimanalo has said, we need to get the parents involved. One of the stages that we have in this graduating license, we have 50 hours of supervised time in which the parents or guardian must sign off their supervised time. So, we’re getting people involved. We’re getting agencies involved. We’re getting the police involved, and we’re getting the young people involved.

“This bill was not instigated by adults. It was instigated by young people trying to save young people’s lives. This graduated license was started three years ago by the Youth In Action group throughout the state, and this is why we brought it up.

“Thank you, Mr. President. I urge my colleagues to vote ‘aye’ on this bill.”

Senator Hogue rose to speak in favor of the measure as follows:

“Mr. President, I rise in favor of this particular measure.

“As a parent of four teenagers, I think this measure is very, very important. I think that we have seen success with the graduated licensure in other states, so the proof really is in the pudding. It saves teenagers’ lives.

“In other areas we talked about apprenticeships and we had apprenticeships written into the law. This is kind of almost an apprenticeship for driving a very large vehicle. I think it’s important when we’re talking about maturity or sometimes lack of maturity of teenagers that we have this period so that they get the proper supervision and that we do get parents involved. I do agree with my colleague from Waimanalo that parents should be involved, absolutely they should be involved.

“This is a bill that makes you essentially earn your final licensure to become an adult. So, I encourage all my colleagues to vote ‘yes.’ Thank you.”

Senator Hemmings rose in rebuttal and said:

“Mr. President, in rebuttal.

“If parents really want to get involved, all they have to do is not sign the applications for driver’s licenses. Thank you, Mr. President.”

Senator Hooser rose to speak in support of the measure and stated:

"Mr. President, I rise in support.

"Yesterday I had my daughter here, 16-year-old daughter, as my shadow on the Floor. I'm very proud of her as a young lady, and I think there are few 16-year-olds as mature and as together as my own child, if I do say so. But she's not ready to drive. She doesn't have the experience. I thank the Legislature in prior years for passing the laws requiring raising it to 16 and requiring the forms to be signed. We're going through that process right now and she is clearly not ready to drive as mature and as together as she is because it takes experience. And no matter how good a parent you are, no matter how mature the child is, without experience, you can't really learn to drive safely. Certainly she's not ready to drive between the hours of 11:00 and 5:00 in the morning in my opinion.

"I have a couple of regrets. I support the bill 100 percent. My one regret I have is that this is being televised today, and if my daughter sees me testifying in support of this, she's liable not to talk to me for a while. (Laughter.) She thinks this is a terrible bill, but I'm speaking in support of it 100 percent. I like to think I'm a good parent and I try my best. This will give me and other parents a powerful tool. When the teenager says 'I want to go here, I want to go there, I want to drive, I know how to drive,' we can simply say it's the law, you cannot do that. And you prevent 16-year-olds from driving late at night with cars full of teenagers in dangerous kinds of conditions.

"I think it's a good bill and I'm going to be supporting it enthusiastically. My only other regret is that every other parent, except the parents in this room, when the child points at them arguing, they can say don't blame me, I don't make the laws. But unfortunately today, I do not have that excuse to offer to my daughter once this becomes law.

"Thank you."

Senator English rose in support with reservations and stated:

"Mr. President, I rise in support with reservations, and that way I can get on the Conference Committee.

"My particular district – the islands of Moloka'i, Lana'i, and rural East Maui – has a bit of a problem with this, and the problem is that a lot of times the great distances involved traveling in these very rural areas gets caught up in this particular bill. For example, there are people that live in an area called Kaupo in Hana and it would take them about an hour-and-a-half to two hours to drive into Hana where the school is. There is one bus that brings a few of the kids from that very remote area into Hana High School, but a few of them drive as well. And the problem with it, of course, is that if they can't leave home between 5 a.m. in the morning, it becomes difficult.

"I can support a lot of the provisions in here but I just have to find that delicate line between balancing out the greater interest of safety and welfare of the people on the highways and the people of Hawaii with the need for some of the people in our rural areas to travel during these hours and to travel outside of this. There has been some movement in the bill to accommodate that.

"So, in Committee I voted 'no,' but I've learned from the Senator from Waipahu to vote 'yes, with reservations' and you'll end up on the Conference Committee where you can actually change the things you want to change. So that's why I'm voting 'yes, with reservations.'

"A final point, Mr. President. This bill, while some kids like it, most of the kids that I've talked to don't. And I can tell you

that I'm torn between it because on the island of Moloka'i we have an exceptionally high rate of accidents with children. Usually this happens at graduations, proms, these types of events, and for some reason we have a huge proportion of accidents there.

So, I understand the rationale behind the bill and that's why I'll be supporting it 'with reservations.' Thank you, Mr. President."

Senator Slom rose to oppose the measure and said:

"Mr. President, I rise in opposition to the bill.

"I appreciate some of the struggles that the good Senator from Maui has gone through, and I learned a lesson a long time ago too – and that was, even if you sit on the Conference Committee, your chances of influencing anything are about 1/10 of 1/2 of 1 percent. So, I think it's important that when we debate bills that we give it our best shot and our best arguments.

"The issue really is not safety and welfare, because all of us are in favor of safety and welfare not only for everyone's kids, including our own, but also for everyone else's on the highway.

"The problem here is, though, again, and it was enunciated a few minutes ago, we as parents can continue to duck our responsibilities by saying it's the law, or somebody else did it, or you have to abide by this, rather than taking our full responsibility and accountability. I think that's what it really comes down to, that plus the fact that 99 percent of these youthful drivers, 98 percent, are drivers without problems, without records, without accidents, without incident. And as usual in government, the only remedy we ever had is using the broad brush to make it apply to everyone, and I think that's a disservice and that's the message we send to our young people as well.

"So, I would say that we certainly want to increase options for safety and for welfare, but it begins with each and every one of us who are parents and we do have the responsibility to do that even if our children don't agree with our decisions. But it's a lot better to do that than say government did it.

"Thank you."

Senator Kim rose to speak with reservations and said:

"Mr. President, I rise with reservations.

"Mr. President, it's interesting because more adults get into more accidents. And so, if that's happening, then perhaps adults need to have a graduated license. I'm not sure, but to say that because you go through a graduated license when you're 16 that you're not going to get into an accident and while children or young people are getting killed, I trust some of them are getting killed because adults over the age of 17 are driving. And because of that, Mr. President, I will be voting with reservations.

"Thank you."

Senator Ihara rose and said:

"Please note my reservations on this bill."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3118 was adopted and H.B. No. 2290, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER

LICENSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Hemmings, Slom). Excused, 3 (Aduja, Taniguchi, Whalen).

Stand. Com. Rep. No. 3119 (H.B. No. 2472, H.D. 2, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 3119 be adopted and H.B. No. 2472, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Slom rose to speak in opposition to the measure as follows:

“Mr. President, I rise in opposition to this bill.

“I note that there is overwhelming testimony in support of the bill. Many of these groups over the years have fought to continue to expand this program of giving sterile needles and syringes to those who are using drugs.

“You know, we should be conflicted. We’ve spent most of this Session so far and we’ll spend the rest of it talking about the drug problem. And in this bill, I see as a problem, as I saw when it was first proposed, that basically we’re saying your behavior and what you do is okay, and in fact we’re going to facilitate it by making the needles available.

“The converse argument to that is, well, we’ll protect disease as long as we give them clean needles on a regular basis. But this Body has shown its reluctance to have any strong punishment or incarceration going for treatment, and yet we’re not talking about treatment in a bill like this.

“What this bill specifically does is take away the sunset provision for Act 292, but more importantly, at least under Act 292 there is a requirement that the director of health implement a disposal and tracking system and report to the Legislature. This bill has in its current form right now, S.D. 1, would remove that so that there’s no tracking whatsoever.

“Now, we talk everyday about the growing crisis in the use of drugs and so we can expect that there’s going to be more and more people that are using drugs if we don’t find effective means, and yet what we’re saying is let’s make sure the needles are clean. I think we’ve lost focus, and I think we’ve lost perspective and I, for one, am voting ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3119 was adopted and H.B. No. 2472, H.D. 2, S.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 Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Slom, Trimble). Excused, 2 (Aduja, Whalen).

At 1:16 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:18 o’clock p.m.

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM TUESDAY, APRIL 6, 2004

Stand. Com. Rep. No. 3147 (S.C.R. No. 3):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 3, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR OF THE LICENSING AND REGULATION OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS,” was adopted.

RE-REFERRAL OF GOVERNOR’S MESSAGE

The Chair re-referred the following governor’s messages that were received:

Governor’s Message	Referred to:
No. 395 Technology	Committee on Science, Arts, and
No. 396 Technology	Committee on Science, Arts, and
No. 397 Technology	Committee on Science, Arts, and
No. 398 Technology	Committee on Science, Arts, and
No. 399 Technology	Committee on Science, Arts, and
No. 400 Technology	Committee on Science, Arts, and

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following Senate concurrent resolutions that were offered:

Senate Concurrent Resolution	Referred to:
No. 118	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Ways and Means
No. 120	Jointly to the Committee on Water, Land, and Agriculture, the Committee on Education and the Committee on Science, Arts, and Technology
No. 153 Affairs	Committee on Judiciary and Hawaiian
No. 157 Agriculture	Committee on Water, Land, and
No. 175	Committee on Energy and Environment

**RE-REFERRAL OF
SENATE RESOLUTION**

The Chair re-referred the following Senate resolution that was offered:

Senate Resolution	Referred to:
No. 94	Committee on Energy and Environment

Senator Baker, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 159, and the Chair granted the waiver.

APPOINTMENT OF CONFEREES

S.B. No. 2529 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2529, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2004, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2004, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2280 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2280, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, Slom as managers on the part of the Senate at such conference.

H.B. No. 2743, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2743, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, Tsutsui as managers on the part of the Senate at such conference.

ADJOURNMENT

At 1:20 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 8, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FORTY-SIXTH DAY

Thursday, April 8, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Rho Masuda, Higashi Hongwanji, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Fifth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 429 to 435) were read by the Clerk and were placed on file:

Gov. Msg. No. 429, dated March 8, 2004, transmitting the Housing and Community Development Corporation of Hawaii's Funds Report for Fiscal Year Ending June 30, 2002, prepared by Grant Thornton LLP pursuant to Section 201G-21, HRS.

Gov. Msg. No. 430, dated March 15, 2004, transmitting the Foreign-Trade Zone No. 9's Annual Report to the Foreign-Trade Zones Board for Federal Fiscal Year Ending September 30, 2003.

Gov. Msg. No. 431, dated March 23, 2004, transmitting the Report Regarding Requesting the Establishment of a Task Force on Graduated Parenting, prepared by the Department of Health pursuant to S.C.R. No. 12 (2003).

Gov. Msg. No. 432, dated March 25, 2004, transmitting the 2002-2003 Annual Report of the Hawai'i State Foundation on Culture and the Arts, pursuant to Section 9-3, HRS.

Gov. Msg. No. 433, letter dated April 2, 2004, informing the Senate that on November 21, 2003, she signed a Sister-State Agreement with Ehime Prefecture Governor Moriyuki Kato to establish a relationship with the prefecture of Ehime, Japan, pursuant to H.C.R. No. 52 (2003).

Gov. Msg. No. 434, letter dated April 5, 2004, informing the Senate that no formal document has been signed between the State of Hawaii and the province of Ilocos Norte, Republic of the Philippines, as of April 1, 2004, to establish a relationship with the province of Ilocos Norte, pursuant to H.C.R. No. 17 (2003).

Gov. Msg. No. 435, dated April 7, 2004, transmitting her "Message to the Legislature Regarding the Binding Arbitration Award for the Hawaii Government Employees Association," conveying her recommendation that the Legislature not approve the Decision and Arbitration Award for Units 2, 3, 4, 6, 8 and 13.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 33, from the State Auditor dated April 6, 2004, transmitting a report, "Study of Proposed Mandatory Parity in Health Insurance Coverage for Additional Serious Mental Illnesses and for Substance Abuse," (Report No. 04-07), was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 340 to 361) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 340, transmitting H.C.R. No. 60, which was adopted by the House of Representatives on April 7, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ('DREAM') ACT," was deferred until Tuesday, April 13, 2004.

Hse. Com. No. 341, transmitting H.C.R. No. 70, which was adopted by the House of Representatives on April 7, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO PASS FEDERAL LEGISLATION TO PROVIDE ACCESS TO SAFE, AFFORDABLE PRESCRIPTION DRUGS BY ALLOWING PURCHASE OF PRESCRIPTION DRUGS FROM CANADA AND OTHER COUNTRIES THAT MEET FEDERAL SAFETY REQUIREMENTS AND REQUESTING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT AND IMPLEMENT REIMPORTATION," was deferred until Tuesday, April 13, 2004.

Hse. Com. No. 342, transmitting H.C.R. No. 95, H.D. 1, which was adopted by the House of Representatives on April 7, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 95, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO REVIEW AND UPDATE THE KEEHI LAGOON RECREATIONAL PLAN AND EXPLORE THE LEASING OF UNUTILIZED FAST AND SUBMERGED LANDS AT KEEHI LAGOON FOR THE PRIVATE DEVELOPMENT OF BOATING AND OCEAN RECREATIONAL FACILITIES," was deferred until Tuesday, April 13, 2004.

Hse. Com. No. 343, transmitting H.C.R. No. 112, H.D. 1, which was adopted by the House of Representatives on April 7, 2004, was placed on file.

By unanimous consent, action on 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 Tuesday, April 13, 2004.

Hse. Com. No. 344, transmitting H.C.R. No. 122, which was adopted by the House of Representatives on April 7, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE LEGISLATURE TO SUPPORT THE YOUTH COALITIONS FOR HEALTHY LIVING IN REACHING THE GOALS OF THE DEPARTMENT OF HEALTH SERVICES' HEALTHY HAWAII INITIATIVE," was deferred until Tuesday, April 13, 2004.

Hse. Com. No. 345, transmitting H.C.R. No. 123, H.D. 1, which was adopted by the House of Representatives on April 7, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 123, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO MAKE FINANCING TOOLS AVAILABLE TO ASSIST PRIVATE DEVELOPERS IN PURCHASING RENTAL PROPERTIES," was deferred until Tuesday, April 13, 2004.

Hse. Com. No. 346, transmitting H.C.R. No. 149, which was adopted by the House of Representatives on April 7, 2004, was placed on file.

By unanimous consent, action on 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 Tuesday, April 13, 2004.

Hse. Com. No. 347, transmitting H.C.R. No. 195, which was adopted by the House of Representatives on April 7, 2004, was placed on file.

By unanimous consent, action on 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 Tuesday, April 13, 2004.

Hse. Com. No. 348, transmitting H.C.R. No. 251, which was adopted by the House of Representatives on April 7, 2004, was placed on file.

By unanimous consent, action on 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 Tuesday, April 13, 2004.

Hse. Com. No. 349, returning S.B. No. 2067, S.D. 1, which passed Third Reading in the House of Representatives on April 7, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2067, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 350, returning S.B. No. 2175, S.D. 1, which passed Third Reading in the House of Representatives on April 7, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2175, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 351, returning S.B. No. 2269, S.D. 2, which passed Third Reading in the House of Representatives on April 7, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2269, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 352, returning S.B. No. 2425, S.D. 1, which passed Third Reading in the House of Representatives on April 7, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2425, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 353, returning S.B. No. 2608, S.D. 1, which passed Third Reading in the House of Representatives on April 7, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2608, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 354, returning S.B. No. 2882, S.D. 1, which passed Third Reading in the House of Representatives on April 7, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2882, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 355, returning S.B. No. 2899, S.D. 2, which passed Third Reading in the House of Representatives on April 7, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2899, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 356, returning S.B. No. 3002, which passed Third Reading in the House of Representatives on April 7, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3002, and requested a conference on the subject matter thereof.

Hse. Com. No. 357, returning S.B. No. 3204, which passed Third Reading in the House of Representatives on April 7, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3204, and requested a conference on the subject matter thereof.

Hse. Com. No. 358, returning S.B. No. 3230, S.D. 2, which passed Third Reading in the House of Representatives on April 7, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3230, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 359, returning S.B. No. 2005, which passed Third Reading in the House of Representatives on April 7, 2004, was placed on file.

Hse. Com. No. 360, returning S.B. No. 2815, which passed Third Reading in the House of Representatives on April 7, 2004, was placed on file.

Hse. Com. No. 361, returning S.B. No. 2851, S.D. 1, which passed Third Reading in the House of Representatives on April 7, 2004, was placed on file.

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3176) recommending that S.C.R. No. 99 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3177) recommending that S.R. No. 53 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 53, entitled: "SENATE RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3178) recommending that the Senate advise and consent to the nomination of GERALD H. TAKEUCHI to the Board of Directors of the Hawai'i Hurricane Relief Fund, in accordance with Gov. Msg. No. 247.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3178 and Gov. Msg. No. 247 was deferred until Tuesday, April 13, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3179) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Housing and Community Development Corporation of Hawai'i of the following:

CHARLES G. KING, in accordance with Gov. Msg. No. 393; and

TRAVIS O. THOMPSON, in accordance with Gov. Msg. No. 394.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3179 and Gov. Msg. Nos. 393 and 394 was deferred until Tuesday, April 13, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3180) recommending that S.C.R. No. 166 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3180 and S.C.R. No. 166, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENTS AND AGENCIES TO IMPLEMENT THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK ON ENVIRONMENTAL PROTECTION IN CONDUCTING THE STATE'S AFFAIRS," was deferred until Tuesday, April 13, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3181) recommending that S.R. No. 86 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3181 and S.R. No. 86, entitled: "SENATE RESOLUTION URGING THE STATE DEPARTMENTS AND AGENCIES TO IMPLEMENT THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK ON ENVIRONMENTAL PROTECTION IN CONDUCTING THE STATE'S AFFAIRS," was deferred until Tuesday, April 13, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3182) recommending that S.C.R. No. 169 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3182 and S.C.R. No. 169, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE OF THE STATE OF HAWAII FOR THE DEVELOPMENT OF THE SEAWATER AIR CONDITIONING/ THERMAL ENERGY STORAGE SYSTEM BY HONOLULU SEAWATER AIR CONDITIONING LLC FOR USE ON THE ISLAND OF OAHU," was deferred until Tuesday, April 13, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3183) recommending that S.R. No. 89 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3183 and S.R. No. 89, entitled: "SENATE RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE OF THE STATE OF HAWAII FOR THE DEVELOPMENT OF THE SEAWATER AIR CONDITIONING/ THERMAL ENERGY STORAGE SYSTEM BY HONOLULU SEAWATER AIR CONDITIONING LLC FOR USE ON THE ISLAND OF OAHU," was deferred until Tuesday, April 13, 2004.

Senators Baker, Chun Oakland and Hanabusa, for the Committee on Health, the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3184) recommending that S.C.R. No. 44 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FORM AN OVERSIGHT COMMITTEE OF THE DOMESTIC VIOLENCE PREVENTION SPECIAL FUND AND THE SPOUSE AND

CHILD ABUSE SPECIAL ACCOUNTS WITH THE DEPARTMENT OF HUMAN SERVICES AND JUDICIARY," was referred to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3185) recommending that H.B. No. 2009, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2009, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3186) recommending that H.B. No. 2741, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2741, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3187) recommending that H.B. No. 2748, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2748, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3188) recommending that H.B. No. 2749, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2749, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3189) recommending that H.B. No. 2759, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2759, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND IN PUPUKEA-PAUMALU, OAHU," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senators Menor and Baker, for the Committee on Commerce, Consumer Protection and Housing and the

Committee on Health, presented a joint report (Stand. Com. Rep. No. 3190) recommending that H.B. No. 2005, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2005, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senators Menor and Kawamoto, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3191) recommending that H.B. No. 1819 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 1819, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3192) recommending that H.B. No. 2143, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2143, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3193) recommending that H.B. No. 2774, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2774, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBDIVISIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3194) recommending that H.B. No. 2773, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2773, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senators Baker and English, for the Committee on Health and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 3195) recommending that H.B. No. 1840, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 1840, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3196) recommending that H.B. No. 2136, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2136, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3197) recommending that H.B. No. 537, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 537, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004, with Senator Whalen voting 'No.'

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3198) recommending that H.B. No. 1980, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1980, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3199) recommending that H.B. No. 2320, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2320, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senators Hanabusa and Menor, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3200) recommending that H.B. No. 2674, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2674, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed

Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senators English and Ige, for the Committee on Energy and Environment and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3201) recommending that H.B. No. 2049, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2049, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senators English and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3202) recommending that H.B. No. 2074, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2074, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senators English and Inouye, for the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3203) recommending that H.B. No. 2498, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2498, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senators Kanno and Sakamoto, for the Committee on Labor and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3204) recommending that H.B. No. 2871, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2871, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3205) recommending that H.B. No. 2740, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2740, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF EMPLOYMENT CHANGES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3206) recommending that S.C.R. No. 72, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 72, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, OFFICE OF THE PUBLIC GUARDIAN, AND ALL PROVIDERS OF LONG-TERM CARE SERVICES TO CONSIDER TRANSFER TRAUMA BEFORE RELOCATING FACILITY RESIDENTS AND TAKE NECESSARY STEPS TO MITIGATE THE POSSIBLE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF FACILITY RESIDENTS," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Baker, Chun Oakland and Sakamoto, for the Committee on Health, the Committee on Human Services and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3207) recommending that S.C.R. No. 75 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3207 and S.C.R. No. 75, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," was deferred until Tuesday, April 13, 2004.

Senators Baker, Chun Oakland and Sakamoto, for the Committee on Health, the Committee on Human Services and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3208) recommending that S.R. No. 35 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3208 and S.R. No. 35, entitled: "SENATE RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," was deferred until Tuesday, April 13, 2004.

Senators Baker and Sakamoto, for the Committee on Health and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3209) recommending that S.C.R. No. 90, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3209 and S.C.R. No. 90, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL," was deferred until Tuesday, April 13, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3210) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Windward Oahu Subarea of the following:

GREGG Y. OISHI, in accordance with Gov. Msg. No. 240; and

BONNIE LEE S.L. PANG, in accordance with Gov. Msg. No. 241.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3210 and Gov. Msg. Nos. 240 and 241 was deferred until Tuesday, April 13, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3211) recommending that the Senate advise and consent to the nomination of DAVID T. SAKAMOTO, MD, MBA as the State Administrator of the State Health Planning Development Agency, in accordance with Gov. Msg. No. 374.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3211 and Gov. Msg. No. 374 was deferred until Tuesday, April 13, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3212) recommending that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

TERRI FUJII, in accordance with Gov. Msg. No. 380;

PATRICK S. SAKA, in accordance with Gov. Msg. No. 381; and

MARK H. YAMAKAWA, in accordance with Gov. Msg. No. 382.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3212 and Gov. Msg. Nos. 380, 381 and 382 was deferred until Tuesday, April 13, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3213) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Hawai'i County Subarea of the following:

WAYNE S. HIGAKI, in accordance with Gov. Msg. No. 383;

KERRY A.K. INOUE, in accordance with Gov. Msg. No. 384;

PAUL PRESCOTT PAIVA, in accordance with Gov. Msg. No. 385; and

ALAN R. PARKER, in accordance with Gov. Msg. No. 386.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3213 and Gov. Msg. Nos. 383, 384, 385 and 386 was deferred until Tuesday, April 13, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3214) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Kaua'i County Subarea of the following:

LILI BRYAN-CONANT, in accordance with Gov. Msg. No. 389;

ALAN R. KIMURA, in accordance with Gov. Msg. No. 390;

TRINIDAD RAVAL, in accordance with Gov. Msg. No. 391; and

ELIZABETH UBAY, in accordance with Gov. Msg. No. 392.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3214 and Gov. Msg. Nos. 389, 390, 391 and 392 was deferred until Tuesday, April 13, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3215) recommending that H.B. No. 1743, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3215 and H.B. No. 1743, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," was deferred until Tuesday, April 13, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3216) recommending that H.B. No. 1898, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3216 and H.B. No. 1898, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY FOR YOUTH MONTH," was deferred until Tuesday, April 13, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3217) recommending that H.B. No. 2569, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3217 and H.B. No. 2569, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NIIHAU SHELL PRODUCTS," was deferred until Tuesday, April 13, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3218) recommending that H.B. No. 1937, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1937, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3219) recommending that H.B. No. 2630, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3219 and H.B. No. 2630, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY," was deferred until Tuesday, April 13, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3220) recommending that H.B. No. 1004, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3220 and H.B. No. 1004, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," was deferred until Tuesday, April 13, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3221) recommending that H.B. No. 2023, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3221 and H.B. No. 2023, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE APPEALS," was deferred until Tuesday, April 13, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3222) recommending that H.B. No. 2385, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3222 and H.B. No. 2385, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS RECORDS BY CHILD SUPPORT ENFORCEMENT AGENCIES," was deferred until Tuesday, April 13, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3223) recommending that H.B. No. 2363, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3223 and H.B. No. 2363, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS," was deferred until Tuesday, April 13, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3224) recommending that H.B. No. 2341, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2341, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3225) recommending that H.B. No. 1839, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3225 and H.B. No. 1839, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PAIN PATIENT'S BILL OF RIGHTS," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3226) recommending that H.B. No. 2844, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3226 and H.B. No. 2844, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3227) recommending that H.B. No. 1860, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3227 and H.B. No. 1860, H.D. 1, S.D. 2, entitled: "A BILL FOR AN

ACT RELATING TO CHILD ABUSE AND NEGLECT,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3228) recommending that H.B. No. 2061, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3228 and H.B. No. 2061, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3229) recommending that H.B. No. 2608, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3229 and H.B. No. 2608, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3230) recommending that H.B. No. 2578, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3230 and H.B. No. 2578, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3231) recommending that H.B. No. 1560, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3231 and H.B. No. 1560, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DISPOSITION OF VESSELS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3232) recommending that H.B. No. 1793, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3232 and H.B. No. 1793, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAND EXCHANGE,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3233) recommending that H.B. No. 1848, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3233 and H.B. No. 1848, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3234) recommending that H.B. No. 2322, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3234 and H.B. No. 2322, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3235) recommending that H.B. No. 2722, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3235 and H.B. No. 2722, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ALA WAI WATERSHED IMPROVEMENTS,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3236) recommending that H.B. No. 2859, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3236 and H.B. No. 2859, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN INTERNATIONAL EQUESTRIAN FACILITY,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3237) recommending that H.B. No. 1756, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3237 and H.B. No. 1756, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3238) recommending that H.B. No. 2396, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3238 and H.B. No. 2396, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3239) recommending that H.B. No. 2191, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3239 and H.B. No. 2191, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3240) recommending that H.B. No. 2611, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3240 and H.B. No. 2611, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY,” was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3241) recommending that H.B. No. 2961, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3241 and H.B. No. 2961, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," was deferred until Tuesday, April 13, 2004.

Senators Fukunaga and Kim, for the Committee on Economic Development and the Committee on Tourism, presented a joint report (Stand. Com. Rep. No. 3242) recommending that S.C.R. No. 68, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 68, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING COOPERATIVE VENTURES WITH ORGANIZATIONS ON THE U.S. MAINLAND IN PROMOTING HAWAII AND ITS PRODUCTS," was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3243) recommending that the Senate advise and consent to the nomination of DORVIN D. LEIS to the Small Business Regulatory Review Board, in accordance with Gov. Msg. No. 423.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3243 and Gov. Msg. No. 423 was deferred until Tuesday, April 13, 2004.

ORDER OF THE DAY

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, APRIL 7, 2004

The President made the following committee assignments of House concurrent resolutions that were received on Wednesday, April 7, 2004:

House Concurrent Resolution	Referred to:
No. 98	Jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations
No. 150	Committee on Health

ADVISE AND CONSENT

Stand. Com. Rep. No. 3153 (Gov. Msg. No. 279):

Senator Menor moved that Stand. Com. Rep. No. 3153 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of ELAINE MARIE HEIBY to the Board of Psychology, term to expire June 30, 2007, seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

Stand. Com. Rep. No. 3154 (Gov. Msg. Nos. 238 and 239):

Senator Baker moved that Stand. Com. Rep. No. 3154 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, West Oahu Subarea of the following:

JOYCE M. O'BRIEN, term to expire June 30, 2007 (Gov. Msg. No. 238); and

INAM UR RAHMAN MD, term to expire June 30, 2007 (Gov. Msg. No. 239),

seconded by Senator Chun Oakland.

Senator Baker rose and said:

"Mr. President, I would just like to note for the record that with regard to the nominees coming from the Health Committee, we believe that these nominees are all well qualified, eager, and able to serve and I urge my colleagues to vote 'aye' on these nominations.

"Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

Stand. Com. Rep. No. 3155 (Gov. Msg. Nos. 235, 236 and 237):

Senator Baker moved that Stand. Com. Rep. No. 3155 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:

GLENN S. IZAWA, term to expire June 30, 2007 (Gov. Msg. No. 235);

JOHN ORNELLAS, term to expire June 30, 2007 (Gov. Msg. No. 236); and

ELAINE J. SLAVINSKY, term to expire June 30, 2007 (Gov. Msg. No. 237),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

Stand. Com. Rep. No. 3156 (Gov. Msg. Nos. 213, 214, 215 and 216):

Senator Baker moved that Stand. Com. Rep. No. 3156 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 Emergency Medical Services Advisory Committee of the following:

JENNIE A. PANG, term to expire June 30, 2006 (Gov. Msg. No. 213);

JAMES PAPAYOANOU, term to expire June 30, 2007 (Gov. Msg. No. 214);

ANDY SCHWARTZ MD, term to expire June 30, 2007 (Gov. Msg. No. 215); and

CRAIG THOMAS MD, term to expire June 30, 2007 (Gov. Msg. No. 216),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

Stand. Com. Rep. No. 3157 (Gov. Msg. No. 227):

Senator Baker moved that Stand. Com. Rep. No. 3157 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 STANLEY G. YATES to the Health Planning Council, Kaua'i County Subarea, term to expire June 30, 2007, seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

Stand. Com. Rep. No. 3158 (Gov. Msg. Nos. 222, 223, 224, 225 and 226):

Senator Baker moved that Stand. Com. Rep. No. 3158 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

WILLIAM GERALD CHUNG, term to expire June 30, 2007 (Gov. Msg. No. 222);

PATTY FOLEY, term to expire June 30, 2007 (Gov. Msg. No. 223);

DAVID W. HEYWOOD, term to expire June 30, 2006 (Gov. Msg. No. 224);

CLYDE SMITH MD, term to expire June 30, 2007 (Gov. Msg. No. 225); and

LOIS E. WEISS, term to expire June 30, 2007 (Gov. Msg. No. 226),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

Stand. Com. Rep. No. 3159 (Gov. Msg. No. 376):

Senator Menor moved that Stand. Com. Rep. No. 3159 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of WILLES LEE to the State Boxing Commission of Hawai'i, term to expire June 30, 2008, seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

Stand. Com. Rep. No. 3169 (Gov. Msg. Nos. 154 and 155):

Senator Baker moved that Stand. Com. Rep. No. 3169 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 Board of Directors of the Hawai'i Health Systems Corporation of the following:

ANDREW DON MD, term to expire June 30, 2007 (Gov. Msg. No. 154); and

RUSSELL T. STODD MD, term to expire June 30, 2005 (Gov. Msg. No. 155),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

Stand. Com. Rep. No. 3170 (Gov. Msg. Nos. 200, 201, 202, 203 and 205):

Senator Baker moved that Stand. Com. Rep. No. 3170 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 Policy Advisory Board for Elder Affairs of the following:

ARCHIE HAPAI III, term to expire June 30, 2007 (Gov. Msg. No. 200);

JAMES Y.T. KAM, term to expire June 30, 2007 (Gov. Msg. No. 201);

LAURA E. MILLMAN, term to expire June 30, 2007 (Gov. Msg. No. 202);

CHARLENE SUMIDA, term to expire June 30, 2007 (Gov. Msg. No. 203); and

DANIEL VARGAS, term to expire June 30, 2007 (Gov. Msg. No. 205),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

Stand. Com. Rep. No. 3171 (Gov. Msg. Nos. 228, 229, 230 and 231):

Senator Baker moved that Stand. Com. Rep. No. 3171 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Health Planning Council, Hawai'i County Subarea of the following:

THOMAS O. BROWN, term to expire June 30, 2007 (Gov. Msg. No. 228);

ROBERTA CARTWRIGHT, term to expire June 30, 2007 (Gov. Msg. No. 229);

SUSAN B. HUNT, term to expire June 30, 2007 (Gov. Msg. No. 230); and

IRENE A. NAGAO, term to expire June 30, 2007 (Gov. Msg. No. 231),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

Stand. Com. Rep. No. 3172 (Gov. Msg. Nos. 232, 233 and 234):

Senator Baker moved that Stand. Com. Rep. No. 3172 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, Honolulu Subarea of the following:

KATHLEEN E. DELAHANTY, term to expire June 30, 2007 (Gov. Msg. No. 232);

PAMELA HINSDALE, term to expire June 30, 2007 (Gov. Msg. No. 233); and

EMMET WHITE, term to expire June 30, 2007 (Gov. Msg. No. 234),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

Stand. Com. Rep. No. 3173 (Gov. Msg. Nos. 280, 281, 282 and 283):

Senator Baker moved that Stand. Com. Rep. No. 3173 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 Radiologic Technology Board of the following:

LORI H.O. KAMIKAWA, term to expire June 30, 2005 (Gov. Msg. No. 280);

MICHAEL MEAGHER MD, term to expire June 30, 2007 (Gov. Msg. No. 281);

STEIN ERIK RAFTO MD, term to expire June 30, 2005 (Gov. Msg. No. 282); and

DANIEL W. RICKENBACHER, term to expire June 30, 2007 (Gov. Msg. No. 283),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (English, Ihara, Kokubun, Taniguchi).

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

THIRD READING

H.B. No. 1261, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1261, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred until Tuesday, April 13, 2004.

H.B. No. 2254, S.D. 1:

By unanimous consent, action on H.B. No. 2254, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 707, HAWAII REVISED STATUTES," was deferred until Tuesday, April 13, 2004.

H.B. No. 1820, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1820, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Tuesday, April 13, 2004.

H.B. No. 2426:

By unanimous consent, action on H.B. No. 2426, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3124 (H.B. No. 2414):

By unanimous consent, action on Stand. Com. Rep. No. 3124 and H.B. No. 2414, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3125 (H.B. No. 2539, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3125 and H.B. No. 2539, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3126 (H.B. No. 2092, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3126 and H.B. No. 2092, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3127 (H.B. No. 1770, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3127 and H.B. No. 1770, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3128 (H.B. No. 2458, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3128 and H.B. No. 2458, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3129 (H.B. No. 2297, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3129 and H.B. No. 2297, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP AND PROTECTIVE PROCEEDINGS," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3130 (H.B. No. 2292, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3130 and H.B. No. 2292, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3131 (H.B. No. 2301, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3131 and H.B. No. 2301, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3132 (H.B. No. 1634, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3132 and H.B. No. 1634, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3133 (H.B. No. 1944, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3133 and H.B. No. 1944, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3134 (H.B. No. 2137, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3134 and H.B. No. 2137, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3135 (H.B. No. 2170, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3135 and H.B. No. 2170, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3136 (H.B. No. 2840, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3136 and H.B. No. 2840, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3137 (H.B. No. 1885, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3137 and H.B. No. 1885, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A YOUTH SUMMIT," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3138 (H.B. No. 2022, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3138 and H.B. No. 2022, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3139 (H.B. No. 2459, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3139 and H.B. No. 2459, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3140 (H.B. No. 1856, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3140 and H.B. No. 1856, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3141 (H.B. No. 1893, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3141 and H.B. No. 1893, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3142 (H.B. No. 1929, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3142 and H.B. No. 1929, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3143 (H.B. No. 2547, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3143 and H.B. No. 2547, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3144 (H.B. No. 2667, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3144 and H.B. No. 2667, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE MEDIUM EDUCATION," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3145 (H.B. No. 2815, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3145 and H.B. No. 2815, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 13, 2004.

Stand. Com. Rep. No. 3146 (H.B. No. 2911, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 3146 and H.B. No. 2911, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred until Tuesday, April 13, 2004.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, APRIL 7, 2004

Stand. Com. Rep. No. 3160 (S.C.R. No. 56):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 56, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS," was adopted.

Stand. Com. Rep. No. 3161 (S.R. No. 24):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 24, entitled: "SENATE RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS," was adopted.

Stand. Com. Rep. No. 3162 (S.C.R. No. 29):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL TRADE COMMISSION TO INVESTIGATE AND TAKE ACTION AGAINST THE USE OF UNSOLICITED PORNOGRAPHIC POPUP ADVERTISEMENTS," was adopted.

Stand. Com. Rep. No. 3163 (S.R. No. 17):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 17, entitled: "SENATE RESOLUTION URGING THE FEDERAL TRADE COMMISSION TO INVESTIGATE AND TAKE ACTION AGAINST THE USE OF UNSOLICITED PORNOGRAPHIC POPUP ADVERTISEMENTS," was adopted.

Stand. Com. Rep. No. 3164 (S.C.R. No. 93):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted

and S.C.R. No. 93, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS," was adopted.

Stand. Com. Rep. No. 3165 (S.C.R. No. 105):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 105, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE SOCIAL AND FINANCIAL EFFECTS OF MANDATING EQUITABLE REIMBURSEMENT UNDER HEALTH INSURANCE PLANS FOR PHYSICIANS WITH A NUTRITION SUBSPECIALTY," was adopted.

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The Chair re-referred the following Senate concurrent resolution that was offered:

Senate Concurrent Resolution	Referred to:
No. 117	Committee on Judiciary and Hawaiian Affairs

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

APPOINTMENT OF CONFEREES

S.B. No. 1491, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1491, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Fukunaga, Kokubun, co-chairs; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2525 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2525, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kim, Kokubun, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2983, 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. 2983, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, Slom as managers on the part of the Senate at such conference.

S.B. No. 3098 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3098, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Kokubun, co-chair; English, Kawamoto, Taniguchi, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3162, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3162, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators English, chair; Kokubun, co-chair; Hooser, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3185, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3185, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Kawamoto, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1103, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1103, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Fukunaga, co-chair; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1828, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1828, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, Fukunaga, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2002, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2002, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Hooser, Kokubun, Tsutsui, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2003, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2003, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Baker, co-chair; Chun Oakland, English, Kokubun, Tsutsui, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2196, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2196, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, English, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2206, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2206, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, English, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2337, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2337, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2375, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2375, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; English, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2379, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2379, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, Fukunaga, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2380, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2380, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Fukunaga, Ihara, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2683 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2683, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Fukunaga, Ihara, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2789, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2789, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, English, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2796, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2796, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Chun Oakland, Taniguchi, co-chairs; Kim, Kokubun, Tsutsui, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2863, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2863, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Espero, Tsutsui, Slom as managers on the part of the Senate at such conference.

STANDING COMMITTEE REPORTS

On motion by Senator Kawamoto, seconded by Senator Hogue and carried unanimously, the Senate authorized the Clerk to receive standing committee reports recommending that House bills be placed on the calendar for Third Reading. In consequence thereof, and subsequent to its recessing at 12:12 o'clock p.m., the Senate took the following actions on the following House bills and standing committee reports:

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3244) recommending that H.B. No. 267, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3244 and H.B. No. 267, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3245) recommending that H.B. No. 1335, H.D. 3, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3245 and H.B. No. 1335, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3246) recommending that H.B. No. 1924, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3246 and H.B. No. 1924, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHER COMPENSATION," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3247) recommending that H.B. No. 2286, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3247 and H.B. No. 2286, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3248) recommending that H.B. No. 2645, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3248 and H.B. No. 2645, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3249) recommending that H.B. No. 403, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3249 and H.B. No. 403, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3250) recommending that H.B. No. 1374, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3250 and H.B. No. 1374, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3251) recommending that H.B. No. 1774, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3251 and H.B. No. 1774, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3252) recommending that H.B. No. 1778, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3252 and H.B. No. 1778, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WAGES," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3253) recommending that H.B. No. 1780, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3253 and H.B. No. 1780, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3254) recommending that H.B. No. 1786, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3254 and H.B. No. 1786, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3255) recommending that H.B. No. 1792, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3255 and H.B. No. 1792, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3256) recommending that H.B. No. 2025, H.D. 3, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3256 and H.B. No. 2025, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EQUAL PAY," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3257) recommending that H.B. No. 2215, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3257 and H.B. No. 2215, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3258) recommending that H.B. No. 680, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3258 and H.B. No. 680, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3259) recommending that H.B. No. 1590, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3259 and H.B. No. 1590, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS' RIGHTS AND BENEFITS," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3260) recommending that H.B. No. 1904, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3260 and H.B. No. 1904, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3261) recommending that H.B. No. 1908, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3261 and H.B. No. 1908, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3262) recommending that H.B. No. 2250, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3262 and H.B. No. 2250, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3263) recommending that H.B. No. 2291, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3263 and H.B. No. 2291, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3264) recommending that H.B. No. 2523, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3264 and H.B. No. 2523, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3265) recommending that H.B. No. 2662, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3265 and H.B. No. 2662, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3266) recommending that H.B. No. 2703, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3266 and H.B. No. 2703, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3267) recommending that H.B. No. 2883, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3267 and H.B. No. 2883, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3268) recommending that H.B. No. 2956, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3268 and H.B. No. 2956, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MASS TRANSIT," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3269) recommending that H.B. No. 1710, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3269 and H.B. No. 1710, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3270) recommending that H.B. No. 2814, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3270 and H.B. No. 2814, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3271) recommending that H.B. No. 2716, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3271 and H.B. No. 2716, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SOUTH KONA WILDERNESS AREA," was deferred until Tuesday, April 13, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3272) recommending that H.B. No. 2739, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3272 and H.B. No. 2739, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," was deferred until Tuesday, April 13, 2004.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3273) recommending that H.B. No. 189, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3273 and H.B. No. 189, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY CONTRACEPTIVES FOR SEX ASSAULT SURVIVORS IN EMERGENCY ROOMS," was deferred until Tuesday, April 13, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3274) recommending that H.B. No. 2786, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3274 and H.B. No. 2786, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," was deferred until Tuesday, April 13, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3275) recommending that H.B. No. 2792, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3275 and H.B. No. 2792, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE ROADS," was deferred until Tuesday, April 13, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3276) recommending that H.B. No. 2048, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3276 and H.B. No. 2048, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," was deferred until Tuesday, April 13, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3277) recommending that H.B. No. 2093, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3277 and H.B. No. 2093, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL PROFESSIONAL LICENSING," was deferred until Tuesday, April 13, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3278) recommending that H.B. No. 2798, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3278 and H.B. No. 2798, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," was deferred until Tuesday, April 13, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3279) recommending that H.B. No. 1797 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3279 and H.B. No. 1797, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," was deferred until Tuesday, April 13, 2004.

ADJOURNMENT

At 6:00 o'clock p.m., the Senate adjourned until 10:00 o'clock a.m., Tuesday, April 13, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FORTY-SEVENTH DAY

Tuesday, April 13, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 10:30 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Gary L. Hooser, Hawaii State Senate, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Sixth Day.

At this time, Senator Hanabusa, on behalf of the Senate, extended happy birthday wishes to Senator Slom.

At 10:36 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:54 o'clock a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 362 to 383) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 362, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1259 H.D. 1 (S.D. 1);
 H.B. No. 1765 H.D. 1 (S.D. 1);
 H.B. No. 1859 H.D. 2 (S.D. 1);
 H.B. No. 1987 H.D. 1 (S.D. 1);
 H.B. No. 1991 H.D. 1 (S.D. 1);
 H.B. No. 2013 (S.D. 2);
 H.B. No. 2020 H.D. 1 (S.D. 2);
 H.B. No. 2098 H.D. 1 (S.D. 2);
 H.B. No. 2223 (S.D. 1);
 H.B. No. 2290 H.D. 1 (S.D. 2);
 H.B. No. 2408 H.D. 2 (S.D. 1); and
 H.B. No. 2472 H.D. 2 (S.D. 1),

was placed on file.

Hse. Com. No. 363, informing the Senate that the Speaker on April 8, 2004, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 1491, S.D. 1 (H.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone.

S.B. No. 1611 (H.D. 2):

Representatives Morita, Schatz, Waters, co-chairs; Jernigan.

S.B. No. 2009, S.D. 1 (H.D. 1):

Representatives Hiraki, chair; Herkes, Stonebraker.

S.B. No. 2294, S.D. 1 (H.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Thielen.

S.B. No. 2443, S.D. 1 (H.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Pendleton.

S.B. No. 2525 (H.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone.

S.B. No. 2528, S.D. 1 (H.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone, Meyer.

S.B. No. 2529 (H.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone, Moses.

S.B. No. 2704 (H.D. 1):

Representatives Hiraki, chair; Herkes, Stonebraker.

S.B. No. 2844, S.D. 1 (H.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Marumoto.

S.B. No. 2951, S.D. 1 (H.D. 1):

Representatives Hiraki, B. Oshiro, co-chairs; Herkes, Finnegan.

S.B. No. 2983, S.D. 2 (H.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone, Meyer.

S.B. No. 3098 (H.D. 1):

Representatives Takamine, chair; Kawakami, Kaho`ohalahala, Jernigan.

S.B. No. 3162, S.D. 1 (H.D. 1):

Representatives Takamine, chair; Kawakami, Waters, Bukoski.

S.B. No. 3185, S.D. 1 (H.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Thielen,

was placed on file.

Hse. Com. No. 364, informing the Senate that the Speaker on April 8, 2004, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 1824 (S.D. 1):

Representatives Hiraki, chair; Herkes, Finnegan.

H.B. No. 1828, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Pendleton.

H.B. No. 2140, H.D. 1 (S.D. 1):

Representatives Hiraki, chair; Lee, Marumoto.

H.B. No. 2147, H.D. 1 (S.D. 1):

Representatives Hiraki, chair; Lee, Marumoto.

H.B. No. 2196, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Ito, Pendleton.

H.B. No. 2206, H.D. 1 (S.D. 1):

Representatives Ito, Hamakawa, co-chairs; B. Oshiro, Thielen.

H.B. No. 2337, H.D. 1 (S.D. 1):

Representatives Hamakawa, Takamine, co-chairs; B. Oshiro, Finnegan.

H.B. No. 2375, H.D. 1 (S.D. 1):

Representatives Morita, B. Oshiro, co-chairs; Waters, Bukoski.

H.B. No. 2379, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Caldwell, Thielen.

H.B. No. 2380, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Caldwell, Pendleton.

H.B. No. 2397, H.D. 1 (S.D. 1):

Representatives Ito, Takamine, co-chairs; Mindo, Moses.

H.B. No. 2411, H.D. 1 (S.D. 1):

Representatives Hiraki, Hamakawa, Karamatsu, co-chairs; Stonebraker.

H.B. No. 2421 (S.D. 1):

Representatives Hiraki, chair; Herkes, Marumoto.

H.B. No. 2511 (S.D. 1):

Representatives Takamine, chair; Nishimoto, Bukoski.

H.B. No. 2683 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Caldwell, Finnegan.

H.B. No. 2789, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Hamakawa, Caldwell, Thielen.

H.B. No. 2863, H.D. 1 (S.D. 1):

Representatives Chang, chair; Karamatsu, Herkes, Leong,

was placed on file.

Hse. Com. No. 365, returning S.B. No. 2589, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, was placed on file.

Hse. Com. No. 366, returning S.B. No. 2647, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, was placed on file.

Hse. Com. No. 367, returning S.B. No. 2820, which passed Third Reading in the House of Representatives on April 8, 2004, was placed on file.

Hse. Com. No. 368, returning S.B. No. 2905, which passed Third Reading in the House of Representatives on April 8, 2004, was placed on file.

Hse. Com. No. 369, returning S.B. No. 2950, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, was placed on file.

Hse. Com. No. 370, returning S.B. No. 469, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 469, and requested a conference on the subject matter thereof.

Hse. Com. No. 371, returning S.B. No. 2264, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2264, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 372, returning S.B. No. 2281, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2281, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 373, returning S.B. No. 2349, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2349, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 374, returning S.B. No. 2377, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2377, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 375, returning S.B. No. 2440, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2440, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 376, returning S.B. No. 2478, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2478, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 377, returning S.B. No. 2895, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2895, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 378, returning S.B. No. 2968, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2968, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 379, returning S.B. No. 2995, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2995, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 380, returning S.B. No. 3018, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3018, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 381, returning S.B. No. 3024, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3024, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 382, returning S.B. No. 3092, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3092, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 383, returning S.B. No. 3193, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3193, S.D. 2, and requested a conference on the subject matter thereof.

CONFERENCE COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1800, H.D. 1, presented a report (Conf. Com. Rep. No. 1-04) recommending that H.B. No. 1800, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1-04 and H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2300, H.D. 1, presented a report (Conf. Com. Rep. No. 2-04) recommending that H.B. No. 2300, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2-04 and H.B. No. 2300, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2280, presented a report (Conf. Com. Rep. No. 3-04) recommending that H.B. No. 2280, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3-04 and H.B. No. 2280, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1043, presented a report (Conf. Com. Rep. No. 4-04) recommending that H.B. No. 1043, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4-04 and H.B. No. 1043, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2004, H.D. 1, presented a report (Conf. Com. Rep. No. 5-04) recommending that H.B. No. 2004, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5-04 and H.B. No. 2004, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2743, H.D. 2, presented a report (Conf. Com. Rep. No. 6-04) recommending that H.B. No. 2743, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6-04 and H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2796, H.D. 1, presented a report (Conf.

Com. Rep. No. 7-04) recommending that H.B. No. 2796, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7-04 and H.B. No. 2796, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2525, presented a report (Conf. Com. Rep. No. 8-04) recommending that S.B. No. 2525, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8-04 and S.B. No. 2525, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senators Kawamoto and Ige, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3280) recommending that S.C.R. No. 18 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3280 and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COURAGEOUS LEADERSHIP OF THE UNIFIED BUDDHIST CHURCH OF VIETNAM AND THE URGENT NEED FOR RELIGIOUS FREEDOM AND RELATED HUMAN RIGHTS IN THE SOCIALIST REPUBLIC OF VIETNAM," was deferred until Thursday, April 15, 2004.

Senators Kawamoto and Ige, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3281) recommending that S.C.R. No. 22 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3281 and S.C.R. No. 22, entitled: "SENATE CONCURRENT RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL," was deferred until Thursday, April 15, 2004.

Senators Kawamoto and Ige, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3282) recommending that S.R. No. 11 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3282 and S.R. No. 11, entitled: "SENATE RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL," was deferred until Thursday, April 15, 2004.

Senators Kawamoto and Baker, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3283) recommending that S.C.R. No. 51 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3283 and S.C.R. No. 51, entitled: "SENATE CONCURRENT

RESOLUTION REQUESTING OUR CONGRESSIONAL DELEGATION'S SUPPORT FOR MEASURES TO RESTORE HEALTH CARE BENEFITS TO VETERANS," was deferred until Thursday, April 15, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3284) recommending that S.C.R. No. 52 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3284 and S.C.R. No. 52, entitled: "SENATE CONCURRENT RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES," was deferred until Thursday, April 15, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3285) recommending that S.R. No. 23 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3285 and S.R. No. 23, entitled: "SENATE RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES," was deferred until Thursday, April 15, 2004.

Senators Kawamoto and Fukunaga, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3286) recommending that S.C.R. No. 88 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3286 and S.C.R. No. 88, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF INTERISLAND AIR CARRIER FARE PRICE MECHANISMS," was deferred until Thursday, April 15, 2004.

Senators Kawamoto and Fukunaga, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3287) recommending that S.C.R. No. 102 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3287 and S.C.R. No. 102, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HONOLULU DISTRICT OFFICE OF THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES TO AUTHORIZE THE ENTRY OF FILIPINO LONGLINE FISHERMEN WITH VALID TRANSIT VISAS," was deferred until Thursday, April 15, 2004.

Senators Chun Oakland and Hanabusa, for the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3288) recommending that S.C.R. No. 4 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3288 and S.C.R. No. 4, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERAGENCY TASK FORCE TO EVALUATE THE OPENING OF CHILD WELFARE FAMILY COURT PROCEEDINGS TO THE PUBLIC," was deferred until Thursday, April 15, 2004.

Senators Chun Oakland and Hanabusa, for the Committee on Human Services and the Committee on Judiciary and Hawaiian

Affairs, presented a joint report (Stand. Com. Rep. No. 3289) recommending that S.C.R. No. 189 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3289 and S.C.R. No. 189, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR MALAMA O KAMALFI MAKAMAE IN ITS EFFORTS TO DEVELOP CARE HOME FACILITIES FOR NEEDY CHILDREN OF HAWAIIAN ANCESTRY," was deferred until Thursday, April 15, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3290) recommending that S.C.R. No. 49 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3290 and S.C.R. No. 49, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OFFERING OF CONTINUING MEDICAL EDUCATION ON PAIN MANAGEMENT," was deferred until Thursday, April 15, 2004.

Senators Baker and Sakamoto, for the Committee on Health and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3291) recommending that S.R. No. 46, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3291 and S.R. No. 46, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL," was deferred until Thursday, April 15, 2004.

Senators Kanno and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3292) recommending that S.C.R. No. 144 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3292 and S.C.R. No. 144, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was deferred until Thursday, April 15, 2004.

Senators Kanno and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3293) recommending that S.R. No. 77 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3293 and S.R. No. 77, entitled: "SENATE RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was deferred until Thursday, April 15, 2004.

Senators Fukunaga and Kanno, for the Committee on Economic Development and the Committee on Labor, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3294) recommending that S.C.R. No. 67 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3294 and S.C.R. No. 67, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY

CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003," was deferred until Thursday, April 15, 2004.

Senators Fukunaga and Kanno, for the Committee on Economic Development and the Committee on Labor, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3295) recommending that S.R. No. 31 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3295 and S.R. No. 31, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003," was deferred until Thursday, April 15, 2004.

Senators Kim, Fukunaga and Kawamoto, for the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3296) recommending that S.C.R. No. 129, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3296 and S.C.R. No. 129, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SECURE AN AUTHORIZED DESTINATION STATUS AGREEMENT WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO ALLOW VISITOR VISAS TO BE ISSUED TO CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA TO VISIT THE UNITED STATES; URGING PREMIER WEN JIABAO TO RESTORE HUMAN RIGHTS TO THE REPUBLIC'S CITIZENS AND CRACK DOWN ON ILLEGAL DRUG TRAFFICKING; AND REQUESTING THE DEPARTMENT OF HOMELAND SECURITY TO POSTPONE NEW IMMIGRATION PROCEDURES AT HONOLULU INTERNATIONAL AIRPORT UNTIL INCREASED CAPACITY IS IMPLEMENTED," was deferred until Thursday, April 15, 2004.

Senators Kim, Fukunaga and Kawamoto, for the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3297) recommending that S.R. No. 67, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3297 and S.R. No. 67, S.D. 1, entitled: "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SECURE AN AUTHORIZED DESTINATION STATUS AGREEMENT WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO ALLOW VISITOR VISAS TO BE ISSUED TO CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA TO VISIT THE UNITED STATES; URGING PREMIER WEN JIABAO TO RESTORE HUMAN RIGHTS TO THE REPUBLIC'S CITIZENS AND CRACK DOWN ON ILLEGAL DRUG TRAFFICKING; AND REQUESTING THE DEPARTMENT OF HOMELAND SECURITY TO POSTPONE NEW IMMIGRATION PROCEDURES AT HONOLULU INTERNATIONAL

AIRPORT UNTIL INCREASED CAPACITY IS IMPLEMENTED," was deferred until Thursday, April 15, 2004.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3298) recommending that S.C.R. No. 63, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3298 and S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL ORGANIZATIONS, PRIVATE AND PUBLIC, IN A COLLABORATIVE PROCESS WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO PLAN FOR, SUSTAIN, AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was deferred until Thursday, April 15, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3299) recommending that the Senate advise and consent to the nomination of JAMES P. EPURE MD to the Drug Product Selection Board, in accordance with Gov. Msg. No. 377.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3299 and Gov. Msg. No. 377 was deferred until Thursday, April 15, 2004.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3300) recommending that S.C.R. No. 79, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 79, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3301) recommending that S.C.R. No. 41 be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.C.R. No. 41, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE SAFETY AND WORKING CONDITIONS OF GUARDS IN THE STATE'S CORRECTIONAL FACILITIES," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 3302) recommending that S.R. No. 21 be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee

was adopted and S.R. No. 21, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE SAFETY AND WORKING CONDITIONS OF GUARDS IN THE STATE'S CORRECTIONAL FACILITIES," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Fukunaga and Inouye, for the Committee on Economic Development and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3303) recommending that S.C.R. No. 58, as amended in S.D. 1, be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 58, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING A PUBLIC AND PRIVATE PARTNERSHIP TO DEVELOP A RAILROAD FROM WEST OAHU THROUGH CENTRAL OAHU TO THE NORTH SHORE OF OAHU," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senators Fukunaga and Inouye, for the Committee on Economic Development and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3304) recommending that S.R. No. 26, as amended in S.D. 1, be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 26, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING A PUBLIC AND PRIVATE PARTNERSHIP TO DEVELOP A RAILROAD FROM WEST OAHU THROUGH CENTRAL OAHU TO THE NORTH SHORE OF OAHU," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3305) recommending that S.C.R. No. 59 be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 59, entitled: "SENATE CONCURRENT RESOLUTION URGING THE RENAMING OF THE 'CONCEPT CAR' DODGE KAHUNA," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3306) recommending that S.R. No. 27 be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 27, entitled: "SENATE RESOLUTION URGING THE RENAMING OF THE 'CONCEPT CAR' DODGE KAHUNA," was referred to the Committee on Judiciary and Hawaiian Affairs.

ORDER OF THE DAY

**REFERRAL OF
HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM
THURSDAY, APRIL 8, 2004**

The President made the following committee assignments of House concurrent resolutions that were received on Thursday, April 8, 2004:

House
Concurrent
Resolution

Referred to:

No. 60 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations

No. 70 Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations

No. 95, H.D. 1 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

No. 112, H.D. 1 Jointly to the Committee on Labor and the Committee on Economic Development

No. 122 Committee on Health

No. 123, H.D. 1 Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Economic Development and the Committee on Human Services

No. 149 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

No. 195 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations

No. 251 Committee on Labor

ADVISE AND CONSENT

Stand. Com. Rep. No. 3178 (Gov. Msg. No. 247):

Senator Menor moved that Stand. Com. Rep. No. 3178 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of GERALD H. TAKEUCHI to the Board of Directors of the Hawai'i Hurricane Relief Fund, term to expire June 30, 2007, seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3179 (Gov. Msg. Nos. 393 and 394):

Senator Menor moved that Stand. Com. Rep. No. 3179 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Board of Directors of the Housing and Community Development Corporation of Hawai'i of the following:

CHARLES G. KING, term to expire June 30, 2008 (Gov. Msg. No. 393); and

TRAVIS O. THOMPSON, term to expire June 30, 2008 (Gov. Msg. No. 394),

seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3210 (Gov. Msg. Nos. 240 and 241):

Senator Baker moved that Stand. Com. Rep. No. 3210 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Health Planning Council, Windward Oahu Subarea of the following:

GREGG Y. OISHI, term to expire June 30, 2007 (Gov. Msg. No. 240); and

BONNIE LEE S.L. PANG, term to expire June 30, 2007 (Gov. Msg. No. 241),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3211 (Gov. Msg. No. 374):

Senator Baker moved that Stand. Com. Rep. No. 3211 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of DAVID T. SAKAMOTO, MD, MBA as the State Administrator of the State Health Planning Development Agency, term to expire June 30, 2007, seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3212 (Gov. Msg. Nos. 380, 381 and 382):

Senator Baker moved that Stand. Com. Rep. No. 3212 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

TERRI FUJII, term to expire June 30, 2008 (Gov. Msg. No. 380);

PATRICK S. SAKA, term to expire June 30, 2008 (Gov. Msg. No. 381); and

MARK H. YAMAKAWA, term to expire June 30, 2008 (Gov. Msg. No. 382),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3213 (Gov. Msg. Nos. 383, 384, 385 and 386):

Senator Baker moved that Stand. Com. Rep. No. 3213 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Health Planning Council, Hawai'i County Subarea of the following:

WAYNE S. HIGAKI, term to expire June 30, 2008 (Gov. Msg. No. 383);

KERRY A.K. INOUE, term to expire June 30, 2008 (Gov. Msg. No. 384);

PAUL PRESCOTT PAIVA, term to expire June 30, 2008 (Gov. Msg. No. 385); and

ALAN R. PARKER, term to expire June 30, 2008 (Gov. Msg. No. 386),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3214 (Gov. Msg. Nos. 389, 390, 391 and 392):

Senator Baker moved that Stand. Com. Rep. No. 3214 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Health Planning Council, Kauai County Subarea of the following:

LILI BRYAN-CONANT, term to expire June 30, 2008 (Gov. Msg. No. 389);

ALAN R. KIMURA, term to expire June 30, 2008 (Gov. Msg. No. 390);

TRINIDAD RAVAL, term to expire June 30, 2008 (Gov. Msg. No. 391); and

ELIZABETH UBAY, term to expire June 30, 2008 (Gov. Msg. No. 392),

seconded by Senator Chun Oakland.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3243 (Gov. Msg. No. 423):

Senator Fukunaga moved that Stand. Com. Rep. No. 3243 be received and placed on file, seconded by Senator Aduja and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of DORVIN D. LEIS to the Small Business Regulatory Review Board, term to expire June 30, 2008, seconded by Senator Aduja.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

MATTER DEFERRED FROM THURSDAY, APRIL 8, 2004

H.B. No. 1820, H.D. 1, S.D. 1:

By unanimous consent, action on, H.B. No. 1820, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred to the end of the calendar.

Stand. Com. Rep. No. 3136 (H.B. No. 2840, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3136 be adopted and H.B. No. 2840, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 9) to H.B. No. 2840, H.D. 1, S.D. 2:

SECTION 1. House Bill No. 2840, H.D. 1, S.D. 2, is amended by designating Sections 1 and 2 as Part I, and by amending Section 1 to read as follows:

"SECTION 1. The purpose of this part is to appropriate a portion of the matching funds necessary for the Hawaii community development authority to receive grant moneys from the United States Department of Commerce, Economic Development Administration, in order to conduct economic master planning for Kalaeloa."

SECTION 2. House Bill No. 2840, H.D. 1, S.D. 2, is amended by adding eight new sections designated as Sections 3, 4, 5, 6, 7, 8, 9, and 10, designating those sections as Part II, and to read as follows:

"SECTION 3. The purpose of this part is to establish a Hawaii 3Ts school technology laboratories fund outside the state treasury for the continuation and expansion of the project EAST initiative or similar programs in public schools on all islands, and making an appropriation for the fund.

SECTION 4. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§302A- Hawaii 3Ts school technology laboratories fund.

(a) There is established the Hawaii 3Ts school technology laboratories fund (hereinafter, “fund”) as a separate fund of _____, a Hawaii nonprofit organization. Moneys received from the state, county, or federal government, private contributions of cash or other property, and the income and capital gains earned by the fund shall constitute its assets.

(b) _____ shall expend moneys in the form of either grants to organizations or contracts with private vendors from the fund for the establishment and maintenance of technology laboratories in public schools in Hawaii in accordance with this section.

(c) The fund may receive contributions, grants, endowments, or gifts in cash or otherwise from all sources, including corporations or other businesses, foundations, government, individuals, and other interested parties. The legislature intends that the public and private sectors work together as partners in securing contributions for the fund, and that _____, through its project, Hawaii 3Ts, assist the public and private sectors in reviewing and investigating all potential funding sources. The State may appropriate moneys to the fund; provided that any appropriations made by the State are not intended to supplant the funding of any existing public school programs for the establishment and maintenance of school technology laboratories.

(d) _____ shall appoint the members of the Hawaii 3Ts school technology laboratories board, which shall be responsible for:

- (1) Soliciting and otherwise raising funds for the fund;
- (2) Establishing criteria for the expenditure of funds;
- (3) Reviewing grant proposals utilizing criteria established by _____; and
- (4) Making recommendations for grants and other specific expenditures.

Members of the advisory board shall be stakeholders in Hawaii’s public education and workforce development entities, including students and parents, teachers and principals, business and community leaders, representatives from the county economic development boards, and representatives from the department of education, the department of business, economic development, and tourism, and the department of accounting and general services, who shall be represented on the advisory board.

(e) The aggregate principal sum deposited in the fund, and any income and capital gains earned by the fund but not expended for administration, shall be invested in accordance with the provisions of _____ in a manner intended to maximize the rate of return on investment of the fund.

(f) There may be an endowment component of the fund.

(g) The use of any state moneys may be restricted by the legislation appropriating these moneys to the fund.

(h) _____ is authorized to expend the principal from the fund for the purposes of the fund.

(i) Any organization submitting a proposal to _____ for fund moneys shall meet all of the following standards at the time of applications:

- (1) Be a for-profit organization duly registered under the laws of the State, or be a nonprofit organization determined by the Internal Revenue Service to be exempt from the federal income tax, or be an agency of the State or a county;
- (2) In the case of a nonprofit organization, have a governing board whose members have no material conflict of interest and serve without compensation;
- (3) In the case of an applicant that is not a state or county government agency, have bylaws or policies that describe the manner in which business is conducted and policies that relate to the management of potential conflict of interest situations;
- (4) Have experience with the project or in the program area for which the proposal is being made; and

(5) Be licensed and accredited, as applicable, in accordance with the requirements of federal, state, and county governments.

(j) All proposals submitted to _____ for fund moneys shall be approved by the department of business, economic development, and tourism for consistency in meeting design and materials standards for public schools.

(k) Organizations or agencies to which fund moneys are awarded shall agree to comply with the following conditions before receiving the award:

- (1) Employ or have under contract persons qualified to engage in the activity to be funded;
- (2) Comply with applicable federal, state, and county laws; and
- (3) Comply with any other requirements prescribed by _____ to ensure adherence by the recipient of the award with applicable federal, state, and county laws and with the purposes of this section.

(l) Chapter 103D shall not apply to organizations or agencies that apply for grants or contracts under this section; provided that _____ shall be held accountable for the use of the funds under a contract with the department of business, economic development, and tourism.

(m) Any contracts awarded by _____ shall be made under as much competition as practical to execute its purposes.

(n) The fund shall be audited annually by an independent auditor. The results of each annual audit shall be submitted to the department of business, economic development, and tourism not later than thirty days from the date receives the audit results. In addition, _____ shall retain for a period of three years, and permit the department of accounting and general services, the department of education, the department of business, economic development, and tourism, state legislators, and the auditor, or their duly authorized representatives, to inspect and have access to, any documents, papers, books, records, and other evidence that is pertinent to the fund.

(o) The fund shall not be placed in the state treasury, and the State shall not administer the fund, nor shall the State be liable for the operation or solvency of the fund, _____, or Hawaii 3Ts.

(p) For every dollar of state moneys granted by the fund to the project, there shall be a minimum of \$1 in value matched by _____ from private, federal, county, or community sources.

(q) For purposes of this section, “school technology laboratory” means a multi-station computer laboratory that offers students a variety of different types of hardware and software applications.”

SECTION 5. The director of business, economic development, and tourism shall submit an annual report to the legislature of the progress of the Hawaii 3Ts school technology laboratories fund no later than twenty days prior to the convening of each regular session.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary for fiscal year 2004-2005, as a grant-in-aid pursuant to chapter 42F, Hawaii Revised Statutes, to _____ for the Hawaii 3Ts school technology laboratories fund.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this part.

SECTION 7. The director of business, economic development, and tourism may employ the coordinator, who shall be exempt from chapter 76, Hawaii Revised Statutes, as necessary to effectuate the purposes of this part. The coordinator shall serve at the pleasure of the director of business, economic development, and tourism.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary for fiscal year 2004-2005, for a position in the department of business, economic development,

and tourism to coordinate public and private efforts to establish and maintain technology laboratories in public schools.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this part.

SECTION 9. If any provisions of this part, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the part which can be given effect without the invalid provision or application, and to this end the provisions of this part are severable.

SECTION 10. It is the intent of this part not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this part, but shall promptly report any such modification with reasons therefor to the legislature at its next session thereafter for review by the legislature."

SECTION 3. House Bill No. 2840, H.D. 1, S.D. 2, is amended by adding a Section 11, renumbering Section 3 as Section 12, designating those sections as Part III, and to read as follows:

"SECTION 11. New statutory material is underscored.
SECTION 12. This Act shall take effect on July 1, 2004."

Senator Fukunaga moved that Floor Amendment No. 9 be adopted, seconded by Senator Taniguchi.

Senator Fukunaga rose to speak on the amendment as follows:

"Mr. President, this floor amendment is intended to address a title problem for S.B. No. 3002, Making An Appropriation For Expansion Of Project East Initiative In Hawaii's Public Schools.

"The title problem was identified by the Attorney General's Office and by the Senate Majority Research Office after the bill had crossed over to the House. There were no 'no' votes on the House or Senate actions taken on S.B. No. 3002 prior to its return to the Senate, and another version of this bill was previously adopted by the Senate Economic Development Committee and transmitted to the Ways and Means Committee.

"This bill tracks the successful 3Rs approach in which DBEDT and the county economic development boards are interested in implementing this initiative. I urge my colleagues to vote in support of the motion."

The motion to adopt Floor Amendment No. 9 was put by the Chair and carried.

Senator Fukunaga moved that Stand. Com. Rep. No. 3136 be received and placed on file, seconded by Senator Taniguchi and carried.

By unanimous consent, H.B. No. 2840, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY," was placed on the calendar for Third Reading on Thursday, April 15, 2004.

THIRD READING

H.B. No. 2049, H.D. 1, S.D. 1:

Senator English moved that H.B. No. 2049, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ige.

Senator English then offered the following amendment (Floor Amendment No. 10) to H.B. No. 2049, H.D. 1, S.D. 1:

SECTION 1. House Bill No. 2049, S.D. 1, by:

- (1) Deleting Part II;
- (2) Amending section 3 to read as follows:

"SECTION 3. This Act shall take effect on November 24, 2010."; and
- (3) Making the following technical, nonsubstantive changes:
 - (a) Deleting the terms "PART I," "PART II," and "PART III" from page 1, line 1, page 7, line 3, and page 11, line 6, respectively; and
 - (b) Renumbering the sections to conform to accepted formatting style.

Senator English moved that Floor Amendment No. 10 be adopted, seconded by Senator Ige.

Senator English rose to speak on the amendment as follows:

"Mr. President, members, this action separates Section 2 of this bill, which was a renewable portfolio standards. The reason being is that our Senate bill is finally moving in the House and coming back.

"Thank you."

The motion to adopt Floor Amendment No. 10 was put by the Chair and carried.

By unanimous consent, H.B. No. 2049, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was placed on the calendar for Third Reading on Thursday, April 15, 2004.

Stand. Com. Rep. No. 3248 (H.B. No. 2645, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3248 be adopted and H.B. No. 2645, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hogue then offered the following amendment (Floor Amendment No. 11) to H.B. No. 2645, H.D. 2, S.D. 2:

SECTION 1. H.B. 2645 H.D. 2 S.D. 2 is amended by deleting Sections 1, 3, 4.

SECTION 2. H.B. 2645 H.D. 2 S.D. 2 is amended by renumbering Section 2 as follows:

"SECTION 1. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302A- Retired teachers; coursework waiver; substitute teachers. Retired department teachers who held a valid teaching certificate or license at the date of their retirement shall be exempt from any prerequisite coursework that the department requires of other substitute teachers for a period of ten years after the date of their retirement."

SECTION 3. H.B. 2645 H.D. 2 S.D. 2 is amended by inserting the following:

“SECTION 2. Article X of the Constitution of the State of Hawaii is amended by adding a new section to be designated and to read as follows:

“LOCAL SCHOOL BOARDS

Section . Public education in the State of Hawaii shall be provided through a decentralized system of independent school districts with schools required to follow and satisfy statewide student performance standards.

There are established four local school boards, one in each of the counties of Hawaii, Maui, Kauai, and the City and County of Honolulu, to be elected by the voters of each county as provided by law. Each local school board shall:

- (1) Formulate district-wide educational policies;
- (2) Select principals to manage the schools in the local school board’s school district;
- (3) Authorize the principal of each school to make the decisions that affect student performance, educational quality and use of resources;
- (4) Evaluate the principals managing schools in the local school board’s school district;
- (5) Administer programs that the schools are not able to administer alone; and
- (6) Establish an open system that allows, to the extent practicable given each school’s resources and capacity, the parents, guardians and caretakers of each public school student to select the school that the student will attend.

The legislature shall appropriate all general funds for school operations in a single amount to each local school board based on a formula established to distribute the general funds for school operations to all public schools based on the number and needs of students enrolled at each school.

SECTION 3. Article XVI, section 4, of the Constitution of the State of Hawaii is amended to read as follows:

“OATH OF OFFICE

Section 4. All eligible public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: “I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as to the best of my ability.” As used in this section, “eligible public officers” means the governor, the lieutenant governor, the members of both houses of the legislature, the members of the [~~board of education,~~] local school boards, the members of the national guard, State or county employees who possess police powers, district court judges, and all those whose appointment requires the consent of the senate.”

SECTION 4. Article X, sections 2 and 3, of the Constitution of the State of Hawaii are repealed.

[“BOARD OF EDUCATION

~~Section 2. There shall be a board of education composed of members who shall be elected in a nonpartisan manner by qualified voters, as provided by law, from two at-large school board districts. The first school board district shall be comprised of the island of Oahu and all other islands not specifically enumerated. The second school board district shall be comprised of the islands of Hawaii, Maui, Lanai, Molokai, Kahoolawe, Kauai and Niihau. Each at-large school board~~

~~district shall be divided into departmental school districts, as may be provided by law. There shall be at least one member residing in each departmental school district. The Hawaii State Student Council shall select a public high school student to serve as a nonvoting member on the board of education.~~

POWER OF THE BOARD OF EDUCATION

~~Section 3. The board of education shall have the power, as provided by law, to formulate statewide educational policy and appoint the superintendent of education as the chief executive officer of the public school system.”]~~

SECTION 5. Article XVIII, section 7, of the Constitution of the State of Hawaii, is repealed.

[“1978 BOARD OF EDUCATION ELECTIONS

~~Section 7. Members elected to the board of education in the 1978 general election shall serve for two-year terms.”]~~

SECTION 6. The question to be printed on the ballot shall be as follows:

“Shall the existing public education system be reformed by replacing the existing department and board of education with at least four elected local school boards, one in each of the counties of Hawaii, Maui, Kauai, and the City and County of Honolulu?”

SECTION 7. Constitutional material to be repealed is bracketed and stricken. New statutory and constitutional material is underscored.

SECTION 8. This Act shall take effect upon approval, provided that the Constitutional amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii, provided that subsequent to ratification, sections 3 and 4 shall take effect on January 1, 2007.”

Senator Hogue moved that Floor Amendment No. 11 be adopted, seconded by Senator Whalen.

Senator Hogue rose to speak on the amendment as follows:

“Mr. President, thank you very much colleagues, as you can see by the title of this bill, it’s relating to education.

“The purpose of this amendment is to allow the voters of this State to have the opportunity to see whether they would like to have locally elected to school boards. It also includes the language of the previous bill which would had to do with whether or not there was prerequisite course work for retired teachers, a measure that we endorsed readily.

“I don’t want to get into a big debate here about education reform, but I know that there was a measure passed yesterday in Conference Committee. And it’s kind of interesting, I got a question from a reporter afterwards and I’ll just tell you what the reporter asked me. He asked me, ‘Is this real reform or is it kind of like putting make-up on a pig?’ I laughed at the question and didn’t answer it, but that was his question. So I’m not casting any aspersions on his question, but I am saying that obviously the public didn’t get a voice in that.

“This amendment would allow the people to get a voice as to whether or not they want elected school boards. I think they should get that voice.

“Thank you, Mr. President.”

Senator Sakamoto rose to speak in opposition to the amendment and stated:

“Mr. President, I rise in opposition to this measure.

“I guess through Session in the House as well as in the Senate, people did have an opportunity to voice reasons for local school boards whether it’s seven more or, as in this measure, four more. In the discussion, people didn’t come forward with many good reasons why student achievement would be raised when we allow district-wide formulation of educational policies when we already have statewide policies. People didn’t come forward saying why should we appropriate general funds to each single local school board when we’re already doing that in S.B. No. 3238, which was mentioned.

“There are several measures that deal with some of the problems for proponents of local school boards. One of those dealt with people feeling distant from the board. We’ve included in S.B. No. 3238, the conference draft, that the Board of Education shall hold at least two community meetings annually in each departmental school district, in addition to their regular meetings to address that issue, as well as, more importantly though, in each school there’ll be a school community council with members of the community, parents, teachers, others to really address the issue. We feel that this and many other provisions will certainly do more to help education.

“At this juncture, Mr. President, we need to focus on learning at the schools, in the classrooms and certainly we need to come forward with reinventing the schools – in essence, allowing the principal to be the pilot, open up the air for the schools to take off, roll down the runway and soar, Mr. President. We need to move ahead with the reinvention. As in the omnibus bill, we don’t need, Mr. President, more air traffic controllers at the mid-level asking for additional flight plans, rationing out fuel, re-ticketing passengers.

“Mr. President, I ask members to vote against this proposed amendment. Thank you.”

Senator Slom rose and said:

“Roll Call vote please, Mr. President.”

The Chair so ordered.

Senator Hemmings rose to speak in favor of the amendment and said:

“Mr. President, I rise to speak in favor of the amendment.

“Like the local airlines, it’s difficult, for the neighbor islanders especially, to get reservations or input with the public education system. This amendment is simply putting a question on the ballot and letting the people decide. Quite frankly, I don’t know how anyone could be opposed to it in view of the fact that it’s been recognized by everyone that the system that we are now operating under is obsolete and the statewide system, most especially, does not address the special problems that different school districts are confronted with.

“Nevertheless, if people in this state decide that they like the statewide system, they could do it through the ballot initiative, and that’s all this is asking for – for you, the Majority Party, to join us in letting the people decide on how the education system should be governed.

“So, I’m urging my colleagues to allow ‘democracy’ and let the people vote on this. Thank you, Mr. President.”

Senator Hooser rose to speak in opposition as follows:

“Mr. President, I rise in opposition.

“Mr. President, over the last 18 months, participating in the process of the Education Committee has taught me many things. I’ve learned many things from many people – teachers, parents, educational professionals, businesspeople. And the one lesson that I’ve learned most of all is that improving schools is not about school boards. It’s about schools themselves. It’s about what goes on in schools and the communities around those schools, what goes on in the classroom between teachers and their students.

“You know, I’m not willing to place something on a ballot which I believe is bad public policy. If I believed it was good public policy I would support this, but I don’t believe it’s good public policy. My research and the people I’ve talked to tell me that this is not substantiated by conclusive evidence that shows that smaller school districts are tied to increase in student performance, that’s number one. To the contrary, the omnibus bill that we’ll be voting on the Floor in a few days talks about and implements small class size, which is clearly substantiated by sound research. The seven school board proposal and the one that’s before us today also include an appointed overarching commission. And the voters of our State have already rejected twice appointed school boards.

“The prior issue of the seven school boards, and since this new one apparently mimics the provisions but has four schools boards, would need seven more Departments of Education, or now four more Departments of Education – four more layers of bureaucracy taking much needed money from classrooms and putting them into those bureaucracies.

“And most of all, there was a lot of talk about neighbor islanders and how the neighbor islanders are behind this and want this. Seven school boards or four school boards would be four or seven politically unequal organizations. In my district, the district of Kauai and Niihau, district seven, would be the smallest, and therefore the weakest, if you would, competing against school boards much larger in size for a finite amount of resources. In the old measure, the districts would be three times as large. With this new measure, Mr. President, Kauai would be competing against a school district over ten times as large, again for limited resources.

“I urge my colleagues to vote against this. You know, again, we’ve had a lot of talk about what the people of the neighbor islands want. I’ve asked the people in my community. I asked them from all parts of the island, 400 different people. I asked them, what is the most important thing that I can do as your Senator to improve public education? And the answer, Mr. President, the number one answer was: you can spend more money on public education, more money on schools, more money on books, more money on facilities, more money on important positions like PC & Cs. And the bill, our omnibus bill does this, Mr. President.

“The second most important thing the people told me they want me to do is to fight for smaller class size, and the omnibus bill does this in the critical ages – kindergarten, first and second, smaller class size.

“The third thing that my constituents are asking me to do is pay teachers more. And our bill provides a \$5,000 bonus for teachers that achieve national certification.

“At the very bottom of the list, Mr. President, at the very bottom of the list with right around 10 percent of the people saying that they believe the school boards are the most

important thing. I prefer to focus on the top of the list, Mr. President. Our bill does this. It puts decision making, and more importantly or equally importantly, at the school level. It empowers and holds principals accountable. It provides meaningful opportunity for the community to participate.

“Once again I state for the record, improving our schools is not about school boards. It’s about what happens at the school. It’s about what happens in the classrooms, and I encourage my colleagues to vote ‘no’ on this amendment.

“Thank you.”

Senator Menor rose and said:

“Mr. President, I will be voting ‘no’ on this amendment, but I do have some reservations.”

The motion to adopt Floor Amendment No. 11 was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 5. Noes, 20 (Aduja, Baker, Bunda, Chun Oakland, English, Espero, Fukunaga, Hanabusa, Hooser, Ige, Ihara, Inouye, Kanno, Kawamoto, Kim, Kokubun, Menor, Sakamoto, Taniguchi, Tsutsui).

The President then announced:

“We are now on Third Reading of H.B. No. 2645, H.D. 2, S.D. 2.”

At 11:12 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:13 o’clock a.m.

The motion to adopt Stand. Com. Rep. No. 3248 and pass H.B. No. 2645, H.D. 2, S.D. 2, on Third Reading was then put by the Chair and carried, Stand. Com. Rep. No. 3248 was adopted and H.B. No. 2645, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3257 (H.B. No. 2215, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3257 be adopted and H.B. No. 2215, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings then offered the following amendment (Floor Amendment No. 12) to H.B. No. 2215, H.D. 2, S.D. 2:

SECTION 1. H. B. 2215, H. D. 2, S. D. 2 is amended by deleting sections 1-6.

SECTION 2. H. B. 2215, H. D. 2, S. D. 2 is amended by inserting the following:

“SECTION 1. Section 89-11, Hawaii Revised Statutes, is amended by amending subsections (d) and (e) to read as follows:

“(d) If an impasse exists between a public employer and the exclusive bargaining representative of bargaining unit (1), nonsupervisory employees in blue collar positions; bargaining unit (2), supervisory employees in blue collar positions; bargaining unit (3), nonsupervisory employees in white collar positions; bargaining unit (4), supervisory employees in white

collar positions; bargaining unit (5), teachers and other personnel of the department of education; bargaining unit (6), educational officers and other personnel of the department of education under the same salary schedule; or bargaining unit (7), faculty of the University of Hawaii and the community college system; bargaining unit (8), personnel of the University of Hawaii and the community college system, other than faculty; or bargaining unit (13), professional and scientific employees, the board shall assist in the resolution of the impasse as follows:

- (1) Voluntary mediation. During the first twenty days of the date of impasse, either party may request the board to assist in a voluntary resolution of the impasse by appointing a mediator or mediators, representative of the public from a list of qualified persons maintained by the board;
- (2) Mediation. If the impasse continues more than twenty days, the board shall appoint a mediator or mediators representative of the public from a list of qualified persons maintained by the board, to assist the parties in a voluntary resolution of the impasse. The board may compel the parties to attend mediation, reasonable in time and frequency, until the fiftieth day of impasse. Thereafter, mediation shall be elective with the parties, subject to the approval of the board;
- (3) Report of the board. The board shall promptly report to the appropriate legislative body or bodies the following circumstances as each occurs:
 - (A) The date of a tentative agreement and whether the terms thereof are confidential between the parties;
 - (B) The ratification or failure or ratification of a tentative agreement;
 - (C) The signing of a tentative agreement;
 - (D) The terms of a tentative agreement; or
 - (E) On or about the fiftieth day of impasse, the failure of mediation.

The parties shall provide the board with the requisite information; and

- (4) After the fiftieth day of impasse, the parties may resort to such other remedies that are not prohibited by any agreement pending between them, other provisions of this chapter, or any other law.
 - (e) If an impasse exists between a public employer and the exclusive representative of [~~bargaining unit (2), supervisory employees in blue collar positions; bargaining unit (3), nonsupervisory employees in white collar positions; bargaining unit (4), supervisory employees in white collar positions; bargaining unit (6), educational officers and other personnel of the department of education under the same salary schedule; bargaining unit (8), personnel of the University of Hawaii and the community college system, other than faculty;~~] bargaining unit (9), registered professional nurses; bargaining unit (10), institutional, health, and correctional workers; bargaining unit (11), firefighters; or bargaining unit (12), police officers [~~or bargaining unit (13), professional and scientific employees~~], the board shall assist in the resolution of the impasse as follows:
 - (1) Mediation. During the first twenty days after the date of impasse, the board shall immediately appoint a mediator, representative of the public from a list of qualified persons maintained by the board, to assist the parties in a voluntary resolution of the impasse.
 - (2) Arbitration. If the impasse continues twenty days after the date of impasse, the board shall immediately notify the employer and the exclusive representative that the impasse shall be submitted to a three-member arbitration panel who shall follow the arbitration procedure provided herein.
 - (A) Arbitration panel. Two members of the arbitration panel shall be selected by the parties; one shall be selected by the employer and one shall be selected by the exclusive representative. The

neutral third member of the arbitration panel, who shall chair the arbitration panel, shall be selected by mutual agreement of the parties. In the event that the parties fail to select the neutral third member of the arbitration panel within thirty days from the date of impasse, the board shall request the American Arbitration Association, or its successor in function, to furnish a list of five qualified arbitrators from which the neutral arbitrator shall be selected. Within five days after receipt of such list, the parties shall alternately strike names from the list until a single name is left, who shall be immediately appointed by the board as the neutral arbitrator and chairperson of the arbitration panel.

- (B) Final positions. Upon the selection and appointment of the arbitration panel, each party shall submit to the panel, in writing, with copy to the other party, a final position which shall include all provisions in any existing collective bargaining agreement not being modified, all provisions already agreed to in negotiations, and all further provisions which each party is proposing for inclusion in the final agreement.
- (C) Arbitration hearing. Within one hundred twenty days of its appointment, the arbitration panel shall commence a hearing at which time the parties may submit either in writing or through oral testimony, all information or data supporting their respective final positions. The arbitrator, or the chairperson of the arbitration panel together with the other two members, are encouraged to assist the parties in a voluntary resolution of the impasse through mediation, to the extent practicable throughout the entire arbitration period until the date the panel is required to issue its arbitration decision.
- (D) Arbitration decision. Within thirty days after the conclusion of the hearing, a majority of the arbitration panel shall reach a decision pursuant to subsection (f) on all provisions that each party proposed in its respective final position for inclusion in the final agreement and transmit a preliminary draft of its decision to the parties. The parties shall review the preliminary draft for completeness, technical correctness, and clarity and may mutually submit to the panel any desired changes or adjustments that shall be incorporated in the final draft of its decision. Within fifteen days after the transmittal of the preliminary draft, a majority of the arbitration panel shall issue the arbitration decision."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2004."

Senator Hemmings moved that Floor Amendment No. 12 be adopted, seconded by Senator Whalen.

Senator Hemmings rose to speak in favor of the amendment as follows:

"Mr. President, I wish to speak in favor of the amendment that I have offered.

"Mr. President, we have an opportunity to rectify the problem that was created by us last year. Under the Cayetano Administration, the Legislature passed S.B. No. 1096, which ended up being Act 90, 2001, which basically reinstated the

right to strike in balancing the tables in negotiations and collective bargaining. At that time, only two Senators voted against the measure. I repeat, only two Senators voted against the measure.

"Last year we retreated from that position and reinstated, in the collective bargaining process, binding arbitration. In the ensuing debate, it was pointed out that by doing so it would result in dramatic increases in the collective bargaining process that the taxpayers would have to come up with. And low and behold, this is exactly what happened.

"The total cost of the HGEA arbitration is going to be \$247 million from now until 2009. It's important to note that those employees receive an average of 24.5 percent pay raises in the last six years, far exceeding the 13 percent rate of inflation. Their recent award was going to average about 7.8 percent, considerably more than the administration offered.

"The bottom line is that binding arbitration has indeed done what everybody predicted it would do. It's taken the whole process and tallied in favor of a union at the expense the taxpayers and the expense of fair, equitable bargaining. It's so bad that Mayor Harris, at the county level, has already said that we should reject the HGEA pay raises. The Kauai Mayor said the same thing. In the other jurisdictions, at the county level they've said that in order to accommodate it, they may have to raise taxes on the people of Hawaii.

"It's a very simple decision the Majority Party has to make. You changed your mind last year and reinstated binding arbitration. What was predicated has come true, resulting in severe cuts in the state budget to possibly accommodate binding arbitration decisions. Many of these cuts are going to affect human service programs and other programs for the needy.

"The opportunity to rectify this situation is now, by reinstating the right to strike and allowing the unions to bargain in good faith with the state and come out with hard fought negotiated compromise rather than having a third party, oftentimes not from the State of Hawaii, make financial decisions that are beyond our ability to pay.

"So, I urge my colleagues to do what you did last year. Think it through and make a decision according to what is best for the people that sent us here by voting 'yes' for this amendment.

"Thank you, Mr. President."

Senator Hanabusa rose to oppose the amendment and said:

"Mr. President, I rise to speak in opposition to this amendment.

"Mr. President, there's probably no one who was a stronger proponent of Act 90 than myself. And as well, last year when the Majority of this Body voted in favor of the repeal of the right to strike and the reinstatement of the binding arbitration, this Senator voted in opposition. However, Mr. President, I cannot support an amendment at this stage of this legislative process that seeks to reinstate the right to strike and repeal the binding arbitration process.

"When you look at our budget and you look at our employees, the HGEA units really account for the majority of our state employees. They are entitled to know what will affect the most important thing in their life, which is their wage and their terms and conditions of employment and whether that's going to be determined by arbitration or it's going to be determined by negotiation. I am a proponent of negotiation. I

believe in that process, but, Mr. President, I cannot stand by and support an amendment at this stage of our legislative process that's taking away their ability to participate in that process.

"So for that reason, Mr. President, I will be voting 'no' as to this amendment. Thank you."

Senator Slom rose to speak in support of the amendment as follows:

"Mr. President, I rise in support of the amendment.

"There is no wrong time to right a grievous wrong, and the grievous wrong was to change last year politically, as this Body did, to go back to the binding arbitration. And so, to say right now this is not the time to do it, it is the time to do it. It's time to do it before we continue to embark on a road that is going to wreak financial havoc with this state, with the taxpayers, and with the keiki that my colleagues are always talking about of the future, because they're the ones that are going to have to pay the burden.

"In addition to that, in terms of having public employee union members participate, they have absolutely zero participation in the binding arbitration process. They are not involved in it in any way. They don't have to approve it in any way. It is only the regular collective bargaining process with the right to strike that gives them full citizenship and an ability to take an active part.

"So, if we are concerned about the future of our public employees, if we are concerned about them as well as other taxpayers and our ability to pay, then we should right the wrong that was made last year while we still have an opportunity to do it. And I would urge my colleagues to support this amendment and I ask for a Roll Call vote, Mr. President.

"Thank you."

The Chair so ordered.

Senator Ihara rose to speak on a point of personal privilege and said:

"Mr. President, I have a point of personal privilege.

"For the viewer's benefit, could we use the microphones so that viewers watching on Olelo can know how we vote."

The motion to adopt Floor Amendment No. 12 was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 5. Noes, 20 (Aduja, Baker, Bunda, Chun Oakland, English, Espero, Fukunaga, Hanabusa, Hooser, Ige, Ihara, Inouye, Kanno, Kawamoto, Kim, Kokubun, Menor, Sakamoto, Taniguchi, Tsutsui).

The Chair announced:

"We are now on Third Reading of H.B. No. 2215, H.D. 2, S.D. 2."

The motion to adopt Stand. Com. Rep. No. 3257 and pass H.B. No. 2215, H.D. 2, S.D. 2, on Third Reading was then put by the Chair and carried, Stand. Com. Rep. No. 3257 was adopted and H.B. No. 2215, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 3263 (H.B. No. 2291, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3263 be adopted and H.B. No. 2291, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble then offered the following amendment (Floor Amendment No. 13) to H.B. No. 2291, H.D. 2, S.D. 2:

SECTION 1. HB 2291, H.D. 2 S.D. 2 is amended by deleting sections 1-4.

SECTION 2. HB 2291, H.D. 2 S.D. 2 is amended by inserting the following:

"SECTION 1. The legislature finds that persons with disabilities and many seniors are unable to use public transportation, such as buses. Although the city and county of Honolulu currently complies with the Americans with Disabilities Act of 1990 by providing "handi-cab" and "handi-van" services to the disabled and elderly, additional, alternative transit services are needed to enable this population to get necessary medical services, such as to and from medical appointments, in a timely fashion.

A number of cities and municipalities have supplemented their public transportation services for certain seniors and disabled residents with taxicab companies to provide transportation programs. For example, Montgomery County, Maryland has a discount taxi coupon program for persons with limited incomes who are elderly or who have a disability. Program participants can purchase up to \$100 worth of coupons per month at a substantially reduced rate, based on a sliding scale. The program requires an application and verification process to determine eligible individuals.

The purpose of this Act is to require the department of human services to develop and implement a discount taxi program to assist Hawaii residents who are elderly or disabled and have limited incomes.

SECTION 2. (a) The department of human services shall develop and implement a discount taxicab pilot program for the city and county of Honolulu, to be administered by the Oahu transit services, by contracting with interested private taxicab services to provide transportation to eligible residents to fulfill their transportation needs. Transportation provided by the program shall be demand-responsive and available throughout the city and county of Honolulu. The taxi discount program shall include performance-based incentives and disincentives that include consideration of on-time performance, accidents, missed trips, program participant complaints, and vehicle cleanliness.

(b) The department, with assistance from the executive office of aging and the disability and communication access board, shall develop standards to determine eligibility that shall include program participation by seniors and disabled individuals who have limited incomes not to exceed an amount to be determined by the department.

(c) The department, with assistance from the executive office of aging and the disability and communication access board, shall determine the method of identifying program participants and payment system.

(d) The taxi discount pilot program shall be funded by legislative appropriations and federal funds, when available. The department shall use its best efforts to obtain federal funds to enable the development, implementation, and maintenance of the discount taxi pilot program.

(e) The department shall adopt rules in accordance with chapter 91.

(f) The department shall submit a status report on the discount taxi pilot program to the legislature twenty days before the convening of each regular session beginning with the regular session of 2005 and ending with the regular session of 2009.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 2004-2005, for the establishment and implementation of a medical discount taxi pilot program in the city and county of Honolulu for elderly and disabled residents of limited incomes who are not wheelchair-bound.

SECTION 4. The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2004, and shall be repealed on June 30, 2009."

Senator Trimble moved that Floor Amendment No. 13 be adopted, seconded by Senator Whalen.

Senator Trimble rose to speak on the amendment as follows:

"Mr. President, this a very simple bill. I will not spend a great deal of time trying to convince you to support it, because you should be willing to support it on its face.

"It provides the opportunity for the Department of Human Services to negotiate discounted taxi fares for elderly and disadvantaged to obtain medical services.

"This bill will provide a needed service. It can be done without any costs to the taxpayer. It is a bill that 23 of you affixed your name to the end of at the beginning of this Session. I thought that you ought to have the opportunity, since you put your name there, to discuss and vote for.

"Number four, this bill also provides the opportunity for the Department of Human Services to seek federal grants to extend this . . . the extent of these transportation services to the extent that the costs are reimbursable by the federal government.

"Mr. President, I ask for a Roll Call vote, and colleagues, I ask you to support this measure. Thank you."

Senator Kawamoto rose to speak in opposition to the amendment and stated:

"Mr. President, I rise in opposition to this amendment.

"Mr. President, we tried to cut a good bill. Mr. President, the Governor of the State of Hawaii has indicated to the Transportation Committee and the transportation people that transit and those kind of activities should be a county issue, and we tried to doing that.

"Mr. President, also the fact that in the last paragraph, they're requesting general funds to pay for this with no amount specified.

"In view of that, Mr. President, I urge my colleagues to vote 'no.'"

Senator Trimble rose to speak in rebuttal and stated:

"Mr. President, I offer a brief rebuttal.

"I would be satisfied for a \$1 appropriation in response to the Senator from God's country.

"Number two, the Department of Human Services is already heavily involved in supply of pass through money for people that are low income and disadvantaged.

"Number three, the Department of Human Services is more interested that transportation services for people disadvantaged be supplied on a timely basis than what is currently happening at the county level, at least in the City and County of Honolulu.

"So, I do urge my colleagues to consider supporting this issue. Thank you."

The motion to adopt Floor Amendment No. 13 was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 6. Noes, 19 (Aduja, Baker, Bunda, English, Espero, Fukunaga, Hanabusa, Hooser, Ige, Ihara, Inouye, Kanno, Kawamoto, Kim, Kokubun, Menor, Sakamoto, Taniguchi, Tsutsui).

The Chair announced:

"We are now on Third Reading of H.B. No. 2291, H.D. 2, S.D. 2."

Senators Hanabusa, Kim, Tsutsui, Baker, Ihara, Ige and Aduja requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion to adopt Stand. Com. Rep. No. 3263 and pass H.B. No. 2291, H.D. 2, S.D. 2, on Third Reading was then put by the Chair and carried, Stand. Com. Rep. No. 3263 was adopted and H.B. No. 2291, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Chun Oakland, English, Slom, Trimble).

THIRD READING

MATTERS DEFERRED FROM THURSDAY, APRIL 8, 2004

H.B. No. 1261, H.D. 2, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 1261, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2254, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2254, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 707, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2426:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2426, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR

ELEVATOR MECHANICS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3124 (H.B. No. 2414):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3124 was adopted and H.B. No. 2414, entitled: “A BILL FOR AN ACT RELATING TO DENTAL INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3129 (H.B. No. 2297, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3129 was adopted and H.B. No. 2297, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GUARDIANSHIP AND PROTECTIVE PROCEEDINGS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3131 (H.B. No. 2301, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3131 was adopted and H.B. No. 2301, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3132 (H.B. No. 1634, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3132 was adopted and H.B. No. 1634, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3133 (H.B. No. 1944, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3133 was adopted and H.B. No. 1944, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3134 (H.B. No. 2137, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3134 was adopted and H.B. No. 2137, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO A ONE CALL CENTER,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3135 (H.B. No. 2170, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3135 was adopted and H.B. No. 2170, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3138 (H.B. No. 2022, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3138 was adopted and H.B. No. 2022, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3139 (H.B. No. 2459, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3139 was adopted and H.B. No. 2459, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3141 (H.B. No. 1893, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3141 was adopted and H.B. No. 1893, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3142 (H.B. No. 1929, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3142 was adopted and H.B. No. 1929, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3143 (H.B. No. 2547, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3143 was adopted and H.B. No. 2547, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3144 (H.B. No. 2667, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3144 was adopted and H.B. No. 2667, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE MEDIUM EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3145 (H.B. No. 2815, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3145 was adopted and H.B. No. 2815, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

H.B. No. 2558, H.D. 1:

On motion by Senator Menor, seconded by Senator Hanabusa and carried, H.B. No. 2558, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2009, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 2009, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2749, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 2749, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2759, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 2759, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND IN PUPUKEA-PAUMALU, OAHU," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2005, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2005, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1819:

On motion by Senator Menor, seconded by Senator Kokubun and carried, H.B. No. 1819, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2143, H.D. 2, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, H.B. No. 2143, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1980, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 1980, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2320, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 2320, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2674, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Menor and carried, H.B. No. 2674, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2498, H.D. 1:

On motion by Senator English, seconded by Senator Inouye and carried, H.B. No. 2498, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3217 (H.B. No. 2569, H.D. 1, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3217 was adopted and H.B. No. 2569, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NIIHAU SHELL PRODUCTS," having been

read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3221 (H.B. No. 2023, H.D. 2, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3221 was adopted and H.B. No. 2023, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE APPEALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3222 (H.B. No. 2385, H.D. 1, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3222 was adopted and H.B. No. 2385, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO VITAL STATISTICS RECORDS BY CHILD SUPPORT ENFORCEMENT AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3223 (H.B. No. 2363, H.D. 1, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3223 was adopted and H.B. No. 2363, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2341, H.D. 1:

On motion by Senator Inouye, seconded by Senator Espero and carried, H.B. No. 2341, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3230 (H.B. No. 2578, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3230 was adopted and H.B. No. 2578, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3231 (H.B. No. 1560, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3231 was adopted and H.B. No. 1560, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF VESSELS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES,"

having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3234 (H.B. No. 2322, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3234 was adopted and H.B. No. 2322, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3235 (H.B. No. 2722, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3235 was adopted and H.B. No. 2722, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI WATERSHED IMPROVEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3237 (H.B. No. 1756, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3237 was adopted and H.B. No. 1756, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3247 (H.B. No. 2286, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3247 was adopted and H.B. No. 2286, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3259 (H.B. No. 1590, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3259 was adopted and H.B. No. 1590, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS' RIGHTS AND BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3260 (H.B. No. 1904, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3260 was adopted and H.B. No. 1904, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3261 (H.B. No. 1908, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3261 was adopted and H.B. No. 1908, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3262 (H.B. No. 2250, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3262 was adopted and H.B. No. 2250, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3265 (H.B. No. 2662, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3265 was adopted and H.B. No. 2662, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3270 (H.B. No. 2814, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3270 was adopted and H.B. No. 2814, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3271 (H.B. No. 2716, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3271 was adopted and H.B. No. 2716, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SOUTH KONA WILDERNESS AREA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3274 (H.B. No. 2786, H.D. 1, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3274 was adopted and H.B. No. 2786, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3276 (H.B. No. 2048, H.D. 1, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3276 was adopted and H.B. No. 2048, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3277 (H.B. No. 2093, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3277 was adopted and H.B. No. 2093, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL PROFESSIONAL LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3278 (H.B. No. 2798, H.D. 1, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3278 was adopted and H.B. No. 2798, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

MATTERS DEFERRED FROM THURSDAY, APRIL 8, 2004

Stand. Com. Rep. No. 3125 (H.B. No. 2539, H.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 3125 be adopted and H.B. No. 2539, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Hemmings rose to speak in favor of the measure and said:

"Mr. President, I asked for this to be pulled out of the Ordinary Calendar for the simple reason that it's a step in the right direction. Your Minority Party for years has been advocating getting rid of the certificate of need process because it's problematic to the marketplace and medical service and is especially cumbersome and expensive for anyone wanting to improve a hospital or a major facility.

"This is a step in the right direction and hope the Majority Party sees the wisdom in the future of continuing down this road of liberating the medical marketplace from this burdensome process.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3125 was adopted and H.B. No. 2539, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3126 (H.B. No. 2092, H.D. 2, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 3126 be adopted and H.B. No. 2092, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Tsutsui rose to speak on the measure with reservations and said:

“Mr. President, please note my reservations, and I have written comments to be inserted into the Journal.”

The Chair having so ordered, Senator Tsutsui’s remarks read as follows:

“Mr. President, I don’t understand why accepting Canadian medical licensure is a pressing issue. The question I would need answered before approving this bill would be whether or not we have a genuine need for more doctors. I have serious concerns when it comes to the quality of medical care provided to our residents. This is an issue that should be further researched before passed.

“Thank you.”

Senator Hogue rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this particular measure.

“I do so reluctantly because I understand the intent of this bill, which is to allow those physicians who are trained and educated in Canada to come and actually practice here locally. However, there was some compelling testimony that came forward that I want to read part of it into the record right now from a Dr. Peter Galpin. He noted that the bill, in its particular form right now, would eliminate the oversight locally here by just allowing those who have a year of residency and some education in Canadian medical schools to come over here and get a license. There would be no discretion from the local board of medical examiners. And as he says:

‘While we recognize and applaud that BME would like to reduce or eliminate the discretionary portions of licensure, allowing the Royal College to determine eligibility of physicians for licensure removes any oversight by American organizations prior to licensure here in Hawaii.

‘Further,’ the doctor goes on to say, ‘once a physician is licensed by the State, they must become credentialed at a hospital. As a member of the credentials committee at one particular local hospital, I can tell you that verifying credentials is difficult enough for physicians trained in the United States. The problem is only compounded when records exist overseas.

‘Further,’ the doctor says, ‘by recognizing the Royal College but not organizations in other countries with equal levels of training – say, England, Japan, Australia, Switzerland, Germany, etc. – we may lead to a vast expansion of the current law. Finally,’ he says, ‘Hawaii is the only state in the union to offer such a policy.’ And he asked these questions: ‘If this is such a good policy, why are we the only state to enact this type of Legislation? And if this is such a good policy, why does Canada require US physicians to undergo training and examination in Canada before licensure?’

I think these are good questions. The bill must be changed from its current form, so I will vote ‘no.’

“Thank you.”

Senator Baker rose to speak in support of the measure and stated:

“Mr. President, I rise to speak in support of this measure.

“Unfortunately, the testimony that was just read into the record by the good Senator from the Kaneohe area was on the first version of this bill and not the current version of the bill. The bill before us is a changed bill. It was one that took some of the concerns of Dr. Galpin into account. It’s a measure that was worked on by the Hawaii Medical Association, by Dr. Galpin, by the Board of Medical Examiners, and the Attorney General. This is a measure that the administration supports. It’s also a measure that continues oversight in its current form by the Board of Medical Examiners.

“We heard this bill twice in the Health Committee, twice in Consumer Protection and Housing, and clearly we heard from folks like the Assistant Dean of the medical school talking about how the same accrediting agency that accredits the medical schools in the United States also accredits the schools in Canada, that their licensure requirements and their residency requirements and their course work is accredited by the same folks that accredit the schools in the United State and that requirements are substantially the same.

“The Board of Medical Examiners came to us asking that we work on this measure because they were unable to come up with criteria for ‘substantially equivalent’ and be fair across the board. And this measure tightens those requirements so that you can’t just come in from a third world country and maybe not have the adequate background and then end up as a licensed professional here. It is true that the hospitals do have to do credentialing, but there were hospitals testifying in support of this measure, so they don’t believe that credentialing is an issue.

“And finally, Mr. President, we have a need to provide qualified doctors and professionals in many specialties for which there is a shortage in our state. And this bill allows us to utilize physicians who have the same kind of training that American doctors going to American schools have and makes it possible to obtain their services here in Hawaii. The board in this draft does retain oversight and has been asked to look at the credentials on a going forward basis more regularly than they have in the past. And I believe that because we really have not lowered the standards, we’ve kept them high, that this is a good bill. It’s a bill that will help us recruit additional doctors into our state, additional qualified doctors, and it certainly is a boon for medical consumers throughout our state.

“I urge all my colleagues to support this measure. Thank you.”

At 11:36 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:38 o’clock a.m.

Senator Hogue rose in support with reservations and stated:

“Mr. President, after hearing the testimony of the Senator from Maui and pointing out something that I had not seen in the bill, please note my reservations on it, but I will vote in the affirmative.

“Thank you.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3126 was adopted and H.B. No. 2092, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3127 (H.B. No. 1770, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3127 be adopted and H.B. No. 1770, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hemmings rose in support of the measure and said:

"Mr. President, all too often your Loyal Opposition, your Minority stands up to oppose legislation. I'm very proud, for the second time today, I'm standing in support of this initiative.

"Mr. President and colleagues, this bill is what we all agreed at the start of this Session should be done. The Senate has added provisions in it to severely penalize those who speed excessively on our highways, and we, by doing this, affirm the concept that harsh and swift justice oftentimes is a deterrent to crime.

"This bill is a step in the right direction, and hopefully laws like this will help alleviate the problems we're having on our highways with speeders and racers. I'm glad that we can have a consensus with the Majority Party on this initiative."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3127 was adopted and H.B. No. 1770, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3128 (H.B. No. 2458, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3128 be adopted and H.B. No. 2458, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose to speak in opposition as follows:

"Mr. President, I stand in opposition to this measure.

"Reasonable people can listen to the same testimony and come to a different decision. I found that the comments made by the Judiciary were compelling.

"Last year we had the baby drop-off bill. I guess the major difference between last year's measure and this year's measure is that under the baby drop-off bill it was supposed to be 72 hours from birth and this can be any age. But I found that I had a problem with it when the Department of Human Services noted, and I guess it's by our Child Protective Services noted that there was a child that was not with its parents, that they could close the case file in that house even though the house was one that could not be licensable. My sense is that that determination should be done at a level above that of the caseworker.

"For that reason, I will be voting against the measure. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3128 was adopted and H.B. No. 2458, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 3130 (H.B. No. 2292, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3130 be adopted and H.B. No. 2292, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure as follows:

"Mr. President, I rise in opposition to this bill.

"We had several bills this year that basically would augment the computer improvements, so called, in the judiciary. The problem is we've been putting a lot of money into the computer system in the judiciary and the idea was that we were supposed to see results and to find it more efficient.

"We've had no reports that in fact it has resulted in efficiency. We continue to have complaints about the way in which the Judiciary does conduct its filings and so forth, but we did have increases in fees to go into the special fund that is now going to fund the computer system.

"I think that we need oversight on this before we continue to pay more expenditures and to hold the judiciary accountable to show us where in fact the progress and efficiency has been made.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3130 was adopted and H.B. No. 2292, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 3137 (H.B. No. 1885, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3137 was adopted and H.B. No. 1885, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A YOUTH SUMMIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3140 (H.B. No. 1856, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3140 be adopted and H.B. No. 1856, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure as follows:

"Mr. President, I rise in opposition to this bill.

“We had several bills this year that basically would augment the computer improvements, so called, in the judiciary. The problem is we’ve been putting a lot of money into the computer system in the judiciary and the idea was that we were supposed to see results and to find it more efficient.

“We’ve had no reports that in fact it has resulted in efficiency. We continue to have complaints about the way in which the Judiciary does conduct its filings and so forth, but we did have increases in fees to go into the special fund that is now going to fund the computer system.

“I think that we need oversight on this before we continue to pay more expenditures and to hold the judiciary accountable to show us where in fact the progress and efficiency has been made.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3140 was adopted and H.B. No. 1856, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3146 (H.B. No. 2911, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3146 was adopted and H.B. No. 2911, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

H.B. No. 2741, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 2741, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

“Mr. President, I rise in opposition to this bill.

“Here we have an example of another bill where there is no problem but the Legislature is trying to create a problem, and it’s one of trying to enforce divisiveness between the legislative branch and the executive branch by requiring additional reporting and responsibility that the Legislature wants from the executive branch in terms of agencies, deputy directors, special assistants and so forth.

“It never was a problem before. It’s not a problem now. We don’t have any evidence that there was a problem other than the Legislature doesn’t want the new administration to continue its policy of trying to re-staff certain positions.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 2741, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

H.B. No. 2748, S.D. 1:

Senator Taniguchi moved that H.B. No. 2748, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this measure.

“Under this bill, the Legislature would confirm permanent civil service status of the business action committee. I have consistently opposed all measures by which the Legislature would confirm permanent civil service status. I can think that in this case it is inappropriate even though personally I think that Milton Block has done a fantastic job; even though personally I feel that the business action center has done a superb job.

“I think that in order to keep the integrity of the civil service system, that we ought to let them, like everyone else that becomes a permanent civil service employee, go through the proper and appropriate recruitment process.

“Thank you, Mr. President.”

Senator Ihara rose to speak in favor of the measure and said:

“Mr. President, I have comments I’d like to submit into the Journal on this bill in favor.”

The Chair having so ordered, Senator Ihara’s remarks read as follows:

“Mr. President, I want to point out what I believe is an inaccuracy in the committee report on this bill. Specifically, the third paragraph states, in part, ‘. . . your Committee created and circulated a proposed Senate Draft 1 that deleted the substantive provisions of the measure and inserted therefor . . .’ I understand that the action described was taken by the Committee Chair, and not by the Committee because the Committee did not have the opportunity to consider this action. The Senate Majority Staff Office did modify their committee report boilerplate language to prevent such errors, but I understand that this particular committee report was drafted by the Ways and Means Committee.”

The motion was put by the Chair and carried, H.B. No. 2748, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE FINANCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hogue, Trimble).

H.B. No. 2774, H.D. 1, S.D. 1:

Senator Menor moved that H.B. No. 2774, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Aduja rose to speak in favor of the measure as follows:

“Mr. President, I have some discussion, if I may, in favor.

“Amateur radio operations are critical to Hawaii’s emergency and disaster response capability. To maintain this

capability, 'ham' radio operators must be able to use outdoor antennas from their residences. Because hams have encountered restrictions which prohibit antennas in many condominiums and subdivisions, we need legislative action to provide them with reasonable accommodation.

"The US Congress has ruled that 'reasonable accommodations should be made for effective operation of amateur radio from residences.' Congress has further declared that regulation of all levels of government should facilitate and encourage amateur radio operations as a public benefit.

"Congress has found amateur radio to be in the national interest for its service in emergencies, for advancing telecommunications, for providing a vital reservoir of trained operators and electronic experts, and for international good will.

"Hawaii is especially vulnerable in times of emergency, both because we are so far from outside help and because we are separated as islands. We are especially vulnerable here in Hawaii to natural disasters – hurricanes, tsunamis, high winds, volcanic activity and the like. Ham radio is our link with each other and the outside world when disaster strikes and official communications cannot meet our needs. Were any of you aware that during hurricane Iniki, ham radio was the only link available to connect Mayor Yukimura of Kauai with Governor Waihee?

"Senate President and colleagues, given the emergency and the assistance that we can get from ham radios, I do urge my colleagues to support these two measures.

"Thank you."

Senator Inouye requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2774, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBDIVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hooser).

H.B. No. 2773, H.D. 1, S.D. 1:

Senator Menor moved that H.B. No. 2773, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Ihara rose and said:

"Mr. President, I have reservations on this bill."

The Chair so ordered.

Senator Fukunaga requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2773, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hooser).

H.B. No. 1840, H.D. 1, S.D. 1:

Senator Baker moved that H.B. No. 1840, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

Senator Hogue rose to speak with reservations and said:

"Mr. President, I rise, I guess, to voice my reservations about this particular bill.

"Fugitive dust, I didn't even know there was a term. But, fugitive dust is what this is about here. There has been some concern by the pineapple growers that the bill doesn't seem to be explicit to agricultural concerns – what happens if they would happen to have dust, whether it's fugitive or otherwise.

"The Department of Health has also indicated that they already have rules in place and that this is not necessary. I checked with the Department of Health this morning and they still don't believe that it is necessary because they have a rule.

"So, please note those reservations. Thank you."

Senator English rose to speak in support of the measure as follows:

"Mr. President, I rise in support.

"Yes, you know, Mr. President, the Department of Health finally has come out and said 'well, yes, we have rules.' But the issue has been that all throughout this bill, when it moved through the House and it finally came through to the Senate, they said we don't have rules to deal with this. So, somehow, mysteriously between hearings, between coming from the House over to the Senate, they finally discovered these rules somewhere and said 'oh, we have them now.'

"But you know, the real issue, and this is a fascinating thing, this Session we dealt with toxic and dangerous mold and fugitive dust and a few other things we've never heard of, but with this particular issue of fugitive dust, I think that what we've done in this particular bill is clarify the language. And if the Department of Health now says that they do have the rules, then it gives them much clearer direction of how to do those rules and makes it what we call 'user friendly,' because when people went to them, constituents, and said what are the rules on this, they said 'we don't have rules with this; in fact we don't deal with this.' And only in the last Committee, in the Joint Committee with Health and Environment and my committee, did the Department of Health come and say, 'oh, by the way, we have the rules on this.'

"So, I think that it's a clear indication that they need to get their act together on what they do and what they do not have rules on and then make it clear to the general public, to the constituents, when they go to them and ask them what are the rules. So, the whole reason that this is here is because they said they did not have rules on it.

"So, it makes it clearer, it makes it user friendly and I think all in all it ends up helping the consumer, and that's what we want to do. Thank you, Mr. President."

The motion was put by the Chair and carried, H.B. No. 1840, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Slom, Trimble, Whalen).

H.B. No. 2136, H.D. 1, S.D. 1:

Senator Kawamoto moved that H.B. No. 2136, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senators Ihara, Espero, Trimble, Hooser, Kim, Hanabusa, Baker, Aduja, Ige and English requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2136, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hogue, Tsutsui, Whalen).

H.B. No. 537, H.D. 1, S.D. 1:

Senator Hanabusa moved that H.B. No. 537, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Aduja requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 537, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Kawamoto, Slom, Whalen).

H.B. No. 2074, H.D. 1, S.D. 1:

On motion by Senator English, seconded by Senator Fukunaga and carried, H.B. No. 2074, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Whalen).

H.B. No. 2871, H.D. 2, S.D. 1:

On motion by Senator Kanno, seconded by Senator Sakamoto and carried, H.B. No. 2871, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2740, H.D. 1, S.D. 1:

Senator Kanno moved that H.B. No. 2740, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ihara.

Senator Slom rose to oppose the measure and said:

"Mr. President, I rise in opposition to the bill.

"We have a fact of closing law, which requires a period of time – 60 days – to notify workers if there's going to be any changes. This bill would increase that by 50 percent to 90 days.

"It already is a difficult thing for businesses if they have a threat of closing – they are still working with vendors; they're

working with employees; they're working with their financial institutions trying to stave off an eventual shutdown and trying to reach some kind of alternative accommodation. If we make the period of time even longer, what that does is jeopardize the attempt to reach a accommodation because then you're saying to the whole world that it looks like we have no other alternative, we're going to close. That has a deleterious effect on creditors and on financial institutions and so forth.

"So, instead of doing the workers a good deed by extending this, it actually does them harm, so I urge a 'no' vote on this bill."

Senator Sakamoto rose to speak in opposition to the measure as follows:

"Mr. President, I rise in opposition as well.

"Many small businesses really fight to the finish. There are many times where small businesses, or medium size businesses, or even large businesses it's one payroll away from perhaps closing their doors. As with the previous speaker, I think we should allow businesses to fight to the finish with their family of workers, managers, and customers as opposed to having them surrender very early in process."

Senator Ihara rose and said:

"I have reservations."

The Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2740, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF EMPLOYMENT CHANGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Hemmings, Hogue, Ige, Sakamoto, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 3215 (H.B. No. 1743, H.D. 2, S.D. 2):

Senator Inouye moved that Stand. Com. Rep. No. 3215 be adopted and H.B. No. 1743, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Whalen rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition. It's a strange bill, but I'm actually going to make a speech on it.

"Before everyone gets worked up talking about the turtles and the birds, the point of this is to show how extreme we are. The special management area varies in its distance from the actual shore. This bill requires a penalty of up to \$100,000 and \$10,000 a day for a homeowner who happens to have their light shining from their back porch out into the water. There's an exemption for hotels, condominiums, which, in my opinion, are really the focus of what this is where they shine lights into the water for the effect for the tourist or whatever.

"A homeowner who happens to have a dinner out on the patio or whatever is going on and the kids are running around in the yard at eight o'clock at night, the light shines across the back yard into the water, I don't think that's going to attract migrating turtles or anything else. But they can get hammered under this bill, and I think it's way too far in the extreme."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3215 was adopted and H.B. No. 1743, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hemmings, Hogue, Kim, Slom, Tsutsui, Whalen).

Stand. Com. Rep. No. 3216 (H.B. No. 1898, H.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3216 be adopted and H.B. No. 1898, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Slom rose to speak in support of the measure with reservations and said:

"Mr. President, I rise in support with reservations.

"My reservations . . . I guess I was a derelict. It should have an amendment here. This makes April 'Financial Courtesy for Youth Month.' But I'd like to extend that to my colleagues and to the general public. I remember the late Sylvia Porter called us a nation of economic illiterates. And I think that we need to have financial literacy not just for our young people, but also for many others in our community as well.

"So, I'll support it with reservations. Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3216 was adopted and H.B. No. 1898, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY FOR YOUTH MONTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1937, H.D. 2:

Senator Kawamoto moved that H.B. No. 1937, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senators Ihara, Tsutsui, Kim, English and Hooser requested their votes be cast "aye, with reservations," and the Chair so ordered.

At 12:00 o'clock noon, the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

Senator Sakamoto rose and said:

"Mr. President, on this measure, H.B. No. 1937, H.D. 2, I had a conversation yesterday with the Board of Education Chair regarding what this proposes to do in enhancing the participation of the military member. And he said, they're, in essence, doing that and they will work toward enhancing that and perhaps their rules. I move to recommit this measure, Mr. President."

On motion by Senator Sakamoto, seconded by Senator Hooser and carried, H.B. No. 1937, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," was recommended to the Committee on Transportation, Military Affairs, and Government Operations.

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:11 o'clock p.m., with the Vice President in the Chair.

Stand. Com. Rep. No. 3219 (H.B. No. 2630, H.D. 2):

Senator Espero moved that Stand. Com. Rep. No. 3219 be adopted and H.B. No. 2630, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Sakamoto.

The motion was put by the Chair and failed to carry, Stand. Com. Rep. No. 3219 failed to be adopted and H.B. No. 2630, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 10. Noes, 7 (Aduja, Hooser, Ige, Kanno, Taniguchi, Trimble, Tsutsui). Excused, 8 (Baker, Chun Oakland, English, Fukunaga, Hanabusa, Hogue, Ihara, Menor).

Stand. Com. Rep. No. 3220 (H.B. No. 1004, H.D. 1, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3220 was adopted and H.B. No. 1004, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 4 (Hemmings, Slom, Trimble, Whalen). Excused, 7 (Baker, Chun Oakland, English, Fukunaga, Hanabusa, Hogue, Ihara).

At 1:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:23 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Stand. Com. Rep. No. 3219 (H.B. No. 2630, H.D. 2):

Senator Tsutsui moved that the Senate reconsider its action taken earlier in the calendar on failing to adopt Stand. Com. Rep. No. 3219 and failing to pass H.B. No. 2630, H.D. 2, on Third Reading, seconded by Senator Kawamoto.

At 1:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:25 o'clock p.m.

Senator Baker rose and said:

"Point of order. Isn't the motion the vote is on, the motion to reconsider, and after a vote is taken on the motion to reconsider, then we vote on the bill?"

The Chair replied:

"Yes, we are voting now on the reconsideration."

Senator Baker further inquired:

"Isn't the reconsideration a voice vote of aye or nay?"

The Chair responded:

“Yes, but I think it’s the prerogative of the Chair. I took a hand vote.

“So, I believe we are in the middle of the vote. All in favor of reconsideration raise your right hand. This is for the reconsideration.”

The motion was put by the Chair and carried.

Senator Menor then moved that Stand. Com. Rep. No. 3219 be adopted and H.B. No. 2630, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Menor rose in favor of the measure with reservations and said:

“Madame President, I rise to speak in favor of this particular bill.

“I Appreciate the fact that my colleagues are allowing this measure to be reconsidered. Given the fact that we had a number of empty seats, including the one that I am standing in front of, and I didn’t have an opportunity to defend this bill, I would like to have that opportunity at this time.

“Prior to the Floor discussion on this measure, I hadn’t been planning to say anything. But given the fact that it appears that the votes might be close, I don’t want to take any chances. I at least want to put out my best effort to give it a good shot, and hopefully the majority of my colleagues will see the light and vote in support of my position.

“Let me just say that I think that those who have expressed concerns about this bill are missing the boat, and that I respectfully disagree with them in several respects. First of all, I think that in general, customers who rent the vehicles tend to be very price sensitive and akamai when it comes to purchasing gasoline for their rental vehicles. And if customers believe that they will save money by refilling their tanks with gasoline on their own, I think that they will do so even if a rental car employee tries to sell them the fuel option.

“It should also be noted that the practice of rent-a-car companies to make these fuel purchase options available is definitely not anti-consumer. In fact, many customers appreciate the availability of the fuel purchase option because they feel that it is more convenient to be able to purchase that option rather than having to take your rented automobiles to a service station to fill up their tanks on their own.

“Moreover, I think it should be emphasized that under Hawaii law a U-drive company that offers gasoline or this option is limited by what they can charge pursuant to this option. The rent-a-car company is allowed to charge the price per gallon for a liter of fuel and that charge cannot exceed the average of the local prevailing retail market price for similar fuels sold at self-service gasoline pumps by commercial gasoline dealers. In other words, you can’t overcharge on the gasoline that is going to be used or purchased through the fuel pump option.

“So, in that regard, the fact is it may cause the customers to choose to purchase this fuel option instead of going out on their own and refilling their own vehicles because they realize they can get as good or perhaps even a better deal by purchasing gasoline from the U-drive companies.

“Furthermore, the current law allows that customers who obtain a fuel purchase option to be able to get a refund if they decide to refill their tanks at an outside gasoline station. This

measure would retain this alternative option for consumers under existing law.

“The director of the Office of Consumer Protection, Stephen Levins, testified on this measure, and he indicated that he didn’t oppose it and he testified that his office has not identified any abuses that have occurred in the market of the fuel service purchase options by the U-drive companies.

“I would also like to inform my colleagues that on a related measure, the Legislature last Session passed a bill that would allow the U-drive companies to be able to consider the sale of consumer damage waivers or CDWs in the calculation of bonuses or commissions that are paid to rent-a-car employees. When we consider that bill, a number of my colleagues, some of whom oppose this measure, expressed fears and concerns at that point in time that the enactment of the CDW bill into law would result in abuses. During the hearing that we held on this measure, I specifically and pointedly asked Mr. Levins, again who’s the director of the Office of Consumer Protection, whether he’s been monitoring the CDW bill, and he indicated that he was, given the concerns that was expressed about that legislation last Session. He indicated that based on his careful and close monitoring of the U-drive companies and the implementation of the CDW law, he hasn’t found any complaints or abuses that we need to be concerned about to date.

“So, the fact is that the fears and concerns about the similar legislation that we passed last Session have not materialized, and I do not believe that those kinds of fears and concerns will pan out with respect to this measure that we are considering today.

“Another significant reason why rental car companies have not engaged in unfair deceptive practices in the market of CDWs and fuel purchase options is because they could be subjected to significant penalties, including the payment of treble damages under Chapters 437 and 480 of the Hawaii Revised Statutes. In this regard, these provisions of the law punishing U-drive companies for misleading or deceptive practices in statements to renters would remain as part of the law under this bill.

“Finally, this measure would bring Hawaii’s law into line with every other state in the nation to the extent that Hawaii is the only state that has this prohibition in place with respect to fuel service options.

“So, for all these reasons, I respectfully urge my colleagues to vote in favor of H.B. No. 2630, S.D. 2. Thank you.”

Senator Aduja requested her vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3219 was adopted and H.B. No. 2630, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 7 (English, Hanabusa, Hooser, Ige, Kanno, Taniguchi, Tsutsui). Excused, 2 (Bunda, Ihara).

THIRD READING

Stand. Com. Rep. No. 3225 (H.B. No. 1839, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3225 be adopted and H.B. No. 1839, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in opposition to the measure and stated:

“Madame President, I rise in opposition to this measure.

“I think that the law should speak with a consistent voice when it comes to narcotics. There is no need to codify an existing practice. Under this bill, it would include both chronic as well as acute pain. There is no provision that would insist that a patient be terminally ill before he would allow a physician to prescribe or allow the patient to go physician hunting for a physician that would prescribe narcotics.

“I oppose this measure. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3225 was adopted and H.B. No. 1839, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PAIN PATIENT’S BILL OF RIGHTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Bunda, Ihara).

Stand. Com. Rep. No. 3226 (H.B. No. 2844, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3226 was adopted and H.B. No. 2844, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRYSTAL METHAMPHETAMINE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Hemmings, Hogue, Ige, Kawamoto, Slom, Trimble, Whalen). Excused, 1 (Bunda).

Stand. Com. Rep. No. 3227 (H.B. No. 1860, H.D. 1, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 3227 be adopted and H.B. No. 1860, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose to speak in opposition to the measure as follows:

“Madame President, I rise in opposition to this measure.

“I am opposed to the proposition that every year we consider separately one or two measures that would provide for a check-off on your income tax return. I feel that the appropriate process is to ask the Legislative Auditor or the Legislative Reference Bureau to prepare a list of those that would be appropriate for us for consideration. And for us to decide say perhaps once every ten years what should be on the income tax forms to avail people the opportunity to have it checked off.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3227 was adopted and H.B. No. 1860, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Slom, Trimble). Excused, 2 (Bunda, Taniguchi).

Stand. Com. Rep. No. 3228 (H.B. No. 2061, H.D. 2, S.D. 1):

Senator Kokubun moved that Stand. Com. Rep. No. 3228 be adopted and H.B. No. 2061, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Slom rose to speak in opposition as follows:

“Madame President, I rise in opposition to the bill.

“We’re talking about creating the Aloha Aina Patrol. First it was limited to Honolulu County. Now it’s extended to all counties. I think it takes away flexibility. It’s another case of earmarking with special funds. And we have blank amounts, so we don’t know what we’re talking about in terms of the magnitude of appropriations. In addition to that, what we really should be doing is hiking the funding for existing county police forces.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3228 was adopted and H.B. No. 2061, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 2 (Bunda, Taniguchi).

Stand. Com. Rep. No. 3229 (H.B. No. 2608, H.D. 1, S.D. 1):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 3229 was adopted and H.B. No. 2608, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 3232 (H.B. No. 1793, H.D. 2, S.D. 1):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 3232 was adopted and H.B. No. 1793, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAND EXCHANGE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 3233 (H.B. No. 1848, H.D. 1, S.D. 1):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 3233 was adopted and H.B. No. 1848, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hogue, Slom, Trimble). Excused, 2 (Kawamoto, Taniguchi).

Stand. Com. Rep. No. 3236 (H.B. No. 2859, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3236 be adopted and H.B. No. 2859, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak in favor of the measure and said:

“Madame President, I rise to speak in favor of this resolution.” (Laughter.)

Senator Hogue rose and said:

“Madame President, I think the point is very well taken. This should have been a resolution and not a bill.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3236 was adopted and H.B. No. 2859, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN INTERNATIONAL EQUESTRIAN FACILITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Chun Oakland, Hemmings, Hogue). Excused, 1 (Kawamoto).

Stand. Com. Rep. No. 3238 (H.B. No. 2396, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3238 be adopted and H.B. No. 2396, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

“Madame President, I rise in opposition to the bill.

“I think we all or hope we all understand that we need new money, new capital formation in the State of Hawaii. We’re not going to get it by having another state fund, private investment fund, but what we are going to get, if we’re going to entice and encourage new funds, is an improved business climate and budgetary spending considerations that are in line with the taxpayers’ ability to pay.

“So, I think that should be our first line of incentive in all things. Thank you.”

Senator Trimble rose to oppose the measure and said:

“Madame President, I rise in opposition to the measure for slightly different reasons.

“I agree that we need to have funds that invest in venture capital and start-up companies in Hawaii. We already have an appropriate vehicle to do this. We have an employee retirement system. They set aside perhaps up to 8 percent to invest in funds that do exactly this. Unfortunately, the funds that they select do not consider or have not considered or have not adequately considered investing in firms in Hawaii.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3238 was adopted and H.B. No. 2396, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Trimble).

Stand. Com. Rep. No. 3239 (H.B. No. 2191, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3239 be adopted and H.B. No. 2191, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in opposition to the measure as follows:

“Madame President, usually when we provide incentives we provide incentives to encourage firms to take a particular action. It is not my understanding that the firm that we’re talking about in this case would not make these investments if the tax incentives were not available. So I think that this may be an inappropriate use of an incentive program that does not, has not accomplished the intended result of being an incentive but barely gives tax benefits for investment that would occur anyway. So, I’ll be voting ‘no’ on this measure.”

Senator Hooser requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3239 was adopted and H.B. No. 2191, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 3240 (H.B. No. 2611, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3240 was adopted and H.B. No. 2611, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Trimble).

Stand. Com. Rep. No. 3241 (H.B. No. 2961, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3241 be adopted and H.B. No. 2961, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure as follows:

“Madame President, I rise to speak against H.B. No. 2961.

“Frankly, and to the point, to be consistent on this issue, we believe that this extends the shelf life of dependency on fossil fuels, especially oil. We think that all public assets and tax credits should be put into renewables such as geothermal, wind, solar, and hydrogen which would be a much more enduring and environmentally sound investment regarding fuel.

“So, we believe that this is an unwise tax credit at this time. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3241 was adopted and H.B. No. 2961, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ETHANOL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 3244 (H.B. No. 267, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3244 be adopted and H.B. No. 267, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

“Madame President, I rise in opposition to this bill.

“The bill has had an interesting history and purports to allow for the independence of thought and speech by agencies that are currently situated administratively under the Department of Accounting and General Services, mainly the Office of Elections and the Campaign Spending Commission.

“But what the bill does is it’s another attempt to drive a wedge between executive authority by the Legislature, because it takes the ability of the Legislature to appoint the election review panel, which is an executive function. It also allows for the hiring of outside attorneys. Generally we found that there has not been a problem in this area except for one that has been created by the Legislature this year.

“So, I urge a ‘no’ vote.”

Senator Kawamoto requested his vote be cast “aye, with reservations,” and the Chair so ordered.

Senator Ihara rose with reservations and stated:

“Madame President, I have reservations on this bill similar to the ones mentioned by the Senator from Hawaii Kai.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3244 was adopted and H.B. No. 267, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3245 (H.B. No. 1335, H.D. 3, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3245 was adopted and H.B. No. 1335, H.D. 3, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TUITION WAIVERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3246 (H.B. No. 1924, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3246 was adopted and H.B. No. 1924, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TEACHER COMPENSATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3249 (H.B. No. 403, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3249 was adopted and H.B. No. 403, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT

SYSTEM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 3250 (H.B. No. 1374, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3250 be adopted and H.B. No. 1374, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure and stated:

“Madame President, I rise in opposition to this bill.

“One of the things that the small business community has said is that we need strong workers’ comp fraud responsibility. We had it in a bill earlier this Session. The bill was changed. This gives the appearance that there will be an attempt by the state to remove and to lessen workers’ comp fraud, but in fact that is not the case. While it makes several good moves, it does not go far enough. And as I say, it gives the illusion that it’s going to solve the problem when in fact it does not.

“I urge a ‘no’ vote. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3250 was adopted and H.B. No. 1374, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 3251 (H.B. No. 1774, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3251 be adopted and H.B. No. 1774, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

“Madame President, I rise in opposition to this bill as well.

“What this bill will do is to grant an unemployed individual a full weekly benefit without the offset for wages paid during the week. As such, it does not encourage people to take full-time work but allows them or encourages them to continue taking both unemployment compensation and partial salaries.

“Thank you.”

Senator Aduja requested her vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3251 was adopted and H.B. No. 1774, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Sakamoto, Slom, Trimble).

Stand. Com. Rep. No. 3252 (H.B. No. 1778, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3252 be adopted and H.B. No. 1778, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure and stated:

“Madame President, I rise in opposition to this bill as well.

“What this bill does is basically interfere with private contracts. It extends wage benefits to all laborers and mechanics working on any government construction project. The definition of the laborers, mechanics, apprentices, and trainees is vague and extremely broad, and it interferes, as I say, with the private process.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3252 was adopted and H.B. No. 1778, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO WAGES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 3253 (H.B. No. 1780, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3253 be adopted and H.B. No. 1780, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

“Madame President, I rise in opposition to this bill.

“There was a great deal of talk about the necessity for granting paid family leave for government employees to attend parent teacher conferences. At one time, and under current law, there was no cap or no requirement that the hours be limited. While this bill seeks to limit the time off to two hours, it begs the question – the original issue was whether or not employees were actually utilizing the time, how many, and for what purpose.

“We’ve seen no statistics or no data showing that in fact public employees were using this time off to attend these conferences and there’s no oversight. And so, even limiting it to two hours amounts to two hours of additional paid time off without adding any responsibility that they actually attend the functions for which this legislation was drafted.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3253 was adopted and H.B. No. 1780, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hogue, Slom).

Stand. Com. Rep. No. 3254 (H.B. No. 1786, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3254 was adopted and H.B. No. 1786, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3255 (H.B. No. 1792, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3255 be adopted and H.B. No. 1792, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

“Madame President, I rise in opposition to this bill.

“As the State Department of Labor has stated, there is no reason to do this. There already are earmarked federal funds for certain purposes. However, what the State Department of Labor was saying was that the uses contained in this measure, H.B. No. 1792, go far beyond what the federal government allows and, as a matter of fact, may result in the loss of federal funds and/or additional penalties to the State. In other words, it’s an abuse of federal funds for unemployment purposes.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3255 was adopted and H.B. No. 1792, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LABOR,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3256 (H.B. No. 2025, H.D. 3, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3256 be adopted and H.B. No. 2025, H.D. 3, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure as follows:

“Madame President, I rise in opposition to this bill.

“As testimony showed, I had personally asked the head of the Civil Rights Commission if this legislation was needed. The answer was ‘no.’ We have the law on the books. It’s not going to do anything, to add anything, or provide anything new. This is just window dressing to try to continue an issue which has already been decided in the state.

“So, there are adequate remedies. Penalties have been assessed. We do not need this legislation. Thank you.”

Senator Espero rose to speak in favor of the measure and said:

“Madame Chair, I’d like to rise in support of this measure.

“This bill just has to do with wage clarity. This has to do with equality for women in our workforce. This has to do with being able to give them a fair wage for fair work equal to their counterparts. It’s a good bill. It’s a good message. It’s a good piece of legislation that we should be passing today.

“Thank you, Madame Chair.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3256 was adopted and H.B. No. 2025, H.D. 3, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EQUAL PAY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Slom, Trimble).

Stand. Com. Rep. No. 3258 (H.B. No. 680, H.D. 2, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3258 be adopted and H.B. No. 680, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure and stated:

“Madame Chair, I rise in opposition to this bill.

“Now, I know that no one in this Body needs any ethics training, so I don’t know who the bill is actually focused on. I would say this, that it’s kind of ridiculous to say that we’re going to need training to do what is right and what we know is the law. We have an ethics commission that is set up to adjudicate any violations or also to advise us.

“I wonder who’s going to give the ethics training. I hope it’s not any of our previous colleagues who have spent time in jail, although maybe they’d have the experience so they can do that. And this is the same Body that doesn’t want legislative drug testing for everybody, so I don’t think we need ethics training for everybody. We can maybe decide in caucuses during recess who we should send to ethics training.

“Thank you.”

Senator Espero rose to speak in support of the measure and stated:

“Madame Chair, I’d like to rise in support of this measure, also.

“This measure falls under the heading of government reform. This year it looks like it’s going to be a good year for government reform in this legislative Body. It started when Speaker Say and President Bunda eliminated the Chair veto rule that would not allow one Senator to have more power than other Senators have. It made us all equal.

“We’re also looking at legislation for campaign spending reform, and then we have this measure before us for ethics training, ethics education. Unfortunately, in today’s day and age, everyone here is not created equal. Some of us do more than others in certain areas, and in ethics training and education I believe all of us could use it.

“The newspaper highlights it today and there’s an editorial in the Star Bulletin – ‘Eject political lobbying from Governor’s offices.’ Maybe if there were some ethics training for the people that this bill looks at – cabinet members, high appointees, Legislators, OHA members – maybe this article in today’s newspaper would not even be an article.

“This is a bill which brings back the trust in government because the people, over the years, there has been a decrease in that trust and that faith in our abilities to watch ourselves and our abilities to do what’s right.

“This bill is a good bill – government reform. It’s the right bill, and for those that don’t like it, I’m just sorry that there’s so many Republicans against it.

“Thank you, Madame President.”

Senator Whalen rose to speak in opposition as follows:

“Madame President, I rise in opposition to the bill.

“I think the comment about the Republicans is that maybe it’s based on the philosophical difference between at least myself and the former speaker, in that you feel people need to take responsibility for their actions. Surely, no one can claim that ethics training or ethics class by a few of the Legislators who’ve gone to prison, or are in danger of doing so, would have saved them, because taking money from people, using your office to run a private business, setting up foreign companies to launder money is something the ethics class probably wouldn’t even talk about because it’s just plain common sense that you don’t do that type of stuff.

“I guess there’s a difference of philosophy in that if you intend to obey the law, if you intend to uphold high values and high morals, you don’t need somebody to tell you to go to a class. I know one of our colleagues here often sends letters to ethics commission asking them for their opinion on things where it’s gray.

“I don’t think we need to mandate classes for us to somehow gain the trust of the public. We’re either going to be ethical or we’re not. It’s not going to come from going to a class.

“And for my colleague who feels that this is a Republican versus Democrat issue, maybe he should limit it just to the Democrats, because at this point, it’s only been Democrats who’ve gone to jail for their unethical behavior.”

Senator Espero rose to speak in rebuttal and stated:

“Madame Chair, as I said earlier, none of us in here are perfect. We don’t know all the bills. Ethics training, ethics education, is complicated. With all the laws and all the rules now that are on the books, I doubt if anyone can cite half of what’s out there.

“And this is just education – like principal academies that try to make our principals better; like professional development for teachers. This is a job. This is where we get paid, and if we’re not willing to set aside two hours for the ethics commission – that would be the body that will provide the training, Mr. Mollway and his gang – then I think that says something about the Body.

“Again, it’s not a Republican or Democratic issue, it’s not. I’m just stating a fact that the Republicans were the ones that voted ‘no’ – not all of the Republicans, but just a few of the Republicans, and that’s just a fact.

“Thank you, Madame President.”

Senator Hemmings rose to speak against the measure as follows:

“Madame President, I rise to speak against this legislation.

“Quite frankly, I truly regret that this has become political. But, I will tell you that we don’t have to be trained to know the difference between right and wrong. We don’t have to be trained to know what honesty is. And I don’t believe anyone who is unethical or dishonest, that the training is going to help them. So, I’m rather insulted by trying to equate our ‘no’ vote against this measure as a political issue.

“I’d like to echo the retort of my colleague from Kona. None of us have gone to jail on this side of the aisle for being unethical or breaking campaign spending laws, or abusing the public trust. It would have been better if we just could have had this bill come to the Floor and voted on without the political

accusations. But since they were made against us, I think it's our duty to respond.

"We're very proud of who we are and our integrity, and we'll be voting 'no' against this bill. We don't need to have training to be honest."

Senator Slom rose to speak in rebuttal and said:

"Madame President, just a brief rebuttal.

"The public will be more secure and will have more confidence in us not because they know that we've gone to training or had treatment. What they will be confident in is when they see what we actually do, how we actually vote, how we conduct ourselves personally and professionally. That means much more than any training or any treatment.

"Thank you."

Senator Sakamoto rose to speak in support of the measure as follows:

"Madame President, I rise in support of this measure.

"I hope as this training goes forward it isn't only about reading the lines and take turns reading paragraphs. People make mistakes . . . people need to be reminded . . . nobody's perfect. But, I hope the training does include talking about this perception of wrongdoing. Things we do many times, our colleagues on both sides of the aisle, we do what is right. But somehow, if there's a perception of wrongdoing that appears to be unethical, that is wrong. I believe the training should address that perception does not make something wrong.

"Trial by the media – that doesn't make things wrong. We should be strong enough do what is right in spite of fears, in spite of comments, rightly or wrongly. Ethics is about doing right in spite of what publications print or what people say and what accusations are made. Policies shouldn't be by public opinion, by rhetoric. We should be reminded that we should do what is right in spite of the whims, the fears, the perceptions.

"So, hopefully it will include helping us do what is right in spite of what many times fogs our thinking. Thank you."

Senator Hooser rose in support of the measure and said:

"Madame Chair, I rise in support of the issue.

"I'd like the words of the good Senator from Ewa Beach entered into the record as if they were my own. (The Chair so ordered.)

"I'd like to add that I think if you look around at professions in the world, whether it's a doctor, lawyer, accountants, most professions offer ethics training because it is something that is not as cut and dry. I, for one, am open to always this learning more and trying to act in a fashion that is of higher ethics and making better decisions as I grow older and learn more as I go through life. I certainly welcome additional training.

"I would suggest that if perhaps this training had been conducted prior on not just the second floor or the third or the fourth, but also on the fifth floor, perhaps they wouldn't have a political action committee operating out of the Offices of the Governor and raising those serious questions that they do today. And when asked about that conduct, the response was, 'well, we would never knowingly violate the law.'

"I would suggest that this bill, the training that will be provided, will prevent these types of actions from reoccurring. I urge my colleagues to vote in support.

"Thank you."

Senator Hemmings rose to speak in rebuttal and stated:

"Madame President, I rise on a point of rebuttal to the previous speaker.

"There's no foundation or truth that a political action committee was operating directly out of the Governor's Office. That has not been judged by the ethics committee or adjudicated.

"What is unethical is for someone to stand up on this Floor and make that accusation, Madame President, without foundation.

"I didn't want to get into this political debate. This bill will pass. But if you want proof, once again, check the criminal record of how many Majority members from the Senate and the House of Representatives ended up in trouble with the law.

"It's unfortunate that this turned into this political battle, but I'm not going to sit idly by and have the Governor insulted on the Floor of the Legislature with this legislation, and I recommend you vote 'no' against this bill.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3258 was adopted and H.B. No. 680, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Whalen).

Stand. Com. Rep. No. 3264 (H.B. No. 2523, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3264 be adopted and H.B. No. 2523, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to oppose the measure and said:

"Madame President, I rise in opposition to this measure.

"I think the reasonable thing to do instead of looking at one fund or one revenue source one at a time and saying this one shall be exempted from paying for their share of central services, this one shall not, that we ask one group – Legislative Auditor, the Legislature Reference Bureau – to come up with consistent criteria by which all funds will be matched against. And then present their findings to this Body and then we can vote on it all at once, instead of dealing with it in a vacuum one at a time, two or three times each Legislative Session.

"Thank you."

Senator Slom rose to oppose the measure and said:

"Madame Chair, I also rise to speak in opposition to the bill.

"As I'm constantly reminded by my good Chair of Ways and Means, this is an administration bill. So, maybe by my speaking against it, it will pass easily.

"I have been opposed to the passenger facility charge for the last administration to this administration. I still am. I continue to be opposed to the creation of special funds. This takes the existing fund and turns it into a special fund. So, I'm opposed to that, and I'm opposed to the additional \$4.50 fee on each airline ticket.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3264 was adopted and H.B. No. 2523, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 3266 (H.B. No. 2703, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3266 be adopted and H.B. No. 2703, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

"Madame Chair, I rise in opposition to this measure.

"This allows the counties, does not force them, but allows the counties to assess, impose, levy, collect impact fees for state highway improvements. It also creates the new state highway special fund for this. It will surely increase property taxes at the cost of housing within the counties that do decide to adopt this.

"Thank you."

Senator Espero rose to speak in support of the measure as follows:

"Madame Chair, I'd like to rise in support of this measure.

"Currently, the counties are assessing impact fees. This bill will allow the counties to use those fees on state roadways, in particular those areas that have much new development in growth – my area, Central Oahu, Waialeale, areas in the neighbor highways.

"This bill is to help deal with the traffic congestion and other problems that growth and development brings. I urge all of my colleagues to support it.

"Thank you."

Senator Menor rose to speak on the measure with reservations and said:

"Madame President, I just wanted the Clerk to note my reservations in respect to this measure.

"There's a technical clause in the bill that I am hopeful will be addressed in Conference Committee. Thank you."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3266 was adopted and H.B. No. 2703, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Bunda).

Stand. Com. Rep. No. 3267 (H.B. No. 2883, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3267 be adopted and H.B. No. 2883, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to oppose the measure and said:

"Madame President, I rise in opposition to the measure.

"I think we all want enhanced wireless, particularly 911 coverage. However, there are two questions here that are unanswered. One is, what the total amount of surcharges, extra charges are going to be on top of the already very hefty surcharges on wireless use; and number two, the kinds of technology that will be used.

"We note that the police department is still having trouble with its Motorola communications and the technology to be used here is not spelled out.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3267 was adopted and H.B. No. 2883, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Bunda).

Stand. Com. Rep. No. 3268 (H.B. No. 2956, H.D. 1, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 3268 be adopted and H.B. No. 2956, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Hemmings rose to speak against the measure and said:

"Madame President, I rise to speak against this legislation.

"This is going to take money out of our fuel tax revenues. It should be used to fix the potholes on our highways and all the other problems we have with the highway system throughout this state. And on Oahu, it's going to put money into a commitment for a fixed guideway mass transit system of which we do not have a specific plan for yet.

"This is way premature. Sometime in the future it may be appropriate for the state to share in the cost of building a fixed guideway system for Oahu. But certainly, now is not the time, especially when we do not have a specific proposal in front of us.

"Therefore, I urge my colleagues to vote 'no.'"

Senator Espero rose to speak in support of the measure and stated:

"Madame Chair, briefly I'd like to rise in support of this measure.

"The battle is beginning again – whether the City and County of Honolulu should have a fixed rail system or not. We had this

battle in the '80s; we had it in the '90s. It's going to begin again. Traffic is not getting better right now.

"This is the area where both the city and county has failed in terms of coming up with some very pliable solutions that work. There's a lot of little band-aids going around, but do we need a fixed rail system? This would provide some seed money to the counties so that they can begin this dialog and this process once again.

"For those that support an elevated rail system, I urge them to support this bill. Thank you, Madame President."

Senators Hanabusa, English and Aduja requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3268 was adopted and H.B. No. 2956, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MASS TRANSIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Chun Oakland, Hemmings, Hogue, Slom, Trimble). Excused, 2 (Bunda, Taniguchi).

Stand. Com. Rep. No. 3269 (H.B. No. 1710, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3269 be adopted and H.B. No. 1710, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

"Madame President, I rise in opposition to the bill.

"This takes funds from one special fund and puts it into a newly created another special fund. I oppose it.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3269 was adopted and H.B. No. 1710, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 3272 (H.B. No. 2739, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3272 be adopted and H.B. No. 2739, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in opposition to the measure and stated:

"Madame President, I rise in opposition to this measure.

"Have we already forgotten or didn't we learn the lesson of Pearl Harbor? Didn't we learn that it is bad public policy to put all your assets in a single location? When you concentrate your assets and a catastrophic event occurs, you run the risk of a complete meltdown.

"In Hawaii, we prepare for the worst. We stockpile toilet paper. We have even made a culinary art form out of the use of Spam. We have experienced every manmade and natural disaster imaginable. And usually, we are prepared.

"We have a long history of intentionally siting cultural, civic, and educational facilities inland away from the ocean. We have a deep respect for the devastating power and unpredictable nature of the sea. Be prepared is more than a boy scout motto. It is second nature to our community. We know firsthand the potential hazards of drugs, floods, volcanic eruptions, hurricanes, and tsunamis. Common sense is experience faced.

"Our newcomer residents arrive on our shores without the knowledge that has become ingrained and second nature to every islander. Without this collective memory, these newcomers pose a significant danger to the rest of the society when they assume positions of power to pursue agendas that are not closely scrutinized and reviewed publicly.

"We are about, as a matter of public policy, to invest hundreds of millions of dollars in research and educational facilities in Kakaako. These facilities will be in or adjacent to a tsunami zone. Given the fact that we know and have experience firsthand tsunamis, is it reasonable to locate and expose classrooms, labs, lecture halls, human resources, and research laboratories in a known environmental hazard zone?

"One may ask if the Hawaii Community Development Authority acted responsibly. The part of the decision that bothers me is that this decision was reached without a specific tsunami risk assessment to determine the risk for public review and scrutiny.

"Further, HCDA is compounding this questionable decision by allowing the coast sighting of wet laboratory space. Wet laboratory facilities do pose potentially significant risk to the surrounding community. Is it reasonable to locate such biomedical research facilities in a tsunami zone?

"Evan Dobbelle, as President of the University of Hawaii, was at the helm when this decision was reached. This decision under his watch was rushed through the 2001 Legislative Session without adequate notice and public review. The opportunity for free public land, \$150 million of free public money, and a major construction project timed for the election cycle was just too good to pass up. It overrode the sensible thing to do.

"This project demands careful and thoughtful evaluation of the potential risk to society by placing research laboratory space this close to the ocean. The board of directors of HCDA failed to act in the public interest when they did not insist on a specific tsunami risk assessment be performed before the shift in public policy of what was appropriate use of the Kakaako peninsula.

"The civil defense inundation maps do not assess the potential public danger presented by the proposed use for biochemical research. The function of these maps is to show those areas from which civil defense authorities need to evacuate people in case of a tsunami alert. They are not intended to replace a formal tsunami risk assessment, which may be used to determine the maximum amount of public investment that is appropriate in any one area and to specifically ban those uses that do pose significant public risk when disaster occurs.

"It is appropriate for the Governor to replace the remaining members of the HCDA board with persons who ask very basic questions. While the answers to these questions are sought, Governor Lingle should limit the use of this area until a formal tsunami risk assessment is performed. It is incumbent upon us as Legislators to possess the information needed to determine the greater public good before we authorize this \$100 million special purpose revenue bond for the construction of wet land space in the Kakaako peninsula.

“Madame Chair, I request a Roll Call vote.”

Senator Taniguchi rose and said:

“Madame Chair, will the previous speaker yield to a question?”

Senator Trimble having answered in the affirmative, Senator Taniguchi inquired:

“Was a tsunami risk assessment made for Waikiki Beach and the hotels adjacent to those beaches?”

Senator Trimble responded:

“I believe those are private investment and what I’m talking about is public investment, and there is a major difference between hotels that are easy to evacuate and wet laboratory space.”

Senator Taniguchi further inquired:

“So, the answer is ‘no?’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3272 was adopted and H.B. No. 2739, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION,” having been read throughout, and Roll Call vote having been requested, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 3273 (H.B. No. 189, H.D. 2, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3273 be adopted and H.B. No. 189, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to oppose the measure and said:

“Madame President, I’m going to rise in opposition to this particular bill.

“We talked about this previously. Members, I’m pro-choice. I would support this, but they have taken out the religious exception. I think it really doesn’t matter what the Catholic Church says on the mainland or what any other Catholic entity says. It’s strictly as a matter of what St. Francis Hospital believes, and if this goes against their belief to bring in these emergency contraceptives, I believe they should have that right as a hospital. And for that reason, I’ll be voting ‘no.’

“Thank you.”

Senator Baker rose to speak in support of the measure as follows:

“Madame President, I rise in support of this measure.

“Of the more than 300,000 women who are sexually assaulted each year in the United States, an estimated 25,000 will become pregnant. Women who have been sexually assaulted have a compelling need for quick and easy access to emergency contraceptives. Sex assault survivors are under extreme physical and mental trauma. Female survivors of sex assault also face the additional stress of an unwanted pregnancy.

“Currently, emergency contraceptives are a part of the treatment protocol for identified victims of sexual assault. It is the standard of care established by the American Medical Association, but a recent statewide study showed that in Hawaii emergency rooms, this standard of care is inconsistently delivered. The treatment protocols for sex assault victims are not uniform and vary from emergency room to emergency room, and oftentimes are not even established written policies.

“Emergency contraception has been shown to be safe and effective. It’s important that the survivors of sex assault be allowed to gain access to the many medical options available to them. Every effort should be made to help victims of sex assault in order to allow them to begin to rebuild their lives.

“Madame President, what this bill is really about is about access to appropriate timely healthcare. It shouldn’t matter what hospital is near by when a victim of sex assault needs assistance. They need to have the best, most appropriate care available to them. This bill will ensure that access.

“I urge all my colleagues to vote in favor of this measure. Thank you.”

Senator Ihara requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3273 was adopted and H.B. No. 189, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY CONTRACEPTIVES FOR SEX ASSAULT SURVIVORS IN EMERGENCY ROOMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Aduja, Hemmings, Hogue, Kawamoto, Sakamoto, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 3275 (H.B. No. 2792, H.D. 1, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 3275 be adopted and H.B. No. 2792, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senators Hooser, Tsutsui and Aduja requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3275 was adopted and H.B. No. 2792, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PRIVATE ROADS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3279 (H.B. No. 1797):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3279 was adopted and H.B. No. 1797, entitled: “A BILL FOR AN ACT RELATING TO OPTOMETRY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

THIRD READING

**MATTER DEFERRED FROM
EARLIER ON THE CALENDAR**

H.B. No. 1820, H.D. 1, S.D. 1:

Senator Menor moved that H.B. No. 1820, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Kanno rose to speak in support of the measure with reservations and said:

“Madame President, I rise to speak in support with reservations.

“We were discussing the issue with the Chair of the Consumer Protection Committee and we’ve requested that the conferees look at the possibility of 20 days as a compromise and the Chair of Consumer Protection has graciously agreed to do as such. I also did talk to the Chair of the House Consumer Protection Committee during our lunch break, and he has agreed to disagree when the measure gets sent to the House so that the measure can be taken up in Conference.

“So, I would like to thank the members and the Chair from Consumer Protection. Thank you.”

Senator Ihara rose to support the measure with reservations as follows:

“Madame President, I rise in support with reservations now that the previous speaker had indications that the bill may be amended.

“I’m concerned . . . I do support a 20 day notice period. I cannot support a 15 day notice period. I’m concerned about policyholders who happen to have a mid-December, December 15th, expiration date, and they go on holiday and it’s so near the time period of the last part of December. There’s two 3-day weekends, and I hate to imagine if you are one of those policyholders and you arrive back on January 2nd or 3rd and find out your policy is expired. I’m just concerned about the logistics of mainland mail to Hawaii during that period. If you happen to be one of the unfortunate ones that have a mid-December expiration date.

“For those reasons, I have reservations. Thank you.”

Senator English rose to speak in favor of the measure with reservations and stated:

“Madame President, I rise in favor with reservations.

“I just want to point out something. The previous speaker hit on it, I think, and it’s this – well, you know in mid-March I’m still receiving mail from December of last year. It’s the US Postal system. I’m not sure what it is, but I’m still receiving catalogs and receiving things from mid-December. Well, I don’t know the difference between Oahu and Hana, but when the mail is that slow, we have a big problem. And I know for many people, especially in the rural areas, it takes another day for the mail to get out to Hana or to down to Kalaupapa or to these areas.

“I don’t know what the responsibility of the US Postal System is to deliver things on time, but I know the law says that when we drop something in the mail, it’s considered delivered. But think about this, if you put something in the mail in December and you don’t get it until March, the law says you received it the day that they posted it in the mail. Maybe part of the problem is that they use bulk rate mailing. Most of our insurance reminders that we get are bulk rate mailers as well.

“So I have my reservations on this. I think the fault is not really with the insurance carriers, but it’s with the US Postal system not delivering mail in a timely fashion. But nonetheless, I think that we’re moving in a good direction, a good compromise on this. So, I just wanted to note my reservations because of that.

“Thank you.”

Senators Hooser and Chun Oakland requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 1820, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 2:30 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:40 o’clock p.m., with the President in the Chair.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, APRIL 8, 2004

Stand. Com. Rep. No. 3180 (S.C.R. No. 166):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 166, entitled: “SENATE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENTS AND AGENCIES TO IMPLEMENT THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK ON ENVIRONMENTAL PROTECTION IN CONDUCTING THE STATE’S AFFAIRS,” was adopted.

Stand. Com. Rep. No. 3181 (S.R. No. 86):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 86, entitled: “SENATE RESOLUTION URGING THE STATE DEPARTMENTS AND AGENCIES TO IMPLEMENT THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK ON ENVIRONMENTAL PROTECTION IN CONDUCTING THE STATE’S AFFAIRS,” was adopted.

At 2:41 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:41 o’clock p.m.

Stand. Com. Rep. No. 3182 (S.C.R. No. 169):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 169, entitled: “SENATE CONCURRENT RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE OF THE STATE OF HAWAII FOR THE DEVELOPMENT OF THE SEAWATER AIR CONDITIONING/ THERMAL ENERGY STORAGE SYSTEM BY HONOLULU SEAWATER AIR CONDITIONING LLC FOR USE ON THE ISLAND OF OAHU,” was adopted.

Stand. Com. Rep. No. 3183 (S.R. No. 89):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 89, entitled: "SENATE RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE OF THE STATE OF HAWAII FOR THE DEVELOPMENT OF THE SEAWATER AIR CONDITIONING/ THERMAL ENERGY STORAGE SYSTEM BY HONOLULU SEAWATER AIR CONDITIONING LLC FOR USE ON THE ISLAND OF OAHU," was adopted.

Stand. Com. Rep. No. 3207 (S.C.R. No. 75):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 75, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," was adopted.

Stand. Com. Rep. No. 3208 (S.R. No. 35):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 35, entitled: "SENATE RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," was adopted.

Stand. Com. Rep. No. 3209 (S.C.R. No. 90, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 90, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL," was adopted.

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following Senate concurrent resolutions that were offered:

- | | |
|------------------------------------|---|
| Senate
Concurrent
Resolution | Referred to: |
| No. 116 | Committee on Judiciary and Hawaiian Affairs |
| No. 119 | Committee on Ways and Means |
| No. 157 | Jointly to the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture |
| No. 162 | Jointly to the Committee on Water, Land, and Agriculture, the Committee on Education and the Committee on Science, Arts, and Technology |
| No. 200 | Committee on Ways and Means |

RE-REFERRAL OF SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

- | | |
|----------------------|---|
| Senate
Resolution | Referred to: |
| No. 80 | Jointly to the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture |

RECONSIDERATION OF ACTION TAKEN

S.B. No. 3237, S.D. 1 (H.D. 1):

Senator Menor moved that the Senate reconsider its action taken on April 6, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 3237, S.D. 1, seconded by Senator Baker and carried.

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 3237, S.D. 1, seconded by Senator Baker.

Senator Menor noted:

"Mr. President, this is our Hawaii Rx-Plus bill. The House amendments include some technical amendments as well as a provision that includes an appropriation to allow for the implementation of this very important consumer program.

"I believe that these amendments are reasonable and therefore should be adopted by this Body."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3237, S.D. 1, and S.B. No. 3237, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was placed on the calendar for Final Reading on Thursday, April 15, 2004.

CONFERENCE COMMITTEE REPORT

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3238, S.D. 2, presented a report (Conf. Com. Rep. No. 9-04) recommending that S.B. No. 3238, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9-04 and S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3307) recommending that S.C.R. No. 77, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3307 and S.C.R. No. 77, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE 2004 AS THE 'YEAR OF POLIO AWARENESS' IN HAWAII," was deferred until Thursday, April 15, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3308) recommending that S.R. No. 37, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3308 and S.R. No. 37, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE 2004 AS THE 'YEAR OF POLIO AWARENESS' IN HAWAII," was deferred until Thursday, April 15, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3309) recommending that H.C.R. No. 159 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3309 and H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII MEDICAL ASSOCIATION, THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION, AND THE AMERICAN PSYCHIATRIC ASSOCIATION IN EXTENDING AN INVITATION TO THE AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES TO RETURN TO HONOLULU, HAWAII FOR ITS INTERIM WINTER MEETING IN 2007 OR 2008," was deferred until Thursday, April 15, 2004.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3310) recommending that H.C.R. No. 47 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3310 and H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE UNITED STATES POSTAL SERVICE TO HOST THE FINAL CEREMONY MARKING THE RELEASE OF THE 'SOUVENIR SHEET' OF ALL TWELVE CHINESE LUNAR NEW YEAR COMMEMORATIVE POSTAGE STAMPS IN HAWAII IN JANUARY 2005," was deferred until Thursday, April 15, 2004.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3311) recommending that H.C.R. No. 50, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3311 and H.C.R. No. 50, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL PUBLIC AND PRIVATE ORGANIZATIONS TO COLLABORATE WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO SUSTAIN AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was deferred until Thursday, April 15, 2004.

At 2:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:50 o'clock p.m.

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3312) recommending that S.C.R. No. 159, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted

and S.C.R. No. 159, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII'S EFFORTS TO RECRUIT AND RETAIN HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLOR OF THE UNIVERSITY OF HAWAII AT MANOA TO FORM A TASK FORCE TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN HAWAIIAN STUDENTS," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3313) recommending that S.C.R. No. 42 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 42, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF INCREASING THE OPERATING BUDGET OF THE UNIVERSITY OF HAWAII AT HILO IN ORDER TO ESTABLISH THE UNIVERSITY AS A FULL-FLEDGED COMPREHENSIVE UNIVERSITY," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3314) recommending that S.C.R. No. 48 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 48, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE REBUILDING AND REFURBISHING OF STUDENT HOUSING AT THE UNIVERSITY OF HAWAII," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3315) recommending that S.R. No. 22 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 22, entitled: "SENATE RESOLUTION SUPPORTING THE REBUILDING AND REFURBISHING OF STUDENT HOUSING AT THE UNIVERSITY OF HAWAII," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3316) recommending that S.C.R. No. 60, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 60, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3317) recommending that S.R. No. 28, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 28, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION," was referred to the Committee on Ways and Means.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3318) recommending that S.C.R. No. 61, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FISCAL AUDIT AND THE DEPARTMENT OF EDUCATION TO CONDUCT A PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3319) recommending that S.C.R. No. 46 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3319 and S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN HAWAII AND SUPPORTING ITS DESIGNATION AS AN 'EDUCATIONAL SERVICE AGENCY,'" was deferred until Thursday, April 15, 2004.

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

S.C.R. No. 11;
S.C.R. No. 149;
S.C.R. No. 181;
S.R. No. 7; and
S.R. No. 79.

Senator Kawamoto noted:

"Mr. President, S.C.R. No. 11 and S.R. No. 7, proposed S.D. 1, requests DAGS to design and erect signage for the Korean Vietnam Veterans Memorial on the State Capitol grounds.

"S.C.R. No. 181, proposed S.D. 1, recommends that the Long-Term Care Veterans Affairs State Home in Hilo be named in honor of Yukio Okutsu.

"S.C.R. No. 149 and S.R. No. 79 expresses support for Hawaii Superferry, Inc."

The Chair then granted the waiver.

Senator Kanno, Chair of the Committee on Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 127, and the Chair granted the waiver.

Senator Taniguchi, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. Nos. 119 and 200, and the Chair granted the waiver.

APPOINTMENT OF CONFEREES

S.B. No. 2269, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2269, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, Ige, Taniguchi, co-chairs; Aduja, Inouye, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2899, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2899, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Menor, co-chair; Chun Oakland, Kim as managers on the part of the Senate at such conference.

S.B. No. 2995, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2995, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Hanabusa, co-chair; Kanno, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3092, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3092, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators English, chair; Kokubun, co-chair; Hooser, Taniguchi, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3238, S.D. 2 (H.D. 2):

The President appointed Senator Kawamoto as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 3238, S.D. 2.

ADJOURNMENT

At 2:55 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 10:00 o'clock a.m., Thursday, April 15, 2004.

FORTY-EIGHTH DAY

Thursday, April 15, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 10:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Sam Slom, Hawaii State Senate, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Seventh Day.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 384 to 539) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 384, returning S.B. No. 14, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 14, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 385, returning S.B. No. 53, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 53, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 386, returning S.B. No. 214, S.D. 3, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 214, S.D. 3, and requested a conference on the subject matter thereof.

Hse. Com. No. 387, returning S.B. No. 473, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 473, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 388, returning S.B. No. 643, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 643, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 389, returning S.B. No. 762, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2003, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 762, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 390, returning S.B. No. 779, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 779, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 391, returning S.B. No. 1000, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1000, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 392, returning S.B. No. 1138, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1138, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 393, returning S.B. No. 1238, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1238, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 394, returning S.B. No. 1318, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1318, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 395, returning S.B. No. 1362, S.D. 3, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1362, S.D. 3, and requested a conference on the subject matter thereof.

Hse. Com. No. 396, returning S.B. No. 1549, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1549, S.D. 1, and requested a conference on the subject matter thereof.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3129, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 507, returning S.B. No. 3135, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3135, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 508, returning S.B. No. 3148, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3148, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 509, returning S.B. No. 3153, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3153, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 510, returning S.B. No. 3156, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3156, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 511, returning S.B. No. 3170, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3170, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 512, returning S.B. No. 3175, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3175, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 513, returning S.B. No. 3179, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3179, and requested a conference on the subject matter thereof.

Hse. Com. No. 514, returning S.B. No. 3182, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3182, and requested a conference on the subject matter thereof.

Hse. Com. No. 515, returning S.B. No. 3190, S.D. 1, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3190, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 516, returning S.B. No. 3207, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3207, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 517, returning S.B. No. 3222, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3222, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 518, returning S.B. No. 3049, S.D. 2, which passed Third Reading in the House of Representatives on April 13, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3049, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 519, transmitting H.C.R. No. 72, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 72, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO RELAX RESTRICTIONS ON THE GRANTING OF NONIMMIGRANT VISAS TO NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA FOR THE PURPOSE OF BUSINESS, TOURISM, AND STUDY IN THE UNITED STATES," was deferred until Friday, April 16, 2004.

Hse. Com. No. 520, transmitting H.C.R. No. 73, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHOCAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was deferred until Friday, April 16, 2004.

Hse. Com. No. 521, transmitting H.C.R. No. 81, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 81, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003," was deferred until Friday, April 16, 2004.

Hse. Com. No. 522, transmitting H.C.R. No. 84, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was deferred until Friday, April 16, 2004.

Hse. Com. No. 523, transmitting H.C.R. No. 108, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION CALLING ON THE PEOPLE'S REPUBLIC OF CHINA IMMEDIATELY AND UNCONDITIONALLY TO RELEASE REBIYA KADEER AND URGING PRESIDENT BUSH TO TAKE URGENT STEPS TO SECURE THE RELEASE OF REBIYA KADEER AS SOON AS POSSIBLE," was deferred until Friday, April 16, 2004.

Hse. Com. No. 524, transmitting H.C.R. No. 111, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR TO RELEASE THE FUNDS APPROPRIATED FOR THE ACQUISITION OF PARADISE PARK IN MANOA," was deferred until Friday, April 16, 2004.

Hse. Com. No. 525, transmitting H.C.R. No. 115, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 115, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR BUILDING ORDINANCES," was deferred until Friday, April 16, 2004.

Hse. Com. No. 526, transmitting H.C.R. No. 145, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING THE RIGHTS OF UNITED STATES CITIZENS IN FOREIGN COUNTRIES," was deferred until Friday, April 16, 2004.

Hse. Com. No. 527, transmitting H.C.R. No. 153, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 153, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER ESTABLISHING IN HAWAII A CENTER FOR THE

ADVANCEMENT OF GLOBAL HEALTH, WELFARE, EDUCATION, AND PEACE BY AND FOR CHILDREN, YOUTH, AND FAMILIES," was deferred until Friday, April 16, 2004.

Hse. Com. No. 528, transmitting H.C.R. No. 158, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING A COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was deferred until Friday, April 16, 2004.

Hse. Com. No. 529, transmitting H.C.R. No. 197, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 197, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE COMMUNITY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK AT KEHENA BEACH, HAWAII," was deferred until Friday, April 16, 2004.

Hse. Com. No. 530, transmitting H.C.R. No. 214, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO EXPLORE HOME OWNERSHIP OPTIONS AND STUDY THE FEASIBILITY OF IMPLEMENTING A HOUSING DEMONSTRATION PROJECT AT HAUIKI HOMES AND OTHER STATE-OWNED AND OPERATED HOUSING PROJECTS," was deferred until Friday, April 16, 2004.

Hse. Com. No. 531, transmitting H.C.R. No. 250, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT H.R. 677 EXTENDING VETERANS' BENEFITS TO FILIPINO VETERANS," was deferred until Friday, April 16, 2004.

Hse. Com. No. 532, transmitting H.C.R. No. 216, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING EFFORTS BY THE KO'OLAU GREENBELT AND HERITAGE TRAILS SYSTEM TO PROVIDE A HOLISTIC APPROACH TO WATERSHED PROTECTION AND ENCOURAGE PUBLIC AND PRIVATE PARTNERSHIPS TO DETERMINE THE FUTURE OF THE ENTIRE KO'OLAU SYSTEM," was deferred until Friday, April 16, 2004.

Hse. Com. No. 533, transmitting H.C.R. No. 236, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 236, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REVIEW AND CONSIDER WHETHER THE EXCEPTION OF PSEUDOEPHEDRINE FROM THE REPORTING, RECORDKEEPING, AND PERMIT REQUIREMENTS GENERALLY APPLICABLE TO LIST 1 CHEMICALS SHOULD BE REPEALED," was deferred until Friday, April 16, 2004.

Hse. Com. No. 534, transmitting H.C.R. No. 245, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 245, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII FOOD INDUSTRY ASSOCIATION AND THE HAWAII RETAIL ASSOCIATION TO REPORT ON THE BACKHAUL OF SHIPPING AND PACKING MATERIALS AND PALLETS," was deferred until Friday, April 16, 2004.

Hse. Com. No. 535, transmitting H.C.R. No. 258, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was deferred until Friday, April 16, 2004.

Hse. Com. No. 536, transmitting H.C.R. No. 265, H.D. 1, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 265, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE OFFICE OF YOUTH SERVICES TO DEVELOP A PLAN FOR CREATING AND IMPLEMENTING GENDER RESPONSIVE ENVIRONMENTS AT THE WOMEN'S COMMUNITY CORRECTIONAL CENTER AND AT THE HAWAII YOUTH CORRECTIONAL FACILITY," was deferred until Friday, April 16, 2004.

Hse. Com. No. 537, transmitting H.C.R. No. 266, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

By unanimous consent, action on H.C.R. No. 266, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO REPEAL THE CHANGES MADE BY THE BUSH ADMINISTRATION TO THE CLEAN AIR ACT IN 2002," was deferred until Friday, April 16, 2004.

Hse. Com. No. 538, returning S.C.R. No. 28, which was adopted by the House of Representatives on April 13, 2004, was placed on file.

Hse. Com. No. 539, 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. 2003, H.D. 1 (S.D. 1), was placed on file.

CONFERENCE COMMITTEE REPORT

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1294, presented a report (Conf. Com.

Rep. No. 10-04) recommending that H.B. No. 1294, 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. 10-04 and H.B. No. 1294, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3320) recommending that the Senate advise and consent to the nomination of HENRY F. BEERMAN to the Board of Trustees of the Employees' Retirement System (ERS), in accordance with Gov. Msg. No. 153.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3320 and Gov. Msg. No. 153 was deferred until Friday, April 16, 2004.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3321) recommending that the Senate advise and consent to the nomination of SANDRA YAHIRO to the Board of Trustees of the Deferred Compensation Plan, in accordance with Gov. Msg. No. 185.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3321 and Gov. Msg. No. 185 was deferred until Friday, April 16, 2004.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3322) recommending that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

TODD K. APO, in accordance with Gov. Msg. No. 311;

MARCIA A. ARMSTRONG, in accordance with Gov. Msg. No. 312;

MICHAEL FITZGERALD, in accordance with Gov. Msg. No. 313;

SIGNE A. GODFREY, in accordance with Gov. Msg. No. 314;

ERWIN HUDELIST, in accordance with Gov. Msg. No. 315;

WAYNE K. KANEMOTO, in accordance with Gov. Msg. No. 316;

STEVE B. METTER, in accordance with Gov. Msg. No. 317;

DARNNEY L. PROUDFOOT, in accordance with Gov. Msg. No. 318; and

GREGG T. YAMANAKA, in accordance with Gov. Msg. No. 319.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3322 and Gov. Msg. Nos. 311, 312, 313, 314, 315, 316, 317, 318 and 319 was deferred until Friday, April 16, 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. 3323) recommending that S.C.R. No. 13 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3323 and S.C.R. No. 13, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ENSURE THAT AT LEAST EIGHTY PER CENT OF FEDERAL EXPENDITURES REMAIN IN HAWAII, AND THE RIGHTS OF LOCAL UNION LABOR TO FAIR WAGES UNDER THE DAVIS-BACON ACT ARE NOT CIRCUMVENTED, ON THE U.S. MILITARY PRIVATIZATION CONSTRUCTION CONTRACTS FOR IMPROVEMENTS ON HAWAII MILITARY BASES," was deferred until Friday, April 16, 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. 3324) recommending that S.R. No. 15 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3324 and S.R. No. 15, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ENSURE THAT AT LEAST EIGHTY PER CENT OF FEDERAL EXPENDITURES REMAIN IN HAWAII, AND THE RIGHTS OF LOCAL UNION LABOR TO FAIR WAGES UNDER THE DAVIS-BACON ACT ARE NOT CIRCUMVENTED, ON THE U.S. MILITARY PRIVATIZATION CONSTRUCTION CONTRACTS FOR IMPROVEMENTS ON HAWAII MILITARY BASES," was deferred until Friday, April 16, 2004.

Senators Fukunaga and Kawamoto, for the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3325) recommending that S.C.R. No. 101, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3325 and S.C.R. No. 101, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE EAST-WEST CENTER TO CONDUCT AN INVENTORY OF INTERNATIONAL ACTIVITIES IN HAWAII TO AID BUSINESS, GOVERNMENT, AND CIVIC ORGANIZATIONS," was deferred until Friday, April 16, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3326) recommending that S.C.R. No. 146, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3326 and S.C.R. No. 146, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII HEALTH SYSTEMS CORPORATION AND ST. FRANCIS HEALTHCARE SYSTEM TO CONTINUE THEIR PARTNERSHIP IN SERVING THE NEEDS OF DIALYSIS PATIENTS IN THE PUNA DISTRICT OF THE ISLAND OF HAWAII BY EXPANDING ITS NETWORK OF DIALYSIS TREATMENT FACILITIES TO THE KEAAU FAMILY CENTER IN THE PUNA DISTRICT AND BY CONDUCTING A NEEDS ASSESSMENT THAT WILL DETERMINE THE COST AND REQUIREMENTS OF ESTABLISHING A DIALYSIS CENTER IN PUNA," was deferred until Friday, April 16, 2004.

Senators Baker and English, for the Committee on Health and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 3327) recommending that S.C.R. No. 183, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3327 and S.C.R. No. 183, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND AMERICAN INDUSTRIAL HYGIENE ASSOCIATION TO CONVENE A MOLDS WORKING GROUP TO IDENTIFY KEY ISSUES REGARDING MOLDS," was deferred until Friday, April 16, 2004.

Senators Baker and English, for the Committee on Health and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 3328) recommending that S.R. No. 100, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3328 and S.R. No. 100, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND AMERICAN INDUSTRIAL HYGIENE ASSOCIATION TO CONVENE A MOLDS WORKING GROUP TO IDENTIFY KEY ISSUES REGARDING MOLDS," was deferred until Friday, April 16, 2004.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3329) recommending that S.C.R. No. 87, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3329 and S.C.R. No. 87, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE RENAMING OF THE OLD KONA AIRPORT STATE RECREATION AREA AS THE KIYONO KUNITAKE STATE RECREATION AREA," was deferred until Friday, April 16, 2004.

Senators Kawamoto and Inouye, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3330) recommending that S.R. No. 44, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3330 and S.R. No. 44, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE RENAMING OF THE OLD KONA AIRPORT STATE RECREATION AREA AS THE KIYONO KUNITAKE STATE RECREATION AREA," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3331) recommending that S.C.R. No. 97 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3331 and S.C.R. No. 97, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3332) recommending that S.R. No. 51 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3332 and S.R. No. 51, entitled: "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3333) recommending that S.C.R. No. 126 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3333 and S.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH'S PLANS TO REDUCE VETERANS BENEFITS," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3334) recommending that S.R. No. 64 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3334 and S.R. No. 64, entitled: "SENATE RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH'S PLANS TO REDUCE VETERANS BENEFITS," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3335) recommending that S.C.R. No. 203 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3335 and S.C.R. No. 203, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3336) recommending that S.R. No. 114 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3336 and S.R. No. 114, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was deferred until Friday, April 16, 2004.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3337) recommending that S.C.R. No. 106, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3337 and S.C.R. No. 106, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INQUIRY INTO THE DELAYS IN PAYMENT TO DEVELOPMENTAL DISABILITY PROVIDERS," was deferred until Friday, April 16, 2004.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3338) recommending that S.C.R. No. 54 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3338 and S.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE IMPACT OF THE DEPARTMENT OF HUMAN SERVICES' POLICY OF EXPEDITED PROCESSING OF APPLICATIONS RECEIVED FROM PREGNANT WOMEN USING THE 'MEDICAL ASSISTANCE APPLICATION FOR CHILDREN AND PREGNANT WOMEN ONLY' FORM ON EARLY ENTRY INTO PRENATAL CARE AND SUBSEQUENT BIRTH OUTCOMES," was deferred until Friday, April 16, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3339) recommending that S.C.R. No. 76, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3339 and S.C.R. No. 76, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was deferred until Friday, April 16, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3340) recommending that S.R. No. 36, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3340 and S.R. No. 36, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was deferred until Friday, April 16, 2004.

Senators Inouye and Fukunaga, for the Committee on Water, Land, and Agriculture and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3341) recommending that S.C.R. No. 85 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3341 and S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO CONSIDER AND INCORPORATE THE IMPORTANCE OF ECONOMIC FACTORS AND IMPACTS IN LAWS, RULES, AND POLICIES CONCERNING THE CONSERVATION OF FORESTRY AND AGRICULTURAL RESOURCES," was deferred until Friday, April 16, 2004.

Senators Inouye and Fukunaga, for the Committee on Water, Land, and Agriculture and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3342) recommending that S.R. No. 42 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3342 and S.R. No. 42, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO CONSIDER AND INCORPORATE THE IMPORTANCE OF ECONOMIC FACTORS AND IMPACTS IN LAWS, RULES, AND POLICIES CONCERNING THE CONSERVATION OF FORESTRY AND AGRICULTURAL RESOURCES," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3343) recommending that S.C.R. No. 187, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3343 and S.C.R. No. 187, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO RESEARCH THE DEVELOPMENT OF A SUSTAINABLE FLOOD PROJECT SPONSORSHIP PROGRAM TO PROMOTE FLOOD ABATEMENT IN LANDS FROM WAIHAOLE TO LAIE," was deferred until Friday, April 16, 2004.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3344) recommending that S.C.R. No. 190, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3344 and S.C.R. No. 190, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO TAKE ACTION TO PREVENT ILLEGAL ENTRY TO THE HAIKU STAIRS UNTIL THE ISSUE OF PERMANENT ACCESS TO THE HAIKU STAIRS IS RESOLVED AND THE SURROUNDING NEIGHBORHOOD IS NO LONGER IMPOSED UPON, AND REQUESTING THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO DISCLOSE TO THE PUBLIC THE CITY'S PLANS REGARDING THE FUTURE OF THE HAIKU STAIRS AND HAIKU VALLEY," was deferred until Friday, April 16, 2004.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3345) recommending that S.R. No. 104, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3345 and S.R. No. 104, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO TAKE ACTION TO PREVENT ILLEGAL ENTRY TO THE HAIKU STAIRS UNTIL THE ISSUE OF PERMANENT ACCESS TO THE HAIKU STAIRS IS RESOLVED AND THE SURROUNDING NEIGHBORHOOD IS NO LONGER IMPOSED UPON, AND REQUESTING THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO DISCLOSE TO THE PUBLIC THE CITY'S PLANS REGARDING THE FUTURE OF THE HAIKU STAIRS AND HAIKU VALLEY," was deferred until Friday, April 16, 2004.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3346) recommending that S.C.R. No. 212 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3346 and S.C.R. No. 212, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN FOR

AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII," was deferred until Friday, April 16, 2004.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3347) recommending that S.R. No. 123 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3347 and S.R. No. 123, entitled: "SENATE RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN FOR AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3348) recommending that S.C.R. No. 50, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3348 and S.C.R. No. 50, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION, WITHIN AVAILABLE RESOURCES, TO ENSURE FULL COMPLIANCE WITH THAT PORTION OF THE ADMINISTRATIVE RULES THAT CALLS FOR 'APPROPRIATE INTERVENTION AND TREATMENT SERVICES' FOR STUDENTS EXCLUDED FROM SCHOOL DUE TO 'POSSESSION OF A DANGEROUS WEAPON, SWITCHBLADE KNIFE, INTOXICATING LIQUOR, OR ILLICIT DRUGS,'" was deferred until Friday, April 16, 2004.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3349) recommending that S.C.R. No. 71, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3349 and S.C.R. No. 71, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF DISCRIMINATION AND HARASSMENT OF STUDENTS IN THE PUBLIC SCHOOLS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3350) recommending that S.C.R. No. 86 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3350 and S.C.R. No. 86, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE

YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3351) recommending that S.R. No. 43 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3351 and S.R. No. 43, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3352) recommending that S.C.R. No. 91 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3352 and S.C.R. No. 91, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS," was deferred until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3353) recommending that S.C.R. No. 133 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3353 and S.C.R. No. 133, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION REVIEW AND REVISE POLICIES TO ENLARGE AND EXPAND REGULAR OPPORTUNITIES IN EACH DISTRICT FOR MEMBERS OF THE COMMUNITIES TO PARTICIPATE MEANINGFULLY BY EXPRESSING THEIR IDEAS AND SUPPORT OF IMPORTANT ISSUES IMPACTING EDUCATIONAL ADVANCEMENT," was deferred until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3354) recommending that S.R. No. 71 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3354 and S.R. No. 71, entitled: "SENATE RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION REVIEW AND REVISE POLICIES TO ENLARGE AND EXPAND REGULAR OPPORTUNITIES IN EACH DISTRICT FOR MEMBERS OF THE COMMUNITIES TO PARTICIPATE MEANINGFULLY BY EXPRESSING THEIR IDEAS AND SUPPORT OF IMPORTANT ISSUES IMPACTING EDUCATIONAL ADVANCEMENT," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3355) recommending that S.C.R. No. 156, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3355 and S.C.R. No. 156, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING A

COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3356) recommending that S.C.R. No. 164 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3356 and S.C.R. No. 164, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3357) recommending that S.R. No. 84 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3357 and S.R. No. 84, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3358) recommending that S.C.R. No. 198 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3358 and S.C.R. No. 198, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3359) recommending that S.R. No. 111 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3359 and S.R. No. 111, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3360) recommending that S.C.R. No. 10, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3360 and S.C.R. No. 10, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY AND

INSTALL A TRAFFIC SIGNAL LIGHT AT THE INTERSECTION OF KAMEHAMEHA HIGHWAY AND KUALA STREET IN PEARL CITY TO ALLEVIATE TRAFFIC CONGESTION AND PROVIDE PROTECTION TO NEARBY RESIDENTS WHO FREQUENTLY CROSS THAT INTERSECTION," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3361) recommending that S.C.R. No. 11, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3361 and S.C.R. No. 11, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO DESIGN AND ERECT AN ATTRACTIVE AND APPROPRIATE SIGNAGE FOR THE KOREAN VIETNAM VETERANS MEMORIAL ON THE GROUNDS OF THE STATE CAPITOL," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3362) recommending that S.R. No. 7, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3362 and S.R. No. 7, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO DESIGN AND ERECT AN ATTRACTIVE AND APPROPRIATE SIGNAGE FOR THE KOREAN VIETNAM VETERANS MEMORIAL ON THE GROUNDS OF THE STATE CAPITOL," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3363) recommending that S.C.R. No. 38, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3363 and S.C.R. No. 38, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FULL PLEDGE OF ALLEGIANCE BE RECITED BEFORE THE START OF THE SENATE AND HOUSE FLOOR SESSION ON THE FIRST SESSION DAY OF THE WEEK," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3364) recommending that S.R. No. 19, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3364 and S.R. No. 19, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE FULL PLEDGE OF ALLEGIANCE BE RECITED BEFORE THE START OF THE SENATE AND HOUSE FLOOR SESSION ON THE FIRST SESSION DAY OF THE WEEK," was deferred until Friday, April 16, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3365) recommending that S.C.R. No. 99 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3365 and S.C.R. No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT

LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was deferred until Friday, April 16, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3366) recommending that S.R. No. 53 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3366 and S.R. No. 53, entitled: "SENATE RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was deferred until Friday, April 16, 2004.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3367) recommending that S.C.R. No. 161, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3367 and S.C.R. No. 161, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," was deferred until Friday, April 16, 2004.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3368) recommending that S.C.R. No. 180, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3368 and S.C.R. No. 180, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO WORK WITH THE HAWAII FOOD INDUSTRY ASSOCIATION TO DETERMINE THE FEASIBILITY OF REQUIRING THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE 'BIG BOX' RETAILERS AND WHOLESALERS," was deferred until Friday, April 16, 2004.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3369) recommending that S.R. No. 97, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3369 and S.R. No. 97, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO WORK WITH THE HAWAII FOOD INDUSTRY ASSOCIATION TO DETERMINE THE FEASIBILITY OF REQUIRING THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE 'BIG BOX' RETAILERS AND WHOLESALERS," was deferred until Friday, April 16, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3370) recommending that S.C.R. No. 181, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3370 and S.C.R. No. 181, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOMMENDING THE LONG-TERM CARE VETERANS AFFAIRS STATE HOME IN HILO BE NAMED IN HONOR OF YUKIO OKUTSU," was deferred until Friday, April 16, 2004.

Senators Fukunaga and Ige, for the Committee on Economic Development and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3371) recommending that S.C.R. No. 107, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3371 and S.C.R. No. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII FILM AND TELEVISION DEVELOPMENT BOARD TO FORMULATE AND IMPLEMENT A COMPREHENSIVE STRATEGY TO PROMOTE AND FOSTER A STRONG AND COMPETITIVE DIGITAL MEDIA INDUSTRY IN HAWAII," was deferred until Friday, April 16, 2004.

Senators Fukunaga and Ige, for the Committee on Economic Development and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3372) recommending that S.R. No. 57, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3372 and S.R. No. 57, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII FILM AND TELEVISION DEVELOPMENT BOARD TO FORMULATE AND IMPLEMENT A COMPREHENSIVE STRATEGY TO PROMOTE AND FOSTER A STRONG AND COMPETITIVE DIGITAL MEDIA INDUSTRY IN HAWAII," was deferred until Friday, April 16, 2004.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 3373) recommending that S.C.R. No. 127, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3373 and S.C.R. No. 127, S.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 until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3374) recommending that S.C.R. No. 62, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT FROM THE CHARTER SCHOOL ADMINISTRATIVE OFFICE THAT SURVEYS EACH INDIVIDUAL CHARTER SCHOOL IN THE STATE OF HAWAII TO DETERMINE ITS FUNCTION, LOCATION, ENROLLMENT, STAFF SIZE, OPERATING AND MAINTENANCE COSTS, PHYSICAL CONDITION, CURRENT STATUS, AND PROJECTED FUTURE NEEDS," was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3375) recommending that S.C.R. No. 65 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 65, entitled: "SENATE

CONCURRENT RESOLUTION URGING HIGHER EDUCATION INSTITUTIONS TO REFUND OR REIMBURSE TUITION MONEY TO STUDENT MEMBERS OF THE HAWAII NATIONAL GUARD OR MILITARY RESERVES WHO ARE DEPLOYED DURING A SCHOOL SESSION," was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3376) recommending that S.R. No. 30 be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 30, entitled: "SENATE RESOLUTION URGING HIGHER EDUCATION INSTITUTIONS TO REFUND OR REIMBURSE TUITION MONEY TO STUDENT MEMBERS OF THE HAWAII NATIONAL GUARD OR MILITARY RESERVES WHO ARE DEPLOYED DURING A SCHOOL SESSION," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3377) recommending that S.R. No. 113, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 113, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII'S EFFORTS TO RECRUIT AND RETAIN HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLOR OF THE UNIVERSITY OF HAWAII AT MANOA TO FORM A TASK FORCE TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN HAWAIIAN STUDENTS," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3378) recommending that S.C.R. No. 95, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 95, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ALLOWING PRIVATE PAY PATIENTS ON A FEE FOR SERVICES BASIS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT SERVICES PROVIDED BY THE DEPARTMENT'S COMMUNITY HEALTH CENTERS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3379) recommending that S.R. No. 49, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 49, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ALLOWING PRIVATE PAY PATIENTS ON A FEE FOR SERVICES BASIS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT SERVICES PROVIDED BY THE DEPARTMENT'S COMMUNITY HEALTH CENTERS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3380) recommending that the Senate consent to the nomination of BERT I. AYABE to the office of Judge, 21st Division, Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 421.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3380 and Gov. Msg. No. 421 was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3381) recommending that the Senate consent to the nomination of ALEXA D.M. FUJISE to the office of Associate Judge, Intermediate Court of Appeals, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 422.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3381 and Gov. Msg. No. 422 was deferred until Friday, April 16, 2004.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3299 (Gov. Msg. No. 377):

Senator Baker moved that Stand. Com. Rep. No. 3299 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 JAMES P. EPURE MD to the Drug Product Selection Board, 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, 25. Noes, none.

FINAL READING

Conf. Com. Rep. No. 1-04 (H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 1-04 be adopted and H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Taniguchi rose to speak in favor of the measure as follows:

"Mr. President, I rise to speak in favor of this measure.

"Mr. President, H.B. No. 1800, C.D. 1, is the executive supplemental budget bill. It contains the operating and capital improvement appropriations for the executive branch for fiscal year 2004-2005.

"Before I make a few comments on the bill itself, I again would like to thank a few people who were instrumental in crafting this measure.

"First, I would like to thank the Conference members of the House, especially Chairman Dwight Takamine and Vice-Chair Bertha Kawakami, who spent countless hours with me and my Vice-Chair, the Senator from the Big Island, agonizing over the hundreds of crucial decisions that needed to be made.

"Next, I would like thank the members of the Ways and Means Committee for sitting through hours of hearings, briefings and Conference meetings.

"I would also like to thank my staff and the staff of the Finance Committee for their hard work.

"Finally, I would like to thank the Leadership teams of both Chambers, especially House Speaker Calvin Say, and you, Mr. President, thank you.

"In addition to my feelings of gratitude and appreciation, I want to convey one additional message to everyone: It's not over yet. While we are poised to approve this budget, and therefore technically 'close the book' on it, we are in no way done with our work this year. I think that bears repeating and re-emphasizing – we are not done with our work this year.

"As we all know, there are two public sector unions still out there negotiating hard with the Governor for a fair contract. Voting on this budget today in no way shuts the door on them, nor does it commit the Governor to any level of pay increases.

"In addition, we all know that on Monday, the Governor made some additional adjustments to her financial plan to try and accommodate appropriations for collective bargaining pay raises for all units. I appreciate the fact that she recognizes that all of our public employees deserve just compensation for their services. We are currently reviewing her proposed budget cuts, her special fund raids, and will try to address those in vehicles that we still have on the table.

"As I mentioned in my floor speech on the Senate's draft of this bill, I think the appropriations found in it represents what we have always tried to do over the years – we have provided much-needed resources to very crucial government programs.

"We have provided more critically needed resources to our public schools, more to our public and private hospital network, more to assist the indigent and the needy, more to help take ice off of our streets – and the list goes on. More importantly, we have provided these resources without bankrupting our state – despite what some may claim.

"This budget, in conjunction with our six-year general fund financial plan, demonstrates one fact: this Legislature has prioritized the use of our precious resources and has seen fit to provide those in areas that are most important to our state's well-being now and in the future.

"I find it unfortunate that now that the Governor feels that she is not getting her way with this budget, she has resorted to name-calling and has actually threatened the Legislature with retaliation come election time. I feel that is unfortunate. I'm not really surprised, however, as it is apparent that our Governor finds that retaliation, not cooperation, is the best course of action to get things done in government.

"Take, for example, the Department of Education's budget. First, the Governor refused to acknowledge the Board of Education's budget request in September of last year, ignoring their need for approximately \$50 million more in resources, most of which was to help the DOE come into compliance with the No Child Left Behind Act. On top of that, in the latest round of her proposed budget cuts, our Governor is slashing the DOE's base budget by an additional \$7.5 million. That is almost 25 percent of her entire proposed cut of \$30 million. Moreover, these cuts were done with absolutely no input from the DOE.

"The Governor has clearly been punitive on the DOE simply because our superintendent has had the courage to make independent decisions as our state's top education administrator.

"Furthermore, this Governor has also been attempting to fool the public into thinking that certain collective bargaining laws do not pertain to her and that she can change an arbitrated award because she feels like it. She has apparently singled out the HGEA and characterized this group of employees . . ."

Senator Whalen interjected:

"Point of order, Mr. President. I believe the speaker is not addressing the bill. Rather, he is going on a tirade against the Governor, and I ask that he be brought into order to address the merits or demerits of the bill at hand."

The President responded:

"We will keep to the merits and demerits. I will ask the Chair to continue his remarks."

Senator Taniguchi continued:

"Again, she has apparently singled out . . . after discussing the financial plan, they singled out the HGEA and characterized this group of employees as budget-busters. This, too, is unfortunate.

"In conclusion, members, I would again rather emphasize what we have accomplished in this budget as opposed to having to answer to all of the political mud that has been flung into this debate. I believe everyone, including the Governor, wants to provide the people of this state with a responsive and responsible government. So do I. So does everyone in this Chamber and the one next door. But when we have differences, we shouldn't be cajoled, criticized or coerced into a decision. There is a better way to do things.

"Members, judge for yourselves if this budget does what you think it should do. As your Chairman of the Ways and Means Committee, I ask that you have confidence in this document, as well as in the financial plan, and that we will provide the resources to operate our government in a responsible, efficient manner – without breaking the bank and without going into a deficit.

"Thank you."

Senator Slom rose in opposition to the measure and said:

"Mr. President, I rise in opposition to the bill.

"Gee, it's amazing. We start every Session with a prayer and, huh, we ditch the prayer immediately.

"I'm going to try to stick to the bill itself, H.B. No. 1800. It was unfortunate, I think, that the previous speaker did go far afield from the budget itself. We don't want to engage in name-calling. But let's just say that for the last couple of years there's been a change in philosophy and direction to try to reign in expenditures within the state to try to have a coherent, consistent philosophy of how you not only fund activities, but also how you prioritize activities rather than saying yes to all of them.

"The fact of the matter is this bill, while the good Chairman of Ways and Means is correct and said the whole process is not over yet, we are confronted with this bill today. Faced with this bill, we have several things that we have to consider. Number one is we do not have a balanced budget. That has not been presented to us. Number two, we also see that the financial picture of the state rests on the raid of the emergency so-called rainy day fund and also on special funds. Number three, we see that as we go into other bills, which are all part of the budgetary process and the financial picture, that we're going to have a problem with eliminating many vacancies that have not been called for before.

"You know that we in the Minority have often said that vacancies that have been vacant for up to 10 years where the departments have transferred the funds for other functions, those certainly would be prime candidates to get rid of those positions. But on the other hand, where we have positions that have been vacant for several months and the departments are in the process of filling them, that's not a good financial way of doing it, particularly when we're losing federal funds along the way and that will be pointed out in future discussions that we have.

"In terms of fooling the public, I think the problem is that we are all, who support this budget, trying to mask a financial situation that the Governor and the executive branch have given us notice about. I don't see it as threats or retaliation. They've said that if we do this, this is what's going to happen in terms of our financial picture in the future.

"We are just in the process now where our economy is improving, and that's a good sign; that's a positive sign. There's two ways of looking at that, though. If you start to improve an economy, you go out and continue spending or accelerate your spending. You can spend for many things that are not priorities and necessities or you can try to hold to a prudent, economic fiscal course of action. And I think that's what the executive did in the budget that was presented to us.

"So again, understanding that it's not over yet, what I'm faced with today I cannot support, but I urge further discussion and will keep an open mind on other measures that we will look at in the future.

"Thank you, Mr. President."

Senator Hemmings rose to speak in favor of the measure with reservations and stated:

"Mr. President, I rise to speak in favor of H.B. No. 1800 with reservations.

"First of all, I want to qualify reservations. This is the first time I've done anything with reservations this year. I've tried

to make it a personal practice to not be on the fence and equivocate my position, but to either be for or against something. I might vote in favor of this budget but I do have reservations, so I'm going to have to break my own pledge to myself.

"First of all, this is not a budget. The definition of the budget is to take into account income and expenditures and come out with a plan. This is simply the omnibus spending bill. As we will subsequently see, there are a number of other spending initiatives to follow this spending bill.

"I do have to regret the comments of the good Chairman of the Ways and Means Committee directed at the executive branch of government, more specifically the Governor. We are in two different political parties and we do have different ways of doing things. We believe that we're spending taxpayers' money. And we believe that budgets should be honest and accountable and not balanced and one-time raids of funds, or juggling of the books, or raiding the employees' retirement fund, or putting off debt service and have it back-loaded so that future generations will have huge bills to pay. We believe in prudent spending and we believe in honest long-term budgeting. The evidence over the last years have shown that we've done everything but.

"Regarding education – the formula of throwing more money at public education without accountability, without changing governance has produced exactly what we've got. If you're happy with education, then it's been a good investment. But I would submit to you that most of the people of Hawaii are not, including the superintendent of education who said we have to reinvent education. It's important for us to note that year in and year out the education budget has grown exponentially in relationship to the growth of the economy – \$1,726,000,000 was the EDN total budget request for this year. That's a lot of money . . . a lot of money.

"The Governor wanted to hold the system accountable and this Legislature with this spending initiative has chosen to do the same thing it's done in the past – throw money at the problem and tell the people of Hawaii that this, along with some fake education reform to come, that we've solved the education problem. It's not going to work.

"I want to hone in, because there's so much to be said looking over this committee report, I want to hone in on one specific item that's near and dear to my heart. And hopefully in doing so, I'll point out to the fool-heartedness of not what's being done, but how it's being done. Three years ago, at my urging with the prior administration, we called DHRD and we asked how many vacant positions there were, how long they were vacant, and how much they were worth. At that time, I think the figure was \$110 million of funded vacant positions that were not filled, many of which were a year, two years, three years out. We thought that maybe that money was being used for necessary services, but it certainly wasn't accounted for. At that time, I called a lot of the vacant position funding a slush fund because there was no legislative accountability. So, I think, with all due respect to the Chairman of the Ways and Means Committee and the Majority Party, after three years this issue is being addressed. I'm a little curious that it's being addressed now that we have a Republican Governor, but nevertheless, it's being addressed.

"We do not have a problem with what is being done, but how it's being done. I'd like to focus in on one department, Human Services, and show you what is being done and how it's going to impact the most vulnerable in our society and how economically foolish it is. In doing so, I want to especially pay tribute to the department director who has done some

unprecedented things to bring new money to the table to assist the truly needy in Hawaii.

"Now, I've heard oftentimes in Committee and read in committee reports that department heads have been unresponsive, and I've heard it said of Lillian Koller. This is a book full of responses to every question asked by the legislative branch to Lillian Koller. I won't go through it item by item, but this one concerns the impact of changes to the executive budget, H.B. No. 1800, H.D. 1. This response is to questions on proposed reductions to Medicaid federal funding, and the list goes on and on. In spite of claims otherwise, this director has been responsive. Quite truthfully, we kind of resent the implication that this director and other directors have not been responsive to the Legislature when the record will clearly show they have been.

"Let's talk about human services and what we're doing to the truly needy. Let's talk about vacant positions that have been cut down to being eliminated if they're more than six months. Let's talk about the Housing, Community Development Corporation of Hawaii, which Lillian Koller took over management of as of July 1st. In the last six months, she's hired 40 percent, 40 people, representing a 222 percent increase over the prior six months. She's using those vacant positions.

"What does this budget cut? It's cutting 28 positions – 11 from revolving funds, but more importantly, 17 from federal funds. That means there's not one cent in those 17 federal positions benefit to the State of Hawaii by saving general fund revenues. What it actually means is we're losing a huge amount of money from the federal government to service the housing needs of the needy in our society. Is that a conscientious cut? I'd submit to you, the Majority Party, for the sake of cutting money from the executive branch of government and possibly making the Governor's administration potholed is hurting the needy.

"But let's take something a little more specific. Let's take voc rehab. Voc rehab takes care of the blind, the disabled. Lillian Koller has hired 23 new people in the last six months – a 230 percent increase in hiring over the previous six months.

"This budget cuts six fully funded federal positions. Federal money is being sent or will not come to Hawaii because this budget is cutting those positions. For what? For whom? Whose money are we saving?

"Additionally, those positions are used to take people off welfare and put them on federal disability. So we'll continue, because of the slow processing, to have those people on welfare, which will be an additional financial burden.

"Once again, the disabled, the blind, the crippled are being hobbled because we're cutting six federally funded positions from the budget.

"How about Med-QUEST – the medically indigent, the people that don't have enough money to pay for their insurance. We currently handle in the department about 180,000 people. It's interesting to note that later on in this day we're going to pass Hawaii Rx and it's going to assist 300,000 people in getting their prescriptions filled and getting affordable prescriptions. In the last six months, Lillian Koller hired 28 people to assist in that project. This budget cuts 17 positions. Sixty percent of their salary is federally funded.

"You're not going to be able to blame the administration for the disservice that this budget does to the truly needy in our society. So the question becomes why? Why are we crippling human services programs? Why are we doing this? I think

possibly the Chairman of the Ways and Means Committee answered that question when he stood up and addressed this budget and chastised the Governor.

“We’re going to talk about collective bargaining later, but I would submit to you, Majority Party, that we will continue to try to work with you. We will try to find ways to cut vacant position funding in a responsible manner. And in doing so, when we cut those positions, we make sure the money is there, as I’ve always advocated, to fund necessary programs.

“These are my reservations about this budget or this omnibus spending bill. But there’s one last question that I hope I can ask the Majority Party and I hope one of you pops up and answers it – why now? Why now? I see a few smirks on the faces over there because obviously you’ve talked about this. You probably have a good answer.

“Mr. President, you and I were in the Legislature back in the ’80s. The budget was always, always, used at the end of Session to leverage everything else. I can remember nights in the ’80s when we’d be waiting for it to be decked and printed to get out on our desks for 48-hour notice to make the deadline at the end of the Session.

“So the question is – I think there’s 12 days left in this, almost three weeks worth of work left – why is the budget coming out now? Is it because the Majority Party, who’s controlled this Legislature for 40 years, all of a sudden has decided to be very efficient? Or is it political? Is it for political reasons so you can send this budget up to the Governor and have time to react to it politically on the Floor of this Legislature without having to call a Special Session in an election year? Hopefully, someone can answer that.

“Thank you, Mr. President.”

Senator Taniguchi rose and said:

“Mr. President, I’d like to again speak in support and thank the previous speaker for his support of the budget bill.

“Could we have a short recess?”

At 11:11 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:17 o’clock a.m.

Senator Kokubun rose in support of the measure and said:

“Mr. President, I stand in strong support of H.B. No. 1800, C.D. 1.

“Mr. President, this is probably the most important piece of legislation that’s facing us this Session. The primary reason is because it enables us to address three main concerns that have come out from our Committee to help communities statewide. There will be discussion on those specific measures: on education, on ice, and as well as our consumer issues and prescription drug costs. So I think this bill allows and enables, really, this Legislature to get us in front of the ball to really address these concerns.

“I wanted to just share with all of you that I did have the wonderful opportunity to serve as Vice Chair to our Senator from Manoa. We did put in many long hours. He didn’t necessarily command that I be there, but I think it was my own initiative to sit and be with them and with the other Conference Committee members because it was a tremendous learning experience. It’s a fantastic way to learn how our government

functions and really a way to see the budget as a tool to set our priorities for the people of Hawaii. I think this budget responds to those priorities, and that’s why I think it’s so important.

“The Chairman of the Ways and Means Committee always, in my opinion, levels the playing field. His intent is to provide a very steady hand to all of the discussions about the budget. There are so many competing interests that we need balance here. But I think in terms of fairness, there’s no doubt in my mind that his level of fairness is beyond reproach.

“Mr. Chairman, the other very, very important aspect to bring out at this point is the fact that the staff of the Ways and Means Committee are also there every minute. In fact they’re there more than the Chairman and I are because they are doing the incredible detail work that goes into producing this document. This is not an easy thing. This is not just a political tool that we can talk about in terms of I did this; she did that; whatever it may be. Mr. President, it’s so important for everyone to understand how the details of this budget cause our state government to function. Clearly in my mind, I think this sets out the right priorities for us as a Legislature.

“With respect to some of the comments made earlier by the Senator from Waimanalo, the issue about raiding vacancies, utilizing other funding tools, you know, are not new for us. The Governor, in her own manner, has used these same vehicles to balance the budget. So I don’t think this is something that we can say one side is wrong or one side is right. We realize that these are the only means that we can utilize to balance our budget.

“Mr. President, this is a balanced budget. The good Chair of the Ways and Means Committee would not proceed forward with a budget that was not balanced.

“So, at this point in time, I echo his concerns that yes, we are not done. Certainly the Governor could react to this. We do have more time to address other important measures that are before this Body. But at this point in time, to me this budget clearly demonstrates what the priorities of the Legislature are and how we’re going to provide the money to address these priorities.

“Thank you.”

Senator Hogue rose in favor of the measure with reservations and said:

“Mr. President, I rise to speak in favor of this measure with reservations.

“We had a little bit of a conference there with the Chair of Ways and Means. I think there’s an honest disagreement in interpretation about handling these vacant positions and how they affect federal funding. The Senate Ways and Means Chair believes that the budget, as written right now, does not affect the federal funding. We believe and the Director of Human Services that it will affect. I really strongly urge the two sides to get together and talk this over and perhaps get together maybe even with the third side, whether it’s the attorney general or some other budget referee to finally get the proper interpretation of this particular measure.

“It’s absolutely important for us to be as responsible as we can be regarding vacant positions. I would agree that both sides have looked at vacant positions. Both sides have looked at the raiding of special funds over the years, but we must be responsible and we must get the proper interpretation. Until we get that, I’ll have reservations.

"Thank you very much, Mr. President."

Senator Chun Oakland rose to speak in support of the measure and stated:

"Mr. President, I would also like to stand in support of this measure.

"With regards to the concerns raised by the Senator from Waimanalo, when I first heard of concerns yesterday afternoon at a Keiki Caucus meeting, we did get a briefing this morning by the Ways and Means Chairman and that question of federally funded positions was raised. The Chairman of Ways and Means had indicated that his understanding was that the federal ceiling for these funds were intact and that the positions could be filled with the federal monies. And if there is any concern, I know historically the Chairman of Ways and Means and the Ways and Means Committee has been very supportive of human services, and I have no doubt if there is a problem that we will be able to correct it.

"But that was my understanding that the federally funded positions still could be filled. Thank you."

Senator Trimble rose to speak in opposition to the measure as follows:

"Mr. President, I rise in opposition.

"The kindest thing that could be said about H.B. No. 1800 is that it is work in progress. I do not deny that much effort has been put forth, but if I remember from my high school physics course, work is defined as what is accomplished, not what is attempted. It really would not be in the public interest to find out after the fact that federally funded positions were unintentionally affected. The prudent thing to do is to recommit this measure to Committee to carefully review it in the timeframe that we still have before this Body adjourns, and then come back after the questions have been answered.

"Thank you."

Senator Espero rose to speak in favor of the measure as follows:

"Mr. President, I'd like to rise in support of this measure.

"The question was asked, why now? I think maybe we should ask, why not? Now, we know that our differences in this Body, in this building, there are Republicans and there are Democrats. That's the nature of the beast. And we come here every year to debate, to discuss, and to come up with what we think is the best bill, the best budget for the people of Hawaii. We will have our differences, yes. But as far as going to name-calling and fake education reform, you know, let's be adults here. We have differences. We accept those, but we move on.

"This budget before us, quite frankly, is an exceptional budget. We have \$100 million for repair and maintenance. We have tens of millions of dollars for new schools and new facilities, and that's repair and maintenance of our schools. We have \$4 million for the Hawaii Invasive Species Council to help our environment; \$2.5 million for new textbooks and learning materials; \$2.1 million to reduce the student/teacher ratio in kindergarten through second grade; \$1.7 million to get more parents involved in the schools via our parent-community networking centers; half-a-million dollars to give our teachers extra bonuses for those that pass the national board certification; \$25.8 million for our charter schools, which is a big piece of education reform that came out of this Legislative Body for charter schools; \$3.4 million for our A-plus after

school program; \$4 million for adult treatment services dealing with the substance abuse and ice problems; \$3 million for school-based treatment in our high schools and intermediate schools; half-a-million dollars for treatment of first-time nonviolent drug offenders; \$2.7 million for the expansion and the success of our drug court program, again, something that came out of this Legislative Body; \$25.8 million for the Department of Human Services to provide basic health insurance coverage for those people who are needy. We have funding to go to the counties to help them in all of their programs and all of the problems that our counties are having. We're assisting nonprofits and other organizations that are coming to us. Unfortunately, we are not able to help everybody because of the priorities we have to establish, but again, it's something we have to do.

"To knock this budget and to vote against the budget, I just don't understand that, Mr. President. This is a very good product and I will take literally the decades and years of experience that people in the Legislature have over the less than two years that this current administration has.

"Thank you, Mr. President."

Senator Hemmings rose in rebuttal and said:

"Mr. President, I rise in response or rebuttal.

"No where have I called anybody any name, and I certainly have not chastised anybody personally in the executive branch of government like was done with the Governor on this Floor. And I will tell my colleagues I have a tremendous amount of respect. Everything that was said about the Chairman of Ways and Means by the Vice Chair is exactly correct. He and I just have a different philosophy in some things, but he's a most noble adversary. He always comes and explains his position, as he just did on the Floor, and we agree to disagree. He's a good man, and I'm proud to work with him. We just disagree.

"In rebuttal, I'd like to say, regarding the vacant positions, I can see where the Human Service Chair is a little concerned. When you cut from the budget position counts and money, we believe that you can't hire those people if they're not authorized, no matter what the federal ceiling is. But the real question here is, if it does not affect hiring, why was it done? What has it accomplished? What's the purpose? We know the truth is that it does.

"If you take out of the budget a position count and the authorization of spending end funds or federal funds, you take away the department head's ability to hire a human being, to pay him federal money to get the job done. If that's not true, why did we do it? So, the argument put up by the Majority Party is quite contradictory.

"The good Senator from Ewa Beach stood up and said he wanted to answer the question – why, after the Majority Party has had power for 40 years and always bumps the budget up to the waning moments of the Legislature, why is it being passed close to three weeks prior to the close of the Legislature? That was my 'why now' question. For the record, the speaker who claimed to be addressing that question went on and lauded the spending this bill did but didn't answer the question. And I still await a logical, cogent, reasonable, fair answer. Why after 40 years and 100 percent control over the legislative and executive branch of government is this budget suddenly so efficient it's passing close to three weeks before the close of the Legislature? I think it's a legitimate question and I'll await the answer."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 1-04 was adopted and H.B. No. 1800, H.D. 1, S.D. 1,

C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Trimble).

At 11:32 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:37 o'clock a.m.

At this time, the President made the following announcement:

"Members, if there are no objections, we will move onto the other business while we wait for word that the state budget has been transmitted to the Governor. We will move on to the items under Third Reading on page 46."

Senator Hemmings rose on a point of inquiry as follows:

"Mr. President, point of personal inquiry.

"What's the necessity of holding up these legislative proceedings to wait for the transmission of the state budget to the Governor?"

At 11:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:40 o'clock a.m.

The President then announced:

"Members, we just got the transmittals from the Governor's Office, so we will proceed as normal on page 45."

Senator Hemmings rose and again said:

"Mr. President, before the recess, I asked a question and I want the record to reflect in the Journal that the question was answered by the Clerk, and the answer is that before we can conduct anymore spending initiatives on the Floor, the budget or the spending bill, as we may call it, has to be, according to constitutional interpretation, delivered to the Governor. I'm sure the Majority Party, especially the barrister who fought a lawsuit on untimely vetoes would note the time appropriately so that we will all be in compliance with the constitution on this issue.

"Thank you, Mr. President."

Conf. Com. Rep. No. 2-04 (H.B. No. 2300, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 2-04 was adopted and H.B. No. 2300, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 3-04 (H.B. No. 2280, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 3-04 was adopted and H.B. No. 2280, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read

throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 4-04 (H.B. No. 1043, S.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 4-04 be adopted and H.B. No. 1043, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to this bill.

"First let me say that as we said publicly before, we do respect and appreciate the work of public employees and their necessity in this state. However, as I've also said before, it seems that we spend an inordinate amount of time and resources in providing appropriations, salary increases, sick leave, holiday leave, benefits, and changes in state law for public employee unions, and that's what we're doing in this bill here.

"We've had the discussion over and over again about the merits and demerits of binding arbitration versus the right to strike and how the Senate members and House members changed their position in a very short period of time with the change in administration. And we're faced with a situation here where we've had binding arbitration, not collective bargaining, binding arbitration, which has resulted in an 8 percent salary increase. The actual numbers are \$32 million for the first six months of the next fiscal year, January through June 30th, and \$54 million the next year, which has not been appropriated.

"We also have replaced all of the changes that were made in the collective bargaining civil service reform of 2001 so that the benefits, the sick leave days, the vacation days, the step increases, all of these things go far beyond 8 percent. We all talk about having a fair compensation and fair benefits package for our public employees and I think the problem is that we have gone well beyond the fair and well beyond the ability to pay.

"And let's not get bogged down in an argument about the arbitrators from the mainland and whether they took this into consideration or that or they did not. The fact of the matter is we've got the taxpayers of this state who are paying for, continually, increases. Because as you know, even when you vote on this now, in a few short weeks the negotiations will start anew, all over again for the next contract for the government employees. And that's why I say we spend a great deal of time and effort just funding public employees' salaries when we should be doing other things with other bills and other monies.

"Are the public employees getting a fair wage at this point? Absolutely. Are they getting more benefits than in the private sector? Absolutely. The private sector is called upon to support this growing number of public employees and the benefits and the costs both in terms of active employees and retiree employees. And it is a tremendous burden which is only going to be exacerbated as we look further in the future.

"So, we've got the problem of arbitration, which really does not fit. We have the problem of the actual dollars, and we have a situation here where if we had a lessor amount, an increase which the Governor has been amenable to and which many of us in this Body who disapprove of this particular bill are amenable to, we're not doing that. We're still going at full bore

with a large and burdensome increase. So, I'm urging a 'no' vote.

"Thank you, Mr. President."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against this funding legislation, H.B. No. 1043.

"Maybe this is what it's all about. Parenthetically to this bill, I will tell you that later on we're going to have a bill that's going to raid, once again, the rainy day fund to fund human service programs. And guess what, it's been raining for an awfully long time in Hawaii and the rainy day fund is running out of money and so are the human service programs.

"It's important to note that public employees do a good job but they get paid excellently, and they get amongst the best fringe benefits in the nation of all other 50 states. When you go to work on the first day – 21 days of sick leave, cumulative benefits with paid days off or leave holidays, health insurance, second-most days off of any state in the nation. The fringe benefits are extraordinary, far in excess of the private sector.

"It's also important to note, in relationship to pay increases for other branches of government, that since 1998 through the year 2003, five years, these public employees have gotten 25 percent in pay increases. It's also important to note, and I'm going to read out of a resolution passed in Ways and Means just yesterday, whereas it should be pointed out that these recommended increases do not represent a just commitment on a one-time appropriation. On the contrary, they represent a permanent increase to the judiciary's base budget and/or as accordingly this Legislature refuses to commit future Legislatures to the liability resulting from these annual 3.5 percent salary increases without knowing their full impact on future financial plans.

"Extremely interesting – \$1.5 million pay increase for judges who ranked 48th in the nation for pay, 48th, after indexing for cost of living, 32nd in straight dollars. We can't give them a million-and-a-half-dollar pay raise – the most underpaid judges in the nation. But yet, and we have to worry about future budgets, the HGEA's pay raise this year, which this supplemental budget has taken care of, is going to add \$32 million to this year's cost.

"But what about what this resolution says about the million-and-a-half dollars for the judges? We can't do it without realizing the resulting liability in these annual increases on future impact. But we do know what the HGEA pay raises are going to do. It's going to be \$54 million every year for the future. Isn't it amazing? Isn't it amazing. We find the money for pay raises for a special interest group that is adequately paid, that has had 25 percent pay increases in the last five years, who has the most generous fringe benefits in the nation, but we cannot pay our judges a little more salary and they're amongst the worst paid in the nation. It's just not fair

"I'd ask you to vote against it, but I know who brought you to the dance. But I will tell you that this even hurts organized labor. In the long run they're paying for it too. The economy of Hawaii and the cost of living is directly related to how we spend taxpayer's dollars and collecting too much of it. This hurts everybody, including the unions. But the Majority Party seems to bow at the altar to it. It's time we hold the system accountable and do what's responsible for the taxpayers of Hawaii, and that's why I'm voting 'no.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 4-04 was adopted and H.B. No. 1043, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Conf. Com. Rep. No. 5-04 (H.B. No. 2004, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 5-04 be adopted and H.B. No. 2004, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Aduja rose in support of the measure and said:

"Aloha, Mr. President, may it please the President and my Senate colleagues that I rise in support of this measure.

"Mr. President, your Windward Senator, Co-Chair of the Ice and Drug Abatement Task Force, fully and wholeheartedly commends the excellent work of the Conferees – Co-Chairs Taniguchi and Takamine; Senate Managers Kokubun and Hogue; and House Managers Kawakami, Nishimoto and Meyer.

"Mr. President, this measure makes appropriations for drug education and awareness, segments of the population that are particularly vulnerable to substance abuse, drug abuse treatment services, The Weed and Seed Program, Being Empowered and Together Reintegration Program, and the KASHBOX Substance Abuse Treatment Program; and grants-in-aid to counties to fund grassroots community efforts to sustain their anti-drug programs.

"This measure further establishes a statewide Substance Abuse Treatment Monitoring Program, which requires the Department of Public Safety to coordinate community-based drug abatement and mobilization efforts on a statewide basis.

"H.B. No. 2004 expands Drug Courts and the Canine Interdiction Program, and creates a multi-agency task force to respond to the effects of ice on children.

"Mr. President, as I had mentioned in my April 2nd floor speech on H.B. No. 2003, H.D. 1, S.D. 1, ice does not discriminate. It preys on the young and the old, the rich and the poor, the educated and the illiterate, the professional and the amateur, doctors, lawyers, elected officials, their husbands, wives, children and everyone in between.

"Mr. President, your Windward Senator personally knows the tragedy that all too many families suffer when someone close to them falls victim to drug addiction.

"Mr. President, the media and press has recently reported that my own family has been torn apart by my former husband's problems with illegal drugs. I, and my two small children, lived in the world of lies, abandonment, and betrayal that the drug addict creates to hide his addiction.

"Your Windward Senator has spent sleepless nights trying to comfort my crying children because they don't know why daddy hasn't been coming home. I have seen the sorrow in my own children's eyes when the daddy they love and so desperately need doesn't come home because he's doing something that he did not want his family to see. I have lived through the shame and humiliation of knowing that someone I loved and trusted with the lives of my children has betrayed our

love and our trust by the selfish seduction of chasing that next 'relapse.'

"Mr. President, my children and I, as with countless other families in Hawaii, have struggled through our individual battle against illegal drugs. With each new dawn, I look into the eyes of my fatherless children and renew my fight to hold on to my family, to raise my young children to be responsible members of our community, to maintain my dignity, and to work tirelessly to end the curse of illegal drugs in these small island communities that we call 'Hawaii.'

"Mr. President, the importance of Windward Oahu's ice campaign has been recognized by many of our island communities as an important first step to stop illegal drugs from taking over our families and our broader communities. As I mentioned earlier this month – the car thefts; the abandoned vehicles; the car accidents; the burglaries; forgeries; stealing of mail and the altering of checks; the assaults; the abuse of household members; the child abandonment; the high divorce rates; the suicides in lieu of jail as with one of my favorite singer/songwriters, Mackey Feary; the homicide of a cop, our own Glen Gaspar; the suicides by cop; and sadly we can now add Kailua's arson of a primary residence and the murder and attempted murder of an aunt and mother of an addict – we have heard and seen it all. And, unfortunately, all too many of us are living with it and its lifelong scars.

"Mr. President and Colleagues, it is our legal and moral responsibility as the 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.

"Mr. President, we must work together to protect our children, the most vulnerable members of our community and the most innocent victims of illegal drugs.

"We must work together to provide long-term treatment to those 'hardcore' drug addicts to break the cycle of chemical dependency and help them regain their lives, their families, and their dignity.

"Mr. President, we must expand Drug Courts to include the Second and Third Judicial Circuits and to expand Juvenile and Family Drug Courts on Oahu to stop illegal drugs from harming more innocent families and children, and to stand firm against those who seek to profit from the misery they bring to our society by providing our Judges with the discretion to sentence drug dealers to prison rather than to allow dealers the luxury of treatment in lieu of jail.

"Mr. President, it is your Windward Senator's committed prayer that this measure will receive the bipartisan support that it deserves and that the families of our great state deserve. The issues relating to illegal drugs in our state are not about partisan politics. They are about the core values of our great society – our families, our children, and our future.

"Mahalo nui loa and I thank you, Mr. President, for all your blessings during the term of the Task Force. I urge all of my colleagues to continue the bipartisan work that we began in the meeting rooms by passing this bill and bringing our work out into our communities and our streets through the many valuable changes that this bill seeks to implement.

"Aloha, Mr. President and to all of you my colleagues and God bless."

Senator Slom rose to speak in opposition as follows:

"Mr. President, I rise in opposition to the bill.

"The previous speaker raised a number of excellent points, and of course she's absolutely right. This is not a partisan measure in any event and it does have bipartisan support. There are many good features to this bill, but there are also some troubling features.

"The fact of the matter is the Lt. Governor's Task Force that began this process was basically replicated and duplicated by the Legislative Task Force afterwards, although there was much more citizen input in the Lt. Governor's substance abuse meetings statewide. I think that a voice or voices that are not being heard are those voices that say we absolutely support treatment but first we want prevention. We want protection. We don't want people using drugs as an excuse for the crimes or for the things that they do.

"And so while there are good portions in this bill and good programs which we've all supported in the past, such as Weed and Seed and the expansion of the Drug Courts, there is a lack of law enforcement emphasis within this bill. The walk and talk, the knock and talk provisions were taken out very early. There are other provisions that were suggested by or really focused upon by both the law enforcement community and by those people that have come to all of us and said do something about this problem.

"Again, it's not a situation for those of us that may have objections or opposition that we don't want treatment. Treatment is fine, but if we're talking about crime prevention and crime reduction, as the bill purports to do, and also about successfully battling crystal meth and other substance abuses, then we've got to have the tools that those in the law enforcement community urge upon us. It's got to be a balanced approach. And in my humble opinion, unfortunately, this bill in this form is not a balanced approach. It gives a great deal of latitude to treatment, to victimization of the people that are creating, by their own choices, a course of conduct and action that they instill upon other family members and community members as well.

"So, unless we get serious about this, unless we have a balanced idea of true prevention, then we will not have a successful battle against crystal meth or any of the other substance abuses.

"Thank you."

Senator Baker rose to speak in support of the measure and stated:

"Mr. President, I rise in strong support of this measure.

"This is the part of the ice package that deals with prevention and treatment, diversion, rehabilitation. The other aspects of the problem which have to do with tweaking our criminal laws, making it easier to deal with the folks who actually have committed crimes is in another measure we passed.

"I also think it's important to recognize, for the record, that while the executive was involved and did a fine job with the summit, it was in fact the Legislature that took the lead. I wasn't on the task force but many of my colleagues were, and if you look at the timeline, it was created last Session. They worked all interim, went to countless meetings. I had the good fortune of chairing the meeting when they were on Maui and we heard hours of testimony from the prosecutors, from the police, from the providers, from the folks in drug court. They told us what we really needed was a comprehensive plan of prevention, diversion, support for people when they're coming out of

treatment, the clean and sober houses, the ability to have drug treatment in our correctional facilities, and how we need to help people stay away from that drug life once addicts get out of their treatment so they don't relapse.

"We're dealing with a drug that is very, very addictive. It's not just something that you can walk away from. Many people can't and they need to have that support, and that's what this bill does.

"This bill is in response to the hundreds of hours and the thousands of testimonies that the Legislative Task Force heard, and fortunately, when the Lt. Governor had his drug summit months after the Legislature had completed its work, they heard the same thing. So that's why we can go forward in many respects in tandem because it is a response to the community.

"I think this is a very good bill. I'm delighted to see the emphasis on prevention, treatment, and rehab, because I really think those, in the long term, are going to be the kinds of efforts that will enable us to break the cycle of drugs and the cycle of violence that goes with it.

"I urge all of my colleagues to support this measure. Thank you, Mr. President."

Senator Hogue rose to speak in support of the measure with reservations and said:

"Mr. President, I rise to support this measure with reservations.

"My reservations have to do with the fact that so much of this bill is coming out of the rainy day fund. I'll talk a little bit more about the rainy day fund bill when that comes forward. I wish we could have just generally funded these rather than coming out of the rainy day fund.

"Also, I want to echo some of the comments brought forward by the good Senator from Hawaii Kai regarding balance. It really doesn't matter whether the Lt. Governor was first or the Legislature was first. Both of us talked about this problem and heard community efforts. I was at many of the meetings as well, and there has to be this balance between the law enforcement community and those who victimize and talk about treatment. This particular measure goes, I think, a little bit out of balance more towards the treatment side than the law enforcement side.

"There has to be equal balance brought forward here by the Legislature, and for those reasons, I want to note my reservations. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 5-04 was adopted and H.B. No. 2004, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 6-04 (H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 6-04 be adopted and H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Hogue rose to speak in opposition as follows:

"Mr. President, I rise in opposition to this particular measure.

"This is the raid bill. If we were doing our own budget at home, it would kind of be like rob Peter to pay Paul. We all do it. So, that's essentially what's going on here.

"But I wanted to point out one particularly (I'm going to use the word here) egregious section – Sections 17 and 18. It's bothersome that we are going here and attacking the state highway fund. And the reason why I find this particularly problematic is that these funds are funds that we could get federally. As I understand it, and we have called the Department of Transportation, \$12.5 million total in Sections 17 and 18. This means we're going to raid these funds. It means that we will not get \$50 million from the federal government. I can't quite figure out why we're doing that. It doesn't make sense. When you as a family rob Peter to pay Pauls, you certainly want to make sure that you've got some money coming in and you want to do it responsibly. This doesn't seem to be the most responsible way to do that.

"So, remember that we get federal fund matching monies of 80 percent to our state's 20 percent, and we're raiding here \$12.5 million so we're going to lose \$50 million in federal grant monies from the highway fund if we do this, according to the Department of Transportation. So that's a big problem there. It almost speaks to the other issues that we had previously.

"So, over the last ten years, in fact, we've taken over \$200 million from this fund. That indicates a \$1 billion loss – a \$1 billion loss – to the state. So I would not say that that is responsible raiding of special funds.

"Also, speaking to this particular issue, the state highway fund . . . this is gas tax money. We're concerned. We see it all the time as to why our gas prices are so high. This is gas tax money right here. Here's the reason why the prices are so high. If we have a problem with this state highway fund, well then let's reduce the gas taxes. So, we answer that question as well.

"So, not responsible, doesn't make sense, and so I'm going to vote 'no.' Thank you."

Senator Taniguchi rose to speak in favor of the measure and said:

"Mr. President, I rise to speak in favor of this bill.

"Mr. President, this measure transfers approximately \$43 million in excess balances contained in various special and revolving funds to the general fund. Your Conference Committee has scrutinized the balances of the various special and revolving funds and has determined the various funds identified in this measure have balances in excess of their stated needs.

"Mr. President, this measure is an integral component of our supplemental budget and financial plan because it provides an additional source of revenue necessary to address a host of vital issues such as providing more resources for our public schools and fighting the war on ice.

"Mr. President, if I may, I would also like to note that last year the Governor transferred out of special and revolving funds over \$200 million, and that in my review of the Governor's message dated April 12, a couple days ago, the Governor is proposing transfers to the general fund of approximately \$30 million from certain special and revolving funds that have excess balances as a means to address, in part, projected collective bargaining cost items.

"I urge my colleagues to support this measure."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against this legislation, H.B. No. 2743.

"Mr. President, I would like to agree with the previous speaker regarding the necessity under this situation that we've been in for 10 years in the State of Hawaii in spending more money than we have that it's necessary to squeeze out of everything possible, including special funds, extra money. The Governor is doing it. The Legislature does it. And so in lies the story.

"I could agree to this procedure albeit for one special fund raid spoken about by the very quick to stand up Senator from Kaneohe, because the math just doesn't add up, Mr. President. Taking \$12.5 million out of the highway fund denies us the opportunity on the 80/20 percent match by the federal government, the opportunity to bring \$50 million to the highway fund. So, we'll tell our constituents next time they drive over a pothole or are stuck in traffic somewhere that the State of Hawaii turned down \$50 million because we did not spend \$12.5 million.

"Another way to look at it is that we're losing \$50 million by saving \$43 million in special funds in entirety. So by my math, it's almost a \$7 million net loss. It just doesn't make economic sense. So, there is a solution – for economic prudence I suggest we recommit this bill to Conference Committee and adjust it and see if we can't make the money up in some other area. But to lose \$50 million to save \$12.5 million just doesn't make sense.

"So, I'm voting 'no,' but I would certainly entertain a recess and a motion to recommit and take this back to Conference Committee, since we have so much time, and do what's prudent.

"Thank you, Mr. President."

Senator Kim rose to speak in favor of the measure as follows:

"Mr. President, I rise to speak in favor of this measure.

"Mr. President, I, too, was concerned about the monies taken from the state highway funds, but doing my homework and in discussing this fully, I've come to realize that this fund has more than \$12.5 million. This fund will have, I think it's \$60 million or probably even more than that. I believe our Ways and Means Chair is going to find that exact figure.

"But the fact of the matter is, those are excess funds, Mr. President, not funds that have been committed. It's not funds that are going to be matching funds. Matching funds come per project, Mr. President. Project by project, the federal government has certain kinds of matching funds, and these projects have already been identified. These projects are already part of the budget. These projects are already monies that are going to be used. They're not part of the excess funds. The excess funds are funds that the department has no intention of using, has no plans of using within their projected budget.

"So the fact that we didn't spend the money, it's the administration and it's the transportation department who did not spend the money to fix our roads. We had a hearing, Mr. President, and I questioned the department head as to why

aren't they paving our roads. They have all this money, all this money sitting there and they haven't paved our roads for years. Thirteen years have gone by and they have not paved our roads. They have not projected some of this money to be used.

"So I suggest that our colleagues across the way really go and talk to the Department of Transportation and find out why they have all this money, this excess money, why these monies are not committed as matching funds, and we are not losing \$50 million. We are not losing these matching funds. So I suggest that they go back and maybe take a recess so that they can go back and talk to the department head and find out why they haven't committed this money and why it's not part of their budget.

"Thank you."

Senator Hemmings rose in rebuttal and said:

"Mr. President, this is my first time or my first rebuttal on this particular issue. Thank you, Mr. President, I appreciate you keeping count for me.

"In rebuttal to the previous speaker in response, just so we all understand each other, we agree that the roads have not been repaired for 13 years. You're exactly correct. And that's exactly why we have a new administration that's going to correct the years of abuse the previous administrations heaped on this community regarding the maintenance of our highways.

"Nevertheless, though this money may be sitting in the fund, that does not preclude it from being used in the near future to get matching funds federally. Nevertheless, this money – \$12.5 million – could turn into \$50 million worth of federal help. That's a fact. When it's done, like we talked about hiring vacant positions, hopefully it will be sooner than later. And what we're really proud of on this side of the aisle is that this administration has done an excellent job of funding human service programs with federal money, and I'm sure the Department of Transportation Director, Rod Harada, is going to do an excellent job of pursuing turning state funds into a four to one match to federal funds.

"That's why it is imprudent to eliminate this money from the special fund. Thank you, Mr. President."

Senator Kim rose in rebuttal and stated:

"Mr. President, in rebuttal.

"Mr. President, I would like to remind the previous speaker that it's this administration and this transportation director who proposed the budget that is not using all the funds. I also propose that there is already \$12.5 million in the current excess fund that could get us the money. In fact, if we have \$60 million there, and I'm also hearing that it might even be \$100 million, those are all the monies that can be used for the matching funds.

"But again, it is this administration and this transportation director's budget that does not utilize these excess funds. Thank you."

Senator Sakamoto rose to speak in favor of the measure as follows:

"Mr. President, I speak in favor of the measure with some clarification on these funds.

"Some people seem to feel because we have a million dollars we go to the federal government and say, 'We have our million,

where's your four million? We have our 1.5, where's your 6 million?" That is not how it works.

"Having Co-Chaired the transportation Committee with our Senator from Waipahu, as well as for a time sat on the OMPO Committee and looked at how the state does planning, the federal government every six years does an act that funds transportation projects. Hawaii is fortunate that although we are a small state compared to Texas, we're what they call a zone E state. We get more money than states like Texas for the dollars our residents put in. So that's something that Congress does.

"But every six years, and it's coming up shortly, they start to say this is the portion of money that will go to Hawaii. For some of them, specific projects, like a project soon to come about in Pearl City where an additional lane is added, some for buses. But in essence, it's not an unlimited fund. It's a finite fund.

"As the Senator from Moanalua pointed out, these projects need to be planned out. In the past, these projects were planned out to match what federal dollars come in, and if we don't have enough federal dollars, we spend all the state dollars. But ideally, we do want to match.

"So, it's not a correct statement to say just because we have taken some money out of the fund, we've lost a billion dollars – far from it. We're not foolish. But certainly, as has just been pointed out, excess funds, pushing it up to the window, leaving it stacked there day and night, day and night, don't help us carry on the business of our state.

"So we need to look at how we can best use our funds, and certainly I'm sure the good people in the transportation department are doing that. But certainly perhaps they need to re-look at how we can use some of the dollars that are sitting there better. But certainly if there are excess dollars, let's put them to good use.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 6-04 was adopted and H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Conf. Com. Rep. No. 7-04 (H.B. No. 2796, H.D. 1, S.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 7-04 be adopted and H.B. No. 2796, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to speak in opposition as follows:

"Mr. President, I rise in opposition.

"This is the rainy day fund raid. First of all, I want to say that I certainly understand and I feel compassion for many of these programs that in here. I just don't believe it is good fiscal policy to come back year in and year out and raid the rainy day fund.

"I should note, colleagues, that the NCSL, also the National Association of State Budget Directors recommends that we have as much as 5 percent of our total budget in the rainy day

fund. As a matter of fact, we have about .6 percent. That's all, just a little over one-half of 1 percent – \$54.3 million in the rainy day fund of our total budget of \$9.15 billion.

"So, every year if we're going to go into this thing and we're going to raid it, I think the amount of this raid is around \$9 million or so, not good fiscal policy. So, I would encourage us to stop this particular practice. If these are worthy programs, and most of them are, then we've got to find ways to fund them through the general fund and not continuously raid the rainy day fund until it doesn't even exist when we finally have that really bad rainy day.

"Thank you very much, Mr. President."

Senator Baker rose to speak in support of the measure as follows:

"Mr. President, I rise in support of this measure.

"Mr. President, this is a complimentary bill to the budget. This bill along with the funds in the budget helps make sure that our health safety net is intact. For many folks outside, it is raining, and this rainy day fund for those programs I believe is most appropriate because the rainy day and budget reserve fund is coming from a diversion of funds from the tobacco settlement fund. That's the source of the rainy day fund.

"It seems to me that the nexus between the bad health that those funds are deriving from and the good health that we need in our community is quite strong. Therefore, I think it's very appropriate that we use those funds to ensure that the health safety net stays intact. The funds for our community health centers, for our hospitals, for important health and social service programs are to try to help the most frail and vulnerable in our community.

"It seems to me, Mr. President and colleagues, that in a perfect world we would have all of the general fund monies we need, but since we don't have a perfect world and the budget and emergency reserve fund is coming from the tobacco settlement fund, it's an appropriate use of those funds when it is raining outside.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 7-04 was adopted and H.B. No. 2796, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hogue, Slom, Trimble).

Conf. Com. Rep. No. 8-04 (S.B. No. 2525, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 8-04 be adopted and S.B. No. 2525, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kim.

Senator Taniguchi rose to speak in support of the measure as follows:

"Mr. President, I rise to speak in support of S.B. No. 2525, C.D. 1.

"Mr. President, the purpose of this bill is to repeal the primary funding source for the Department of Commerce and Consumer Affairs in compliance resolution fund. Historically, several divisions in DCCA were self-sufficient, sustaining operations from the fees and other revenues they collected. In

1999, the move to make the entire department self-sufficient was made when the director approached the Legislature with a plan to commit the entire department to self-sufficiency and to remove any reliance on general funds.

"However, last year the department's revenues and expenditures were off by approximately \$14 million. This raised concerns that there needs to be more accountability and scrutiny. Therefore, after careful consideration, we found that a reasonable solution is to require the department, like other departments, to make expenditure requests from general funds.

"We have considered a large raid of the compliance resolution fund rather than conversion to general funds, but we couldn't do this, and actually the House argued not to do this, because the department's revenue stream goes up and down throughout the year as they get revenue from different sources. If we took, I guess, a large \$30 million level of raid, there would be payroll shortfalls that would occur.

"We also believe that if the department has developed a culture of customer service that this would not change under this bill. The professional and vocational licensing division will remain special funded through the establishment of the compliance and regulatory education special fund. We left this division intact because the fees assessed, license fees, are tied only to the costs directly related to regulating that licensees, profession, or vocation.

"It has been brought to my attention that amendments made to Section 26-9, Hawaii Revised Statutes, regarding decreasing or increasing fees may have some ambiguity as to what are revenues in determining the formula for triggering the decrease or increase.

"It was our intent that revenues include but not be limited to any general fund appropriation fees or fines collected and received by the department.

"I urge all members to support this measure. Thank you."

Senator Slom rose to oppose the measure and said:

"Mr. President, I rise in very strenuous opposition to this bill.

"You know, of all of the lame, irrational, difficult bills and bone-headed bills that we're discussing today. This is the worst. It makes absolutely no sense.

"As a customer of this department over many years and a strong critic of this department over many years, as were many in the community, this department has one of the worst reputations in state government. There was no reliance on customer needs. There was no reliance on providing efficient, productive, and rapid service until under a previous administration there was the proposal made to allow the department to become self-sufficient and to go in a direction that would change all of that.

"In the bad old days, one could wait for months for a very simple registration or a very simple report that was needed for business registration or one of the divisions under DCCA. And even though, as the previous speaker mentioned, we did make this change, the idea being to make this department both self-sufficient, autonomous, and to allow it to see if it could correct its many difficulties, many of the significant changes were not made until the last two years under yet another change in administrations.

"To say that the funding or the accountability is troubling leaves me greatly troubled. No one has been to more committee

meetings, Ways and Means and others, than the present director of DCCA. No one has answered questions better and more truthfully, more honestly, and in more detail than the current director of DCCA. And while I know my colleagues always take my word for everything I say, they don't have to entirely take my word in this measure because a recent survey shows that of all the state departments, the one that was both most and improved and most customer friendly was the Department of Commerce and Consumer Affairs.

"Business pays into this fund, the CRF, the compliance resolution fund. Business pays in with the expectation that services will be delivered in a professional and business-like manner. Business has said overwhelmingly that they like the changes that have occurred within this department. Probably no department has taken to heart the Governor's inaugural reforms that the 'open for business' sign is on in the state more than the DCCA.

"And the best part is that the director of the DCCA himself came before Legislative Committees and said, 'Look, we've reviewed a number of the proposals; we've made a number of changes administratively, but I want to make more changes. One of the changes I want to make is to reduce fees.' My understanding is that there were four bills that were introduced, two were never heard by Ways and Means, to reduce fees. One was going to do away with a certificate of completion fee entirely. The rationale from the director was, 'look, we make businesses and individuals jump through all kinds of government hoops to prove to the community that they are legitimate, that they are in compliance, that they have accepted the regulation, that they have been accountable, and after we do all that then we charge them a fee to get the certificate to say that we've done that.'

"The director recommended that that fee be eliminated. The Ways and Means Committee said 'well, not too fast now; we don't like to operate too fast in state government. Let's only reduce it. Let's reduce it to \$10.' The director was there the day that discussion took place and I asked the director pointedly, 'Do you need the \$10?' And the answer was 'no.' And he looked at other fees and requirements to reduce the cost of doing business in Hawaii. And what do these costs of doing business do? They limit new capital, new investment, new funds to not only stabilize and enhance our economy, but it also should be the source for paying the kinds of human service needs and other needs that we try to prioritize within the state.

"So here you have a department that is doing exactly what it was mandated to do, only even better. And what is our response? This is not a raid bill, Mr. President. This is an evisceration bill. We don't want to just take money from the DCCA, we want to penalize it for their productivity. We want to penalize it for their success. We want to penalize them for the realization by the business community that supports them and pays the bills. We want to penalize them for doing a good job and for keeping their word.

"I don't understand it. I really don't understand it. There's no economic or budgetary reason for doing this except, except if you just look at it from a monetary perspective. And what is that monetary perspective? This bill would repeal the CRF and would transfer approximately \$32-\$34 million from this compliance fund into the state general fund. I guess presumably to help us take care of our public employees even more. Maybe we could do it on a yearly basis instead of every two years.

"But the businesses have already paid and the businesses would continue to pay, only now, the Legislature would reinsert its control over this successful department. It's kind of like

what happens in education – you have charter schools that are public schools and you have the unions and several of my colleagues that really don't like charter schools because they are autonomous and they are doing the things that they're supposed to do. They are a shining example, but we don't like that because they don't fall in line and they're not under control of the monolithic power of the educational bureaucracy.

"And here we have a department in the same situation. Why take this money away? Why take this CRF and eliminate it and start a special fund within the same treasury, take all the money from the general fund, keep the liability for the businesses there, make sure that the DCCA does not have a dedicated source of funding so that they have to come hat-in-hand every year to beg for their budget again as they used to. It gives nothing back to business. There's no benefit. There are no concerns about the DCCA and its customers. The customers have answered that.

"I looked over the testimony and all of the hearings in both the Senate and the House. There were like 40 to 1 in favor of DCCA opposed to this bill, 70 to 1, 80 to 1. But we're ignoring all those people. We're telling them that what they say and their daily involvement with this department doesn't matter because we know better. But you know what? We don't know better. The questions were asked. They were answered. We've got a very clear trend of what's happened in this department and we're ignoring it. I suggest we're doing it not just for the money, because we're going to take their money anyway, but we're doing it because we do not want any real independence or autonomy or success, because that might reflect on the executive branch and we certainly don't want to do that.

"So, business was overwhelmingly opposed to this bill. The monetary reasons for changing in the first place, which came from a Democratic administration, are as sound today as they were then. I don't see any forceful argument. I don't see any rational argument for doing this, and I know that some of the members of the Majority Party are conflicted because common sense and rationality tells them this is a bad, bad bill and a bad motive for doing this. And I hope that they will stand up and say so, and I hope that this bill will be defeated.

"Thank you, Mr. President."

Senator Taniguchi rose in rebuttal and said:

"Mr. President, a rebuttal. I support the bill.

"I'm certainly glad that we have refrained from the bone-headed practice of loudmouth name-calling on this Floor.

"In rebuttal, again, the department is not being negatively impacted. Actually, we think it may be better. They will be able to, rather than have to worry about I guess their up and down income and revenue source, by being in the general fund, they won't have to worry about that. Businesses should not see any change. All positions are retained. All the same people will be at the same counters that they have been. The director will still be able to hire and fire people. They can request additional positions as he does now.

"So, we believe it's a good bill. We need the bill for our financial plan, and we ask the members to be in support.

"Thank you."

Senator Menor rose in opposition and said:

"Mr. President, I just wanted the record to reflect the fact that I will be voting 'no' on this measure. I have strong opposition

to this measure, which I have already shared with my colleagues in Caucus and also in discussions.

"Let me just say briefly that when your Committees on Consumer Protection and Transportation conducted a hearing on this measure that there were about 80 testifiers, many of which came from the business community who expressed strong opposition to this measure. I believe that there was one testimony in support from the Tax Foundation of Hawaii, and to date, I don't think that there has been any additional testimony, correspondences, or communication that have been submitted in support.

"We decided to hold the bill because we felt that it took a wrong approach to budgeting. I'm very concerned about the fact that the passage of this bill could dismantle a system in DCCA that has served the public well and also has served businesses well.

"I'd also like to note that I have history with respect to this issue. As the longtime Chair of the House Consumer Protection Committee, I worked closely with former director Kathy Matayoshi and the Cayetano administration to put together this structure and I believed in the structure back then and I still believe in it now.

"Thank you."

Senator Hogue rose to inquire:

"Mr. President, would the good Senator from Mililani yield to a question?"

Senator Menor having answered in the affirmative, Senator Hogue inquired:

"I would find it very appreciative if you could give us the detailed reasons for your opposition to this particular measure. I think it would be very helpful. I know I served on the Committee with you. I know that you have worked very hard with this particular department, this administration and the previous administration, and I think it would be very instructive not only to the members of this Body, but also the members of the public as well, if you could please give out some of those reasons as to why you held that bill.

"Thank you very much."

Senator Menor responded:

"Mr. President, just in response, I think that the reasons are really a matter of public record. We had extensive hearings on the measure and the testimonies in opposition were quite persuasive to myself. In addition, I think we've already had lengthy remarks delivered in opposition by the Senator from Hawaii Kai and I'm sure that you'll hear other remarks being delivered along that line.

"My position basically reflects and echoes those sentiments."

Senator Trimble rose to oppose the measure and said:

"Mr. President, I rise in opposition to this measure.

"We have a legislative auditor. I think we may have just given her a raise, and then we completely ignore what she says. The legislative auditor has consistently said over time there are three criteria that should be used to determine whether a special fund makes sense or not. The first one is, are the people getting the benefit the same as those paying the fee? In the case of DCCA – yes, they are. Second, is there a relationship between

the fee that is paid and the service that is provided? In the case of DCCA – yes, it is. The third one is, is the special fund capable of being self-sufficient? The answer again is yes, it is.

“If ever there is a case that could be made for an organization to have a special fund, it is DCCA. Colleagues, what we are doing here today in terms of putting together the budget package makes no sense. There are some outside this Chamber that will view our actions here today as petty, misguided, short-sided, vindictive. Why do we continue to compound mistake, after mistake, after mistake?”

“I urge you to reject this bill. I urge you to vote ‘no.’ Thank you.”

Senator Slom rose in rebuttal and said:

“Mr. President, just a brief rebuttal.

“Let me assuage the concerns of the good Senator from Manoa, the Chair of Ways and Means. Bonehead is a bipartisan term of endearment and not meant to . . . you know.

“Two years ago when we took funds from the insurance regulation fund within DCCA, that resulted in a lawsuit, which I understand is still underway – a lawsuit for illegally taking those monies. I would suggest that if in fact we take these monies that there will be a similar lawsuit as there should. This is an illegal taking of funds that were deposited for a specific purpose and that purpose is not going to be realized.

“In addition to that, what troubles me more, when we were debating the budget, there was an issue about federal funding and positions. And the head of the department, Department of Human Services, stated her position very clearly that it would be the loss of the ability to fund those positions. But we, being wiser than the department head said, no, we have a different opinion; we’re going ahead and we will override that opinion.

“Now we’re saying the department head of the Department of Commerce and Consumer Affairs has said strenuously that this would be a bad move. And we’re saying, but we know better because we’re the Legislature. We’re going to take over everything. We’re going to do everything, and we can do it better.

“Look to the track record of this Legislature and look to the track record of DCCA and I will stay with the DCCA position. This is a bad move and we should be ashamed if we do it.

“Thank you.”

Senator Sakamoto rose and said:

“Mr. President, I just want a clarification from the Senator from Hawaii Kai.

“Over the years that we have been here, every time we increased or added a special fund he has voiced vocal opposition. This time we are proposing to do away with special funds or special fences around money, but he’s so vigorous in his support. So I’m wondering if he has changed his position and if he would just clearly answer that – yes or no.”

Senator Slom responded:

“I’d be very happy to, Mr. President.

“Yes, I have voted against the creation of every special fund. We’re talking about something that’s in existence right now. We’re talking about the department. And by the way, as I

mentioned earlier, what the state proposes to do is loot the money from the CRF and create a special fund to put that looted money into. But we’re talking about that department and how that department works, how it helps business, and the good Senator knows quite well that the business community overwhelmingly has supported this DCCA operation and wants it to continue the way it is. And I’d be very disappointed if this Senator votes to go against the wishes of the business community.

“Thank you.”

Senator Ihara rose in opposition to the measure and said:

“Mr. President, I rise in opposition to S.B. No. 2525.

“Mr. President, I understand the concerns about the need to balance the budget using monies from DCCA’s compliance resolution fund. I just prefer that this be accomplished without eliminating this fund.

“Thank you.”

Senator Baker rose to speak in support of the measure with reservations and said:

“Mr. President, I rise in support of this measure with reservations.

“I had no problem with creating DCCA as a special funded department, and I still don’t. I suppose if I had my druthers and there weren’t budget implications, I would prefer that we keep it that way. But you know, Mr. President, I don’t believe that it’s the source of funds that determines whether a department is going to be efficient, effective, and friendly to business. If it were only determined on the source of their funds, we would be in big trouble.

“So, I reluctantly support this measure because I don’t think that the source of funds determines how well our departments operate.

“Thank you, Mr. President.”

Senator Fukunaga rose and said:

“Please record my support with reservations.”

The Chair so ordered.

Senators English, Aduja and Tsutsui requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 8-04 was adopted and S.B. No. 2525, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE FUNDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Chun Oakland, Hemmings, Hogue, Ige, Ihara, Menor, Slom, Trimble, Whalen).

Conf. Com. Rep. No. 9-04 (S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 9-04 be adopted and S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Hooser rose to speak in support of the measure as follows:

"I rise in support, Mr. President. I'd like to speak for a moment in support of S.B. No. 3238, relating to education, the reinventing education act of 2004.

"We spoke about many aspects of this measure in prior discussions, so I'll try to keep my remarks brief. However, I think this is, without a doubt, the most important piece of legislation that I've been privileged to participate in, in my brief career here in the Senate. When I first ran for office two years ago, the reason I chose to run for the office of Senator for district seven was to support and improve our public education system. I'm very thankful for the opportunity to participate in that process in the previous last two years. I'm also thankful for the opportunity on gratifying yourself, Mr. President and my colleagues, to serve as Vice Chair of the Senate Education Committee.

"The ability or the opportunity to participate in this process is really a unique one and it's been a really wonderful opportunity and it's brought about this significant piece of legislation and it's really been a partnership between the Senate and the House, teachers, principals, parents, the business community, and many, many people in our community.

"The process has been comprehensive. It's been long. It's been arduous at times. I'd like to take a moment to thank the Education Committee Chair, the Senator from Moanalua, for the hard work that he's done on this legislation. I personally witnessed long hours in the evenings working and meeting with people, as well as the Education Committee staff and my own staff, and of course members of the House who've also participated.

"I ran for this office to make a difference in public education, and the bill that we're voting on today does that and it does that in a very large measure. And while it may not satisfy everyone, there have been many sides to this debate. This bill, like most of our legislation, will not satisfy everyone. Of course, there was the obvious issue of the school board issue – the seven boards, the four boards, the multiple board constitutional question that is not included in the measure that we debate today. But I'm hoping, Mr. President, that those individuals who supported that measure both in the community as well as in our Chambers today, will put aside their disappointment and look closely at this bill and closely at the very many positive aspects this legislation has to offer to our community and to our schools and to our students.

"This bill represents a huge step forward and is a major reinvention of our public education system. The concepts and provisions in this bill were supported by teachers, principals, by our PTSA, by our Hawaii State Student Council, by the Hawaii Business Roundtable, by realtors, by neighborhood boards. The Honolulu Advertiser recently published a poll saying that the community at large, the majority of the community supported our bill, these provisions. The major provisions are reflected and have been practiced in places like Edmonton and in San Francisco. It is a good bill.

"We talked about many, many aspects many, many times, so I'm not going to go too much further. I'd like to encourage my colleagues to support the bill. This is a nonpartisan bill. This affects schools. It affects teachers. It affects students in all districts – Republican districts and Democratic districts, and, I suppose, nonpartisan districts.

"If you support direct funding of your schools in your district, I encourage my colleagues to vote 'yes' on this

measure. If you support increasing small class sizes or decreasing class sizes in K1 through 2, which has been proven to positively affect learning in young children, if you support that measure I encourage you to vote 'yes' on this measure. If you support, colleagues and Mr. President, spending more money for books and supplies, more money for parent network centers, I encourage you to vote 'yes' on this bill. If you support paying and rewarding our teachers more – teachers that excel, teachers that take the step to apply and qualify for national certification – if you support rewarding these teachers with a \$5,000 annual bonus in your district in your school, I encourage you to vote 'yes' on this bill. If you support empowering teachers, empowering and supporting our principals with additional responsibility, additional accountability, and additional rewards, I encourage you to support this bill and vote 'yes.' If you support reducing the bureaucracy in your districts and in your schools, again I encourage you to vote 'yes.'

"And of course, as much talked about increasing school/community participation, this bill does that. And again, if you support that in your school, the school in your neighborhood, the school in your district, I encourage all of you to vote 'yes.'

"This is a good bill. It does many, many good things. This bill changes fundamentally and positively the way our schools are mapped. This is a bill that each of us as individual Legislators can be extremely proud of, and I encourage all of you to vote 'yes.'

"Thank you, Mr. President."

Senator Hogue rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition, and I want to be respectful to the previous speaker. Good people can just agree to disagree.

"I do agree that we want to support the weighted student formula, textbooks, teacher retention, principal recruitment, some of those very necessary ideas regarding education. But have we truly reinvented our education system? Have we truly brought the real reform on our system? I would argue that we have not. Because essentially what this bill does is it gives actually more power to a centralized bureaucracy that unfortunately has not had the best results over these past 40 years.

"So, I disagree with the previous speaker. It's how do we change that? What is real reform? Real reform is bringing competition into the system. Real reform is bringing locally elected school boards. Real reform is breaking-up the centralized system. So we agree to disagree, and I think that's a very, very good debate. Maybe in your communities you're in favor of this venture to school reform, and maybe in other districts, including my district, you're not in favor of this being called school reform.

"So ultimately, we can throw the debate over to the people, and what this bill does not do, and what we have asked over and over again, is let the people decide. Is there a definition of real reform – breaking up the current centralized school bureaucracy – or do you want to empower it even more as this particular bill does? So, we've left out that great opportunity to hear from the people and give them an opportunity to vote in November.

"So we agree to disagree. Ultimately, we're going to find out over the next several years whether this in fact was real reform or fake reform. We don't know. We won't know, but

we've left out a very, very important voice, and I feel that is very, very problematic, I guess.

"So, I would encourage my colleagues to rethink their position. I wish we could go back to the table and allow people the opportunity to voice their opinion now on this very important measure.

"Thank you, Mr. President."

Senator Sakamoto rose in support of the measure and said:

"Mr. President, I rise in support of the measure.

"As the Senator from Kauai pointed out, many, many people helped and I can't fail to point out the Senator from Ways and Means and all of the people in this Body who supported via through the discussion, through the what can we fund, perhaps what can we not fund. And certainly, this measure funds many things, but combined with S.B. No. 1800, the Ways and Means and House Chairs have found a way to fund over \$26 million or about \$26 million, not in this bill, more for security, more for the treatment of drug treatment in the schools, more for transportation, transforming A-plus, more for coaches, more for trainers, more for the library books, certainly much more for repair and maintenance, much more for capital improvements.

"But back to this bill, many people are sort of confused when will what happen when. And as the Senator from Lanikai points out, it is not instant, but certainly this measure would bring more textbooks now, math books, and one of the reasons why math books, I think our system is overly decentralized now in curriculum in books. So this would help to focus the department on, well, let's look at math books and how can we use this source of money to perhaps bring together such things that are overly decentralized now.

"Class size now – kindergarten, first, second grade – the goal would be maximum 25. The bonuses that were previously bargained but not in this bargaining agreement, \$5,000 a year now . . . well, not now. They have a memorandum of agreement that goes forward, but when that ends, there will be certainties that the \$5,000 a year will continue.

"As mentioned, the PC&Cs every school starting now – student activity coordinators, high schools, full time; information technology infrastructure now; principals academy starting now; more faculty at the University of Hawaii for our teacher shortage starting now; repair and maintenance, getting those decisions de-linked from DAGS starting now. These things will start along with the pilot project to let's say how can this really happen. So, school year 04-05 pilot project provision in this bill for the department, for the board of education to have community meetings untangled from some of the bureaucracy that would prevent them from having a free discussion as they get public input, that can happen as soon as we pass this measure.

"The committee on weights will be starting discussion on how to de-link DAGS, DHRD, and perhaps that can happen very soon. Discussion on 12-month principals can start. So, for the school year 04-05, pilot project, repair and maintenance, board meeting, some of these issues. From 05-06, the hope is we can deal with principals and vice principals in a different context than other operational officers in the department so we get more efficiency there and we can look at our principals as the key leaders implementing the school-community councils 05-06. We can have that transition from SCBM, if they have one, for implementation of that 05-06. At that time, the performance contract for principals, hopefully there's something hammered out that that can start. De-link Budget

and Finance, Department of Health, Attorney General, Human Services come that time. Then 06-07, with all of that done – 04-05, 05-06, 06-07 – then we can implement the student weighted formula and the single calendar.

"The argument always talks about overly centralized. That is not correct. Look at our school calendars. They're so defused but they've caused so much confusion that parents are upset. We can't do professional development too decentralized, and I think that's one thing that will centralize, will actually mean more efficiency for parents for community, and for developing our professionals, that 06-07.

"So certainly, Mr. President, we go around the clock and we hope in that time, separate from the discussion of shall there or shall there not be school boards, people will all get behind having this be successful. Houston, San Francisco, Seattle, Edmonton, other places are looking at it. So Mr. President, let's go around the clock and be successful because it will take not just the students, not just the parents, not just the teachers, it will take the community to get behind this. So let's all get behind it and put our good effort to make it successful.

"Thank you."

Senator Menor rose to speak in favor of the measure with reservations and stated:

"Mr. President, I'd like to speak in favor of this measure but with some reservations.

"First of all, I wanted to commend the Chair of the Education Committee for all of the hard work and commitment that he has devoted to the issue of education reform. He really has done an outstanding job, so we need to express our gratitude to him for his leadership in that particular area.

"I'm also going to be very supportive of this bill because of the fact that as a member of the Senate Education Committee, I have oftentimes stated that the key to a quality education is to focus on basics, which are to provide adequate resources and funding to our schools to enable our educators to be able to do an effective job to educating our youngsters. I think that this bill focuses on those particular areas by including, for example, funds for reduced class sizes, textbooks, and other important areas in education.

"However, I do have some reservations. One of the concerns I have is the fact that there are still many details that have to be worked out during the interim regarding the implementation of this bill. Moreover, I do have some reservations about the establishment of school-community councils and how effective they would be. Moreover, I do have reservations about the provisions in this bill that propose adding more responsibilities and functions to the Department of Education, which in effect would be expanding the education bureaucracy which I think might be counterproductive.

"However, I believe that on balance that this measure is a strong measure. It is a significant start in the direction of education reform. So I will be voting in favor of this measure.

"Thank you."

Senator Trimble requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 9-04 was adopted and S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

S.B. No. 3237, S.D. 1, H.D. 1:

Senator Menor moved that S.B. No. 3237, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Menor rose to speak in support of the measure and stated:

“Mr. President, I rise to speak in support of S.B. No. 3237, S.D. 1, our Hawaii Rx-plus bill.

“Mr. President, I’m very happy to say that this measure, which is a product of a great deal of hard work, is a bill whose time has finally come. It will place Hawaii as a national leader in attacking one of our nation’s biggest problems in the areas of consumer protection and healthcare, which is the skyrocketing cost of prescription drugs.

“With the passage of this bill, as I’ve stated on many occasions, this bill will make Hawaii one of two states along with Maine as having a law which will enable state government to be able to effectively negotiate price discounts with the drug manufacturers on behalf of the consumers of Hawaii. So in that regard, this bill will position Hawaii as a national leader on healthcare issues once again.

“Mr. President, an estimated 300,000 people – some of them working individuals, seniors living on fixed incomes who struggle to pay for medication that they need – will benefit from this program. Most of these individuals have inadequate drug coverage or no coverage at all.

“As we all know, today’s vote represents the final action that the Legislature will be taking on this measure before it is sent to the Governor. So in that regard, before I offer my thanks, I just want to say that it really has been a long and difficult road and we are now poised to pass groundbreaking legislation with a clear benefit for the people of Hawaii.

“We have many people to thank for that. We have consumer groups who were involved in this legislation, concerned citizens, lawmakers such as my colleague Senator Baker who was my Co-Chair on this measure, and we also need to thank the Governor for her support. I would also like to note that there were several representatives of the consumer organizations who worked hard to make this bill a reality whom I believe are in the gallery. They include Greg Marchildon and Alicia Maluafiti of AARP; Albert Hamai of the Hawaii Alliance for Retired Americans; Donna Higashi and Justin Wong of the HTA retiree groups; and Joy Kealoha of ILWU. We really do thank them a great deal for all of their work.

“In closing, I ask my colleagues once again to join me in voting for S.B. No. 3237, S.D. 1. Thank you.”

Senator Baker rose to speak in support of the measure as follows:

“Mr. President, I, too, rise in support of this measure.

“Mr. President, it’s been my pleasure this year to work with the good Senator from Mililani, the Senator from Kaneohe, and others on trying to come up with not only a measure that is going to bring much needed relief in terms of the high drug

prices, but something that could be implemented and implemented quickly.

“It seems to me that the coalition of individuals both from the community, from the House and the Senate, and the administration came together. The kind of working relationship that ultimately emerged is the kind that we would like to see for all our bills. This is certainly a bipartisan effort and one that I was very pleased to be a part of.

“It’s going to help senior citizens, former plantation workers, folks that are regular citizens, individuals who at any place in the state do not have a drug benefit plan and need some assistance in paying for their prescription drugs. It’s a very forward-thinking bill, a forward-looking bill, and I’m so pleased to have had the opportunity, Mr. President, to be a part of this measure. I thank all of my colleagues who gave their input, gave their support, gave their help along the way, as well as our colleagues in the House, the representatives from the administration, the director of Human Services, the director of Health, and ultimately the Governor herself when she signs this measure into law and it becomes effective July 1st this year.

“Thank you, Mr. President.”

Senator Hogue rose to speak in support of the measure as follows:

“Mr. President, I want to echo the comments of my colleagues from Maui and from Mililani. A lot of people worked on this. I also want to duly acknowledge the director of Human Services, who is up in the audience as well, for all her hard work. This is a bipartisan effort. The Governor has come out very strongly wanting to help the people in this gap group. It’s an important measure, I’m sure, not only in your communities but in my community as well, as we try to get some lower prices on prescription drugs, a very important measure.

“I just hope that we haven’t inadvertently, though, according to the director of Human Services, cut some positions which are going to be needed to administer this very important process. So, I hope that we can correct that in the days ahead here.

“I encourage your support on this particular measure, and I hope we can work out that potential personnel problem to administer this very important and much needed program.

“Thank you very much, Mr. President.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3237, S.D. 1, and S.B. No. 3237, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

THIRD READING

H.B. No. 2840, H.D. 1, S.D. 3:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, H.B. No. 2840, H.D. 1, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO ENHANCING ECONOMIC DIVERSITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2049, H.D. 1, S.D. 2:

On motion by Senator English, seconded by Senator Ige and carried, H.B. No. 2049, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 13, 2004

Stand. Com. Rep. No. 3280 (S.C.R. No. 18):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COURAGEOUS LEADERSHIP OF THE UNIFIED BUDDHIST CHURCH OF VIETNAM AND THE URGENT NEED FOR RELIGIOUS FREEDOM AND RELATED HUMAN RIGHTS IN THE SOCIALIST REPUBLIC OF VIETNAM," was adopted.

Stand. Com. Rep. No. 3281 (S.C.R. No. 22):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 22, entitled: "SENATE CONCURRENT RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL," was adopted.

Stand. Com. Rep. No. 3282 (S.R. No. 11):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 11, entitled: "SENATE RESOLUTION URGING STATE AND HONOLULU COUNTY RECOGNITION OF THE VIETNAMESE AMERICAN COMMUNITY'S FLAG SYMBOL," was adopted.

Stand. Com. Rep. No. 3283 (S.C.R. No. 51):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 51, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING OUR CONGRESSIONAL DELEGATION'S SUPPORT FOR MEASURES TO RESTORE HEALTH CARE BENEFITS TO VETERANS," was adopted.

Stand. Com. Rep. No. 3284 (S.C.R. No. 52):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 52, entitled: "SENATE CONCURRENT RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES," was adopted.

Stand. Com. Rep. No. 3285 (S.R. No. 23):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted

and S.R. No. 23, entitled: "SENATE RESOLUTION URGING THE SUPPORT OF DEPLOYED HAWAII NATIONAL GUARD AND MILITARY RESERVISTS THROUGH ECONOMIC RELIEF MEASURES," was adopted.

Stand. Com. Rep. No. 3286 (S.C.R. No. 88):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 88, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF INTERISLAND AIR CARRIER FARE PRICE MECHANISMS," was adopted.

Stand. Com. Rep. No. 3287 (S.C.R. No. 102):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 102, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HONOLULU DISTRICT OFFICE OF THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES TO AUTHORIZE THE ENTRY OF FILIPINO LONGLINE FISHERMEN WITH VALID TRANSIT VISAS," was adopted.

Stand. Com. Rep. No. 3288 (S.C.R. No. 4):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 4, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN INTERAGENCY TASK FORCE TO EVALUATE THE OPENING OF CHILD WELFARE FAMILY COURT PROCEEDINGS TO THE PUBLIC," was adopted.

Stand. Com. Rep. No. 3289 (S.C.R. No. 189):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 189, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR MALAMA O KAMALIGI MAKAMAE IN ITS EFFORTS TO DEVELOP CARE HOME FACILITIES FOR NEEDY CHILDREN OF HAWAIIAN ANCESTRY," was adopted.

Stand. Com. Rep. No. 3290 (S.C.R. No. 49):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 49, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OFFERING OF CONTINUING MEDICAL EDUCATION ON PAIN MANAGEMENT," was adopted.

Stand. Com. Rep. No. 3291 (S.R. No. 46, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 46, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL," was adopted with Senator Slom voting "No."

Stand. Com. Rep. No. 3292 (S.C.R. No. 144):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 144, entitled: "SENATE

CONCURRENT RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3293 (S.R. No. 77):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 77, entitled: "SENATE RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3294 (S.C.R. No. 67):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 67, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003," was adopted.

Stand. Com. Rep. No. 3295 (S.R. No. 31):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 31, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003," was adopted.

Stand. Com. Rep. No. 3296 (S.C.R. No. 129, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 129, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SECURE AN AUTHORIZED DESTINATION STATUS AGREEMENT WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO ALLOW VISITOR VISAS TO BE ISSUED TO CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA TO VISIT THE UNITED STATES; URGING PREMIER WEN JIABAO TO RESTORE HUMAN RIGHTS TO THE REPUBLIC'S CITIZENS AND CRACK DOWN ON ILLEGAL DRUG TRAFFICKING; AND REQUESTING THE DEPARTMENT OF HOMELAND SECURITY TO POSTPONE NEW IMMIGRATION PROCEDURES AT HONOLULU INTERNATIONAL AIRPORT UNTIL INCREASED CAPACITY IS IMPLEMENTED," was adopted.

Stand. Com. Rep. No. 3297 (S.R. No. 67, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 67, S.D. 1, entitled: "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO SECURE AN AUTHORIZED DESTINATION STATUS AGREEMENT WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO ALLOW VISITOR VISAS TO BE ISSUED TO CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA TO VISIT THE UNITED STATES; URGING PREMIER WEN JIABAO TO RESTORE HUMAN RIGHTS TO THE REPUBLIC'S CITIZENS AND CRACK DOWN ON ILLEGAL DRUG TRAFFICKING; AND REQUESTING THE DEPARTMENT OF HOMELAND SECURITY TO POSTPONE NEW IMMIGRATION PROCEDURES AT HONOLULU INTERNATIONAL AIRPORT UNTIL INCREASED CAPACITY IS IMPLEMENTED," was adopted.

Stand. Com. Rep. No. 3298 (S.C.R. No. 63, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL ORGANIZATIONS, PRIVATE AND PUBLIC, IN A COLLABORATIVE PROCESS WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO PLAN FOR, SUSTAIN, AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was adopted.

Stand. Com. Rep. No. 3307 (S.C.R. No. 77, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 77, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE 2004 AS THE 'YEAR OF POLIO AWARENESS' IN HAWAII," was adopted.

Stand. Com. Rep. No. 3308 (S.R. No. 37, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 37, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE 2004 AS THE 'YEAR OF POLIO AWARENESS' IN HAWAII," was adopted.

Stand. Com. Rep. No. 3309 (H.C.R. No. 159):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII MEDICAL ASSOCIATION, THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION, AND THE AMERICAN PSYCHIATRIC ASSOCIATION IN EXTENDING AN INVITATION TO THE AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES TO RETURN TO HONOLULU, HAWAII FOR ITS INTERIM WINTER MEETING IN 2007 OR 2008," was adopted.

Stand. Com. Rep. No. 3310 (H.C.R. No. 47):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE

UNITED STATES POSTAL SERVICE TO HOST THE FINAL CEREMONY MARKING THE RELEASE OF THE 'SOUVENIR SHEET' OF ALL TWELVE CHINESE LUNAR NEW YEAR COMMEMORATIVE POSTAGE STAMPS IN HAWAII IN JANUARY 2005," was adopted.

Stand. Com. Rep. No. 3311 (H.C.R. No. 50, H.D. 1, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 50, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL PUBLIC AND PRIVATE ORGANIZATIONS TO COLLABORATE WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO SUSTAIN AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was adopted.

Stand. Com. Rep. No. 3319 (S.C.R. No. 46):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN HAWAII AND SUPPORTING ITS DESIGNATION AS AN 'EDUCATIONAL SERVICE AGENCY,'" was adopted with Senators Slom and Trimble voting "No."

At 1:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:24 o'clock p.m.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2577, S.D. 1 (H.D. 2):

Senator Baker moved that the Senate reconsider its action taken earlier on the calendar in disagreeing to the amendments proposed by the House to S.B. No. 2577, S.D. 1, seconded by Senator Hanabusa and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2577, S.D. 1, seconded by Senator Hanabusa.

Senator Baker noted:

"Mr. President, colleagues, this is the peer review amendments to facilitate the development of a patient safety standard, and although the Senate had broader language and would have liked to have had that move forward, this is the best we know we're going to do and there's really no sense in going to Conference. The proponents of the original bill asked us to accept these amendments, so that's why I'm moving to accept at this time."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2577, S.D. 1, and S.B. No. 2577, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PEER REVIEW," was placed on the calendar for Final Reading on Friday, April 16, 2004.

S.B. No. 3222, S.D. 2 (H.D. 2):

Senator Baker moved that the Senate reconsider its action taken earlier on the calendar in disagreeing to the amendments proposed by the House to S.B. No. 3222, S.D. 2, seconded by Senator Menor and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 3222, S.D. 2, seconded by Senator Menor.

Senator Baker noted:

"Mr. President, this measure would add naturopathy to the PIP for auto insurance. It has the same limitations as chiropractic and acupuncture. Really the only differences between the Senate version and the House version are stylistic nonsubstantive."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3222, S.D. 2, and S.B. No. 3222, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was placed on the calendar for Final Reading on Friday, April 16, 2004.

S.B. No. 2294, S.D. 1 (H.D. 1):

Senator Hanabusa moved that the Senate reconsider its action taken on March 30, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2294, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 2294, S.D. 1, seconded by Senator Chun Oakland.

Senator Hanabusa noted:

"Mr. President, S.B. No. 2294, S.D. 1, H.D. 1, is the criminal trespass bill. What it does is it raises criminal trespass to the second degree.

"The differences between the House and the Senate version is that the House removed the reference to private property because of the fact that there was no testimony evidencing any need for that and it also included that the notice shall be valid for a year.

"Mr. President, I believe that the Senate should agree to these amendments."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2294, S.D. 1, and S.B. No. 2294, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," was placed on the calendar for Final Reading on Friday, April 16, 2004.

S.B. No. 2443, S.D. 1 (H.D. 1):

Senator Hanabusa moved that the Senate reconsider its action taken on March 30, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2443, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 2443, S.D. 1, seconded by Senator Chun Oakland.

Senator Hanabusa noted:

"Mr. President, S.B. No. 2443, S.D. 1, H.D. 1, is the attorney liens bill. Mr. President, you might recall this was the bill that resulted from a Ninth Circuit decision that results with double taxation with the awardee being taxed for attorney's fees and liens.

"The House simply deleted liberally construed language and made a variety of changes which I believe doesn't change the intent of the bill and is more stylistic."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2443, S.D. 1, and S.B. No. 2443, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' LIENS," was placed on the calendar for Final Reading on Friday, April 16, 2004.

S.B. No. 2844, S.D. 1 (H.D. 1):

Senator Hanabusa moved that the Senate reconsider its action taken on March 30, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2844, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 2844, S.D. 1, seconded by Senator Chun Oakland.

Senator Hanabusa noted:

"Mr. President, S.B. No. 2844, S.D. 1, H.D. 1, is the habitual offender bill. This is what many of our colleagues will find that their constituents are crying for. This is the one that basically enhances the sentence after the third offense for any property crime. The most common one that people refer to is of course theft of cars or breaking into cars.

"The difference between the Senate bill and the House bill is really only that the House removed the DAG and DANC changes that we made, but that is in a present bill moving over to the House. Also, they clarified that the third offense must be within five years and it must be on separate days.

"Mr. President, I believe that the Senate should concur."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2844, S.D. 1, and S.B. No. 2844, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," was placed on the calendar for Final Reading on Friday, April 16, 2004.

At this time, Senator Taniguchi, Chair of the Committee on Ways and Means, requested that the referrals of S.C.R. Nos. 39, 43, 44, 48, 60, 61, 62 and 68 to the Committee on Ways and Means be waived.

Senator Taniguchi noted:

"Your Committee on Ways and Means is requesting this waiver in order to meet the concurrent resolution crossover deadline tomorrow."

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolutions were placed on the calendar for Adoption on Friday, April 16, 2004:

S.C.R. No. 39, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT";

S.C.R. No. 43, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH ESTABLISH A VIOLENCE PREVENTION UNIT THAT INCLUDES SEXUAL ASSAULT, TO PROVIDE SAFETY FOR VICTIMS OF SEXUAL ASSAULT, PROMOTE EFFECTIVE INTERVENTION, AND REDUCE THE INCIDENCE OF SEXUAL ASSAULT";

S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FORM AN OVERSIGHT COMMITTEE OF THE DOMESTIC VIOLENCE PREVENTION SPECIAL FUND AND THE SPOUSE AND CHILD ABUSE SPECIAL ACCOUNTS WITH THE DEPARTMENT OF HUMAN SERVICES AND JUDICIARY";

S.C.R. No. 48, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE REBUILDING AND REFURBISHING OF STUDENT HOUSING AT THE UNIVERSITY OF HAWAII";

S.C.R. No. 60, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION";

S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FISCAL AUDIT AND THE DEPARTMENT OF EDUCATION TO CONDUCT A PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM";

S.C.R. No. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT FROM THE CHARTER SCHOOL ADMINISTRATIVE OFFICE THAT SURVEYS EACH INDIVIDUAL CHARTER SCHOOL IN THE STATE OF HAWAII TO DETERMINE ITS FUNCTION, LOCATION, ENROLLMENT, STAFF SIZE, OPERATING AND MAINTENANCE COSTS, PHYSICAL CONDITION, CURRENT STATUS, AND PROJECTED FUTURE NEEDS"; and

S.C.R. No. 68, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING COOPERATIVE VENTURES WITH ORGANIZATIONS ON THE U.S. MAINLAND IN PROMOTING HAWAII AND ITS PRODUCTS."

Senator Hanabusa, Chair of the Committee on Judiciary and Hawaiian Affairs, requested that the referrals of S.C.R. Nos. 72 and 79 to the Committee on Judiciary be waived.

Senator Hanabusa noted:

"Mr. President, this waiver is being requested in order to meet the concurrent resolution crossover deadline, which is tomorrow."

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolutions were placed on the calendar for Adoption on Friday, April 16, 2004:

S.C.R. No. 72, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, OFFICE OF THE PUBLIC GUARDIAN, AND ALL PROVIDERS OF LONG-TERM CARE SERVICES TO CONSIDER TRANSFER TRAUMA BEFORE RELOCATING FACILITY RESIDENTS AND TAKE NECESSARY STEPS TO MITIGATE THE POSSIBLE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF FACILITY RESIDENTS"; and

S.C.R. No. 79, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING."

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested that the referrals of S.C.R. No. 95 and S.R. No. 49 to the Committee on Commerce, Consumer Protection and Housing be waived.

Senator Menor noted:

"Mr. President, this waiver is being requested in order to meet the concurrent resolution crossover deadline tomorrow."

The Chair then granted the waiver.

By unanimous consent, the following resolutions were placed on the calendar for Adoption on Friday, April 16, 2004:

S.C.R. No. 95, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ALLOWING PRIVATE PAY PATIENTS ON A FEE FOR SERVICES BASIS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT SERVICES PROVIDED BY THE DEPARTMENT'S COMMUNITY HEALTH CENTERS"; and

S.R. No. 49, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ALLOWING PRIVATE PAY PATIENTS ON A FEE FOR SERVICES BASIS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT SERVICES PROVIDED BY THE DEPARTMENT'S COMMUNITY HEALTH CENTERS."

STANDING COMMITTEE REPORTS

Senators Fukunaga and Sakamoto, for the Committee on Economic Development and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3382) recommending that S.C.R. No. 26, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3382 and S.C.R. No. 26, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE STATE FILM

OFFICE, THE UNIVERSITY OF HAWAII, OTHER STATE AGENCIES, AND OTHER INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH AN ANNUAL INTERNATIONAL ANIMATION FILM FESTIVAL," was deferred until Friday, April 16, 2004.

Senators Fukunaga and Sakamoto, for the Committee on Economic Development and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3383) recommending that S.R. No. 13, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3383 and S.R. No. 13, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE STATE FILM OFFICE, THE UNIVERSITY OF HAWAII, OTHER STATE AGENCIES, AND OTHER INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH AN ANNUAL INTERNATIONAL ANIMATION FILM FESTIVAL," was deferred until Friday, April 16, 2004.

Senators Hanabusa, Chun Oakland and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs, the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3384) recommending that S.C.R. No. 82, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3384 and S.C.R. No. 82, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO EVALUATE CHILD SUPPORT ADJUSTMENTS FOR ACTIVATED MILITARY PERSONNEL AND RECOMMEND SOLUTIONS," was deferred until Friday, April 16, 2004.

Senators Hanabusa, Chun Oakland and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs, the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3385) recommending that S.R. No. 41, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3385 and S.R. No. 41, S.D. 1, entitled: "SENATE RESOLUTION CONVENING A TASK FORCE TO EVALUATE CHILD SUPPORT ADJUSTMENTS FOR ACTIVATED MILITARY PERSONNEL AND RECOMMEND SOLUTIONS," was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3386) recommending that S.C.R. No. 153 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3386 and S.C.R. No. 153, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JUDICIARY WORK GROUP TO EVALUATE AND RECOMMEND METHODS TO STREAMLINE COURT-ORDERED FORENSIC EVALUATIONS AND TO DELIVER APPROPRIATE MENTAL HEALTH TREATMENT TO PRETRIAL DETAINEES," was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3387) recommending that S.C.R. No. 154 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3387 and S.C.R. No. 154, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO

CONDUCT AN AUDIT OF THE DIAMONDBACK CORRECTIONAL FACILITY,” was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3388) recommending that S.C.R. No. 159, S.D. 1, as amended in S.D. 2, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3388 and S.C.R. No. 159, S.D. 2, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII’S EFFORTS TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLORS OF THE UNIVERSITY OF HAWAII TO FORM TASK FORCES TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS,” was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3389) recommending that S.C.R. No. 167 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3389 and S.C.R. No. 167, entitled: “SENATE CONCURRENT RESOLUTION RECOGNIZING NATIVE HAWAIIANS AS TRADITIONAL, INDIGENOUS KNOWLEDGE HOLDERS AND RECOGNIZING THEIR COLLECTIVE INTELLECTUAL PROPERTY RIGHTS,” was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3390) recommending that S.R. No. 87 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3390 and S.R. No. 87, entitled: “SENATE RESOLUTION RECOGNIZING NATIVE HAWAIIANS AS TRADITIONAL, INDIGENOUS KNOWLEDGE HOLDERS AND RECOGNIZING THEIR COLLECTIVE INTELLECTUAL PROPERTY RIGHTS,” was deferred until Friday, April 16, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3391) recommending that S.C.R. No. 194 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3391 and S.C.R. No. 194, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE LEGAL SERVICES CORPORATION TO REMOVE THE RESTRICTIONS ON ACCESS TO PUBLIC LEGAL SERVICES FOR CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS AND REQUESTING HAWAII’S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION IN CONGRESS CALLING FOR THE INCLUSION OF THE PROVISION OF LEGAL SERVICES TO CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS UNDER THE COMPACT OF FREE ASSOCIATION, AND ANY SUBSEQUENTLY RENEGOTIATED COMPACT,” was deferred until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3392) recommending that S.C.R. No. 114 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3392 and S.C.R. No. 114, entitled: “SENATE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR TO RELEASE THE FUNDS APPROPRIATED FOR THE ACQUISITION OF PARADISE PARK IN MANOA,” was deferred until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3393) recommending that S.C.R. No. 115 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3393 and S.C.R. No. 115, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM,” was deferred until Friday, April 16, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3394) recommending that S.R. No. 60 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3394 and S.R. No. 60, entitled: “SENATE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM,” was deferred until Friday, April 16, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3395) recommending that S.C.R. No. 40 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3395 and S.C.R. No. 40, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING HAWAII’S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA ‘PEARL CITY’ INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK,” was deferred until Friday, April 16, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3396) recommending that S.R. No. 20 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3396 and S.R. No. 20, entitled: “SENATE RESOLUTION REQUESTING HAWAII’S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA ‘PEARL CITY’ INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK,” was deferred until Friday, April 16, 2004.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3397) recommending that S.R. No. 48, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3397 and S.R. No. 48, S.D. 1, entitled: "SENATE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3398) recommending that S.C.R. No. 92, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3398 and S.C.R. No. 92, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Menor, for the Committee on Education and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3399) recommending that S.C.R. No. 136 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3399 and S.C.R. No. 136, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO ESTABLISH THE ASIA-PACIFIC RISK MANAGEMENT AND INSURANCE PROGRAM WITHIN THE COLLEGE OF BUSINESS ADMINISTRATION AT THE UNIVERSITY OF HAWAII AT MANOA," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3400) recommending that S.C.R. No. 147, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3400 and S.C.R. No. 147, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATION OF MARINE LIFE CONSERVATION DISTRICTS AND OF THE STEWARDSHIP OF THE MARINE NATURAL AREA RESERVES SYSTEM BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3401) recommending that S.C.R. No. 209, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3401 and S.C.R. No. 209, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE RENAMING OF HEEIA STATE PARK TO LAE `O KEALOHI STATE PARK," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3402) recommending that S.R. No. 120, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3402 and S.R. No. 120, S.D. 1, entitled: "SENATE RESOLUTION URGING THE RENAMING OF HEEIA STATE PARK TO LAE `O KEALOHI STATE PARK," was deferred until Friday, April 16, 2004.

Senators Ige and Menor, for the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3403) recommending that S.C.R. No. 112, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3403 and S.C.R. No. 112, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, THE UNIVERSITY OF HAWAII, THE DEPARTMENT OF EDUCATION, AND THE COUNTIES TO CREATE AND ISSUE A COORDINATED STRATEGY FOR THE INSTITUTIONAL NETWORK AND THE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS SYSTEM," was deferred until Friday, April 16, 2004.

Senators Ige and Menor, for the Committee on Science, Arts, and Technology and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3404) recommending that S.R. No. 58, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3404 and S.R. No. 58, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, THE UNIVERSITY OF HAWAII, THE DEPARTMENT OF EDUCATION, AND THE COUNTIES TO CREATE AND ISSUE A COORDINATED STRATEGY FOR THE INSTITUTIONAL NETWORK AND THE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS SYSTEM," was deferred until Friday, April 16, 2004.

Senators Ige and Sakamoto, for the Committee on Science, Arts, and Technology and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3405) recommending that S.C.R. No. 131, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3405 and S.C.R. No. 131, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF AND SUPPORT FOR ROBOTICS EDUCATION IN HAWAII," was deferred until Friday, April 16, 2004.

Senators Ige and Sakamoto, for the Committee on Science, Arts, and Technology and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3406) recommending that S.R. No. 69, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3406 and S.R. No. 69, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEVELOPMENT OF AND SUPPORT FOR ROBOTICS EDUCATION IN HAWAII," was deferred until Friday, April 16, 2004.

Senators Ige and Inouye, for the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3407) recommending that S.C.R. No. 157, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3407 and S.C.R. No. 157, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES

ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was deferred until Friday, April 16, 2004.

Senators Ige and Inouye, for the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3408) recommending that S.R. No. 80, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3408 and S.R. No. 80, S.D. 1, entitled: "SENATE RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was deferred until Friday, April 16, 2004.

Senators English and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3409) recommending that S.C.R. No. 168, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3409 and S.C.R. No. 168, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF LAND AND NATURAL RESOURCES REPORT TO THE LEGISLATURE ON THE PROGRESS OF THE DIVISION OF BOATING AND OCEAN RECREATION IN ADDRESSING THE AUDITOR'S CONCERNS IN THE 1998 AND 2001 AUDITS OF THE MANAGEMENT OF STATE BOATING FACILITIES," was deferred until Friday, April 16, 2004.

Senators English and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3410) recommending that S.R. No. 88, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3410 and S.R. No. 88, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE BOARD OF LAND AND NATURAL RESOURCES REPORT TO THE LEGISLATURE ON THE PROGRESS OF THE DIVISION OF BOATING AND OCEAN RECREATION IN ADDRESSING THE AUDITOR'S CONCERNS IN THE 1998 AND 2001 AUDITS OF THE MANAGEMENT OF STATE BOATING FACILITIES," was deferred until Friday, April 16, 2004.

Senators English and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3411) recommending that S.C.R. No. 171 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3411 and S.C.R. No. 171, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE EFFORTS AND PROMOTE THE USE OF COMPOST," was deferred until Friday, April 16, 2004.

Senators English and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3412) recommending that S.R. No. 91 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3412 and S.R. No. 91, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE EFFORTS AND PROMOTE THE USE OF COMPOST," was deferred until Friday, April 16, 2004.

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. 3413) recommending that S.C.R. No. 174, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3413 and S.C.R. No. 174, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR ORDINANCES," was deferred until Friday, April 16, 2004.

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. 3414) recommending that S.R. No. 93, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3414 and S.R. No. 93, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR ORDINANCES," was deferred until Friday, April 16, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3415) recommending that S.C.R. No. 175, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3415 and S.C.R. No. 175, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," was deferred until Friday, April 16, 2004.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3416) recommending that S.R. No. 94, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3416 and S.R. No. 94, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," was deferred until Friday, April 16, 2004.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3417) recommending that S.C.R. No. 185, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3417 and S.C.R. No. 185, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING IMMEDIATE

DEVELOPMENT AND IMPLEMENTATION OF ALTERNATIVE RULES UNDER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S SAFE DRINKING WATER ACT'S LEAD AND COPPER RULE," was deferred until Friday, April 16, 2004.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3418) recommending that S.R. No. 102, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3418 and S.R. No. 102, S.D. 1, entitled: "SENATE RESOLUTION URGING IMMEDIATE DEVELOPMENT AND IMPLEMENTATION OF ALTERNATIVE RULES UNDER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S SAFE DRINKING WATER ACT'S LEAD AND COPPER RULE," was deferred until Friday, April 16, 2004.

Senators Chun Oakland and Fukunaga, for the Committee on Human Services and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3419) recommending that S.C.R. No. 81, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3419 and S.C.R. No. 81, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO MAINTAIN AND UTILIZE THE SELF-SUFFICIENCY STANDARD AS A FRAMEWORK TO EVALUATE PROGRAMS AND DEVELOP PUBLIC POLICY," was deferred until Friday, April 16, 2004.

Senators Chun Oakland and Menor, for the Committee on Human Services and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3420) recommending that S.C.R. No. 135, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3420 and S.C.R. No. 135, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF AN AFFORDABLE HOUSING TASK FORCE," was deferred until Friday, April 16, 2004.

Senators Chun Oakland and Kanno, for the Committee on Human Services and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 3421) recommending that S.C.R. No. 199 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3421 and S.C.R. No. 199, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND LABOR AND INDUSTRIAL RELATIONS TO JOINTLY EXAMINE ISSUES RELATING TO PUBLIC ASSISTANCE INVOLVING INCENTIVES AND REQUIREMENTS TO WORK AND INCOME AND ASSET THRESHOLDS THAT MAY ACT AS DISINCENTIVES TO WORK," was deferred until Friday, April 16, 2004.

Senators Hanabusa and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3422) recommending that S.C.R. No. 96 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3422 and S.C.R. No. 96, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES

CONGRESS TO AMEND THE LAWS ON IMMIGRATION TO ALLOW IMMIGRATION AUTHORITIES TO EXERCISE JUDICIAL DISCRETION IN A PROCEEDING TO DEPORT AN ALIEN CONVICTED OF A CRIME AND TO ALLOW A CONVICTED ALIEN TO SEEK A WAIVER FROM DEPORTATION UPON DEMONSTRATION OF SUCCESSFUL REHABILITATION EVIDENCED BY NO SUBSEQUENT CRIMINAL CONVICTIONS," was deferred until Friday, April 16, 2004.

Senators Hanabusa and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3423) recommending that S.R. No. 50 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3423 and S.R. No. 50, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO AMEND THE LAWS ON IMMIGRATION TO ALLOW IMMIGRATION AUTHORITIES TO EXERCISE JUDICIAL DISCRETION IN A PROCEEDING TO DEPORT AN ALIEN CONVICTED OF A CRIME AND TO ALLOW A CONVICTED ALIEN TO SEEK A WAIVER FROM DEPORTATION UPON DEMONSTRATION OF SUCCESSFUL REHABILITATION EVIDENCED BY NO SUBSEQUENT CRIMINAL CONVICTIONS," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 3424) recommending that S.C.R. No. 123 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3424 and S.C.R. No. 123, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON EMPLOYEE OVERPAYMENT WITHIN THE UNIVERSITY OF HAWAII SYSTEM," was deferred until Friday, April 16, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3425) recommending that S.R. No. 47 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3425 and S.R. No. 47, entitled: "SENATE RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS," was deferred until Friday, April 16, 2004.

Senators Menor, Baker and Kawamoto, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3426) recommending that S.C.R. No. 125 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3426 and S.C.R. No. 125, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ALLOW PRESCRIPTION DRUGS TO BE IMPORTED FROM CANADA," was deferred until Friday, April 16, 2004.

Senators Menor, Baker and Kawamoto, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Health and the Committee on Transportation,

Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3427) recommending that S.R. No. 63 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3427 and S.R. No. 63, entitled: "SENATE RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ALLOW PRESCRIPTION DRUGS TO BE IMPORTED FROM CANADA," was deferred until Friday, April 16, 2004.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3428) recommending that S.C.R. No. 149 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3428 and S.C.R. No. 149, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR HAWAII SUPERFERRY, INC. AND REQUESTING EXPEDITIOUS ADMINISTRATIVE PROCESSING OF NECESSARY PERMITS," was deferred until Friday, April 16, 2004.

Senators Kawamoto and Menor, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3429) recommending that S.R. No. 79 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3429 and S.R. No. 79, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR HAWAII SUPERFERRY, INC. AND REQUESTING EXPEDITIOUS ADMINISTRATIVE PROCESSING OF NECESSARY PERMITS," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3430) recommending that S.C.R. No. 64, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3430 and S.C.R. No. 64, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENSURE THAT THE HAWAIIAN SPINNER DOLPHIN POPULATION ARE MANAGED AND PROTECTED IN A MANNER THAT IS CONSISTENT WITH THE UNITED STATES MARINE MAMMAL PROTECTION ACT," was deferred until Friday, April 16, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3431) recommending that S.R. No. 29, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3431 and S.R. No. 29, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENSURE THAT THE HAWAIIAN SPINNER DOLPHIN POPULATION ARE MANAGED AND PROTECTED IN A MANNER THAT IS CONSISTENT WITH THE UNITED STATES MARINE MAMMAL PROTECTION ACT," was deferred until Friday, April 16, 2004.

Senators Inouye, Sakamoto and Ige, for the Committee on Water, Land, and Agriculture, the Committee on Education and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3432) recommending that S.C.R. No. 120, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3432 and S.C.R. No. 120, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY EVALUATING THE FEASIBILITY AND NECESSITY OF THE CREATION OF A MAUNA KEA SCIENCE RESERVE AUTHORITY," was deferred until Friday, April 16, 2004.

Senators Inouye, Sakamoto and Ige, for the Committee on Water, Land, and Agriculture, the Committee on Education and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 3433) recommending that S.C.R. No. 162, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3433 and S.C.R. No. 162, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY EVALUATING THE NECESSITY FOR AND IMPACT OF IMPLEMENTING A NEW PROJECT APPROVAL PROCESS FOR THE MANAGEMENT OF THE MAUNA KEA SCIENCE RESERVE," was deferred until Friday, April 16, 2004.

Senators Kawamoto and Taniguchi, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Ways and Means, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3434) recommending that S.C.R. No. 118, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3434 and S.C.R. No. 118, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 EXECUTIVE SALARY COMMISSION," was deferred until Friday, April 16, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3435) recommending that S.C.R. No. 119, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3435 and S.C.R. No. 119, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 JUDICIAL SALARY COMMISSION," was deferred until Friday, April 16, 2004.

Senator Kim, requested a waiver of the notice requirement pursuant to the 2004 Committee on Conference Procedures for H.B. No. 2061, and the Chair granted the waiver.

Senator Hemmings rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"Yesterday I was in receipt of an e-mail from a member of the Hawaii Lupus Foundation. In it they were lamenting that it came to their attention that their purchase of service contract had been terminated. It's a six-year contract for \$150,000 – \$25,000 a year. This e-mail went out to a number of Legislators.

“What’s particularly alarming is the copy a director passed on to me regarding the response from one particular Legislator. That Legislator said, ‘This appears to be the Governor’s new tactic – she doesn’t like the fact that we’re funding government employee contracts and she’s going to take it out on health and human service programs we hold dear. Nice lady!’ It’s a very, very sad response because it’s a response that’s surely political and surely without foundation.

“I’d like to inform that Senator and my colleagues that I happen to know something about this. The reason why the Lupus Foundation’s contract is being terminated is because there is documented, verified, and collaborated evidence that this foundation has been falsifying its reports to the Department of Health.

“I surely want the human services providers in this state to know they have a Governor that believes in human services and the continued funding of most programs which are honest and generally serving the needy in our society more than she does extravagant pay raises.

“So, I think with that in mind, I hope the record is set straight and I hope that the Legislator, the Senator who sent that reply, understands what really is happening.

“Thank you, Mr. President.”

APPOINTMENT OF CONFEREES

S.B. No. 469 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 469, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Hanabusa, co-chairs; Kawamoto, Taniguchi, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2067, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2067, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Hooser, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2175, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2175, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, Kawamoto, co-chairs; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2349, 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. 2349, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Taniguchi, co-chair; Fukunaga, Kanno, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2377, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2377, S.D. 1, and the request for a conference on the subject matter thereof,

the President appointed Senators Ige, Hanabusa, co-chairs; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2425, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2425, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Taniguchi, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2440, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2440, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Hanabusa, co-chairs; Chun Oakland, English, Espero, Ihara, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2478, 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. 2478, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Inouye, Taniguchi, co-chairs; Whalen as managers on the part of the Senate at such conference.

S.B. No. 2608, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2608, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Baker, Taniguchi, co-chairs; Fukunaga, Hooser, Inouye, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2968, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2968, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Hanabusa, co-chairs; Aduja, Fukunaga, Ihara, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3002 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3002, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, Fukunaga, Taniguchi, co-chairs; English, Hooser, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3025 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3025, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Fukunaga, Kokubun, co-chairs; Espero, Kanno, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3068, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3068, S.D. 2,

and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, co-chair; Aduja, English, Espero, Hooser, Inouye, Kanno, Kawamoto, Kim, Sakamoto, Tsutsui, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3230, 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. 3230, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Sakamoto, Taniguchi, co-chairs; Fukunaga, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2061, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2061, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Taniguchi, Tsutsui as managers on the part of the Senate at such conference.

H.B. No. 2608, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2608, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, Hanabusa, co-chairs; Taniguchi, Whalen as managers on the part of the Senate at such conference.

ADJOURNMENT

At 1:35 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 16, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FORTY-NINTH DAY

Friday, April 16, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Jenny Quezon, Office of Senator Suzanne Chun Oakland, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Eighth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 436 to 438) were read by the Clerk and were placed on file:

Gov. Msg. No. 436, informing the Senate that on April 15, 2004, she signed into law House Bill No. 2299 as Act 3, entitled: "RELATING TO APPELLATE COURT COSTS."

Gov. Msg. No. 437, informing the Senate that on April 15, 2004, she signed into law House Bill No. 2024 as Act 4, entitled: "RELATING TO TRANSFER OF OWNERSHIP OF FIREARMS AND AMMUNITION."

Gov. Msg. No. 438, informing the Senate that on April 15, 2004, she signed into law House Bill No. 2298 as Act 5, entitled: "RELATING TO DISQUALIFICATION OF JUDGES."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 540 to 552) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 540, informing the Senate that H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 15, 2004, was placed on file.

Hse. Com. No. 541, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 15, 2004:

H.B. No. 2004, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2280, S.D. 1, C.D. 1;
H.B. No. 2300, H.D. 1, S.D. 1, C.D. 1; and
S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1,

was placed on file.

Hse. Com. No. 542, informing the Senate that the House agreed to the amendments proposed by the Senate to H.B. No. 2003, H.D. 1, and has on April 15, 2004, passed H.B. No. 2003, H.D. 1, S.D. 1, on Final Reading in the House of Representatives, was placed on file.

Hse. Com. No. 543, informing the Senate that the House reconsidered its action taken on April 15, 2004, in disagreeing to the amendments proposed by the Senate to H.B. No. 267, H.D. 2 (S.D. 2), was placed on file.

Hse. Com. No. 544, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 189, H.D. 2 (S.D. 2);
H.B. No. 267, H.D. 2 (S.D. 2);
H.B. No. 403, H.D. 1 (S.D. 1);
H.B. No. 537, H.D. 1 (S.D. 1);
H.B. No. 680, H.D. 2 (S.D. 1);
H.B. No. 1004, H.D. 1 (S.D. 1);
H.B. No. 1261, H.D. 2 (S.D. 1);
H.B. No. 1335, H.D. 3 (S.D. 2);
H.B. No. 1374, H.D. 2 (S.D. 2);
H.B. No. 1560, H.D. 1 (S.D. 1);
H.B. No. 1590, H.D. 2 (S.D. 2);
H.B. No. 1634, H.D. 1 (S.D. 1);
H.B. No. 1710, H.D. 2 (S.D. 2);
H.B. No. 1743, H.D. 2 (S.D. 2);
H.B. No. 1756, H.D. 2 (S.D. 1);
H.B. No. 1770, H.D. 1 (S.D. 2);
H.B. No. 1774, H.D. 2 (S.D. 2);
H.B. No. 1778, H.D. 2 (S.D. 2);
H.B. No. 1780, H.D. 1 (S.D. 1);
H.B. No. 1786, H.D. 1 (S.D. 2);
H.B. No. 1792, H.D. 2 (S.D. 1);
H.B. No. 1793, H.D. 2 (S.D. 1);
H.B. No. 1820, H.D. 1 (S.D. 1);
H.B. No. 1839, H.D. 2 (S.D. 2);
H.B. No. 1840, H.D. 1 (S.D. 1);
H.B. No. 1848, H.D. 1 (S.D. 1);
H.B. No. 1856, H.D. 1 (S.D. 1);
H.B. No. 1860, H.D. 1 (S.D. 2);
H.B. No. 1885 (S.D. 1);
H.B. No. 1893, H.D. 2 (S.D. 1);
H.B. No. 1904, H.D. 1 (S.D. 2);
H.B. No. 1908, H.D. 2 (S.D. 1);
H.B. No. 1924, H.D. 1 (S.D. 2);
H.B. No. 1929, H.D. 1 (S.D. 2);
H.B. No. 1944, H.D. 1 (S.D. 1);
H.B. No. 1980, H.D. 1 (S.D. 1);
H.B. No. 2005, H.D. 1 (S.D. 1);
H.B. No. 2009, H.D. 1 (S.D. 1);
H.B. No. 2022, H.D. 2 (S.D. 1);
H.B. No. 2023, H.D. 2 (S.D. 2);
H.B. No. 2025, H.D. 3 (S.D. 2);
H.B. No. 2048, H.D. 1 (S.D. 1);
H.B. No. 2061, H.D. 2 (S.D. 1);
H.B. No. 2074, H.D. 1 (S.D. 1);
H.B. No. 2092, H.D. 2 (S.D. 2);
H.B. No. 2093, H.D. 1 (S.D. 2);
H.B. No. 2136, H.D. 1 (S.D. 1);
H.B. No. 2137, H.D. 1 (S.D. 1);
H.B. No. 2143, H.D. 2 (S.D. 1);
H.B. No. 2170, H.D. 1 (S.D. 1);
H.B. No. 2191, H.D. 1 (S.D. 2);
H.B. No. 2215, H.D. 2 (S.D. 2);
H.B. No. 2250, H.D. 2 (S.D. 2);
H.B. No. 2254 (S.D. 1);
H.B. No. 2286, H.D. 1 (S.D. 1);
H.B. No. 2291, H.D. 2 (S.D. 2);
H.B. No. 2292, H.D. 1 (S.D. 1);
H.B. No. 2297, H.D. 1 (S.D. 2);
H.B. No. 2301, H.D. 1 (S.D. 1);
H.B. No. 2320, H.D. 1 (S.D. 1);
H.B. No. 2322, H.D. 1 (S.D. 2);
H.B. No. 2363, H.D. 1 (S.D. 2);
H.B. No. 2385, H.D. 1 (S.D. 1);
H.B. No. 2396, H.D. 2 (S.D. 2);
H.B. No. 2458, H.D. 1 (S.D. 2);
H.B. No. 2459, H.D. 1 (S.D. 2);
H.B. No. 2523, H.D. 1 (S.D. 1);
H.B. No. 2547, H.D. 2 (S.D. 2);

H.B. No. 2569, H.D. 1 (S.D. 1);
 H.B. No. 2578, H.D. 1 (S.D. 2);
 H.B. No. 2608, H.D. 1 (S.D. 1);
 H.B. No. 2611, H.D. 2 (S.D. 2);
 H.B. No. 2645, H.D. 2 (S.D. 2);
 H.B. No. 2662, H.D. 1 (S.D. 1);
 H.B. No. 2667, H.D. 2 (S.D. 1);
 H.B. No. 2674, H.D. 1 (S.D. 1);
 H.B. No. 2703, H.D. 1 (S.D. 2);
 H.B. No. 2716 (S.D. 1);
 H.B. No. 2722, H.D. 1 (S.D. 1);
 H.B. No. 2739, H.D. 1 (S.D. 2);
 H.B. No. 2740, H.D. 1 (S.D. 1);
 H.B. No. 2741, H.D. 1 (S.D. 1);
 H.B. No. 2748 (S.D. 1);
 H.B. No. 2749 (S.D. 1);
 H.B. No. 2759, H.D. 1 (S.D. 1);
 H.B. No. 2773, H.D. 1 (S.D. 1);
 H.B. No. 2774, H.D. 1 (S.D. 1);
 H.B. No. 2786, H.D. 1 (S.D. 2);
 H.B. No. 2792, H.D. 1 (S.D. 2);
 H.B. No. 2798, H.D. 1 (S.D. 2);
 H.B. No. 2814, H.D. 2 (S.D. 1);
 H.B. No. 2815 (S.D. 1);
 H.B. No. 2844, H.D. 1 (S.D. 1);
 H.B. No. 2859, H.D. 2 (S.D. 2);
 H.B. No. 2871, H.D. 2 (S.D. 1);
 H.B. No. 2883, H.D. 2 (S.D. 2);
 H.B. No. 2911, H.D. 2 (S.D. 1);
 H.B. No. 2956, H.D. 1 (S.D. 2); and
 H.B. No. 2961, H.D. 2 (S.D. 2),

was placed on file.

Hse. Com. No. 545, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2049, H.D. 1 (S.D. 2); and
 H.B. No. 2840, H.D. 1 (S.D. 3),

was placed on file.

Hse. Com. No. 546, informing the Senate that the Speaker on April 15, 2004, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 189, H.D. 2 (S.D. 2):

Representatives Arakaki, Hamakawa, Takamine, co-chairs; Ching.

H.B. No. 403, H.D. 1 (S.D. 1):

Representatives Magaoay, M. Oshiro, Nakasone, co-chairs; Halford.

H.B. No. 537, H.D. 1 (S.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Caldwell, Halford.

H.B. No. 680, H.D. 2 (S.D. 1):

Representatives Magaoay, B. Oshiro, Karamatsu, co-chairs; Halford.

In accordance therewith, the President appointed Senators Kawamoto, Taniguchi, Espero, co-chairs; Trimble as managers on the part of the Senate at such conference.

H.B. No. 1004, H.D. 1 (S.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Ito.

H.B. No. 1259, H.D. 1 (S.D. 1):

Representatives Hiraki, chair; Herkes, Sonson, Souki.

H.B. No. 1261, H.D. 2 (S.D. 1):

Representatives Ito, B. Oshiro, Mindo, co-chairs.

H.B. No. 1335, H.D. 3 (S.D. 2):

Representatives Takai, Kanoho, Kaho`ohalahala, co-chairs.

H.B. No. 1374, H.D. 2 (S.D. 2):

Representatives M. Oshiro, Takamine, co-chairs; Nakasone.

H.B. No. 1560, H.D. 1 (S.D. 1):

Representatives Kanoho, Kaho`ohalahala, co-chairs; Waters.

In accordance therewith, the President appointed Senators Inouye, Kawamoto, Taniguchi, co-chairs; Espero, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1590, H.D. 2 (S.D. 2):

Representatives Ito, Nakasone, co-chairs; Mindo.

In accordance therewith, the President appointed Senators Kawamoto, Taniguchi, co-chairs; Aduja, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1634, H.D. 1 (S.D. 1):

Representatives Morita, Takamine, co-chairs; Waters.

In accordance therewith, the President appointed Senators English, Taniguchi, co-chairs; Kim, Kokubun, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1710, H.D. 2 (S.D. 2):

Representatives Takai, Wakai, co-chairs; Tamayo, Leong.

In accordance therewith, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Hooser, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1743, H.D. 2 (S.D. 2):

Representatives Morita, Kanoho, B. Oshiro, co-chairs; Bukoski.

In accordance therewith, the President appointed Senators Fukunaga, Inouye, co-chairs; Ihara, Trimble as managers on the part of the Senate at such conference.

H.B. No. 1756, H.D. 2 (S.D. 1):

Representatives Schatz, Wakai, co-chairs; Leong.

In accordance therewith, the President appointed Senators Ige, Taniguchi, co-chairs; Aduja, Fukunaga, Kokubun, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1765, H.D. 1 (S.D. 1):

Representatives B. Oshiro, chair; Caldwell, Souki, Thielen.

In accordance therewith, the President appointed Senators Kawamoto, Hanabusa, co-chairs; Espero, Trimble as managers on the part of the Senate at such conference.

H.B. No. 1770, H.D. 1 (S.D. 2):

Representatives Souki, Hamakawa, co-chairs; Nishimoto, Wakai, Blundell.

In accordance therewith, the President appointed Senators Kawamoto, Hanabusa, co-chairs; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1774, H.D. 2 (S.D. 2):

Representatives M. Oshiro, Takamine, co-chairs; Nakasone.

H.B. No. 1778, H.D. 2 (S.D. 2):

Representatives M. Oshiro, Takamine, co-chairs; Mindo, Blundell.

H.B. No. 1780, H.D. 1 (S.D. 1):

Representatives M. Oshiro, Takamine, co-chairs; Mindo, Blundell.

H.B. No. 1786, H.D. 1 (S.D. 2):

Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Jernigan.

H.B. No. 1792, H.D. 2 (S.D. 1):

Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Moses.

H.B. No. 1793, H.D. 2 (S.D. 1):

Representatives Kanoho, Magaoay, co-chairs; Kaho`ohalahala, Moses.

In accordance therewith, the President appointed Senators Inouye, Taniguchi, co-chairs; Aduja, Kokubun, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1820, H.D. 1 (S.D. 1):

Representatives Hiraki, chair; Herkes, Ito, Stonebraker.

H.B. No. 1839, H.D. 2 (S.D. 2):

Representatives Arakaki, Hiraki, Hamakawa, Takamine, co-chairs; Stonebraker.

In accordance therewith, the President appointed Senators Baker, Menor, Kokubun, co-chairs; Chun Oakland, Inouye, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1840, H.D. 1 (S.D. 1):

Representatives Morita, chair; Waters, Evans, Bukoski.

H.B. No. 1848, H.D. 1 (S.D. 1):

Representatives Morita, Takamine, co-chairs; Waters, Meyer.

In accordance therewith, the President appointed Senators Inouye, Taniguchi, co-chairs; Whalen as managers on the part of the Senate at such conference.

H.B. No. 1856, H.D. 1 (S.D. 1):

Representatives Takai, chair; Tamayo, Magaoay, Ontai.

In accordance therewith, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Hooser, Kokubun, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1859, H.D. 2 (S.D. 1):

Representatives Kahikina, Hamakawa, co-chairs; B. Oshiro, Shimabukuro, Stonebraker.

In accordance therewith, the President appointed Senators Chun Oakland, Hanabusa, co-chairs; Fukunaga, Hooser, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1860, H.D. 1 (S.D. 2):

Representatives Kahikina, Shimabukuro, co-chairs; Hale, Ching.

In accordance therewith, the President appointed Senators Chun Oakland, Taniguchi, co-chairs; Fukunaga, Inouye, Kanno, Kawamoto, Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1885 (S.D. 1):

Representatives Kahikina, Takamine, co-chairs; Shimabukuro, Ching.

In accordance therewith, the President appointed Senators Chun Oakland, Taniguchi, co-chairs; Kokubun, Tsutsui, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1893, H.D. 2 (S.D. 1):

Representatives Takai, Takumi, Takamine, co-chairs; Ontai.

In accordance therewith, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Hooser, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1904, H.D. 1 (S.D. 2):

Representatives Ito, Nakasone, co-chairs; Mindo, Blundell.

In accordance therewith, the President appointed Senators Kawamoto, Taniguchi, co-chairs; Aduja, Slom as managers on the part of the Senate at such conference.

H.B. No. 1908, H.D. 2 (S.D. 1):

Representatives Takumi, Takamine, co-chairs; Kawakami, Leong.

In accordance therewith, the President appointed Senators Kawamoto, Sakamoto, Taniguchi, co-chairs; Hogue as managers on the part of the Senate at such conference.

H.B. No. 1924, H.D. 1 (S.D. 2):

Representatives M. Oshiro, Takumi, Takamine, co-chairs; Nakasone, Ontai.

In accordance therewith, the President appointed Senators Sakamoto, Kanno, Taniguchi, co-chairs; Hooser, Kokubun as managers on the part of the Senate at such conference.

H.B. No. 1929, H.D. 1 (S.D. 2):

Representatives Takumi, Kawakami, co-chairs; Evans, Ontai.

In accordance therewith, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Hooser, Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1944, H.D. 1 (S.D. 1):

Representatives Takamine, Karamatsu, co-chairs; Wakai, Jernigan.

In accordance therewith, the President appointed Senators English, Taniguchi, co-chairs; Kokubun, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 1980, H.D. 1 (S.D. 1):

Representatives Hamakawa, chair; B. Oshiro, Caldwell, Marumoto.

H.B. No. 1987, H.D. 1 (S.D. 1):

Representatives Souki, Hiraki, B. Oshiro, co-chairs; Caldwell, Pendleton

In accordance therewith, the President appointed Senators Kawamoto, Hanabusa, co-chairs; Aduja, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1991, H.D. 1 (S.D. 1):

Representatives Arakaki, B. Oshiro, co-chairs; Ito, Nishimoto, Finnegan.

In accordance therewith, the President appointed Senators Baker, Hanabusa, co-chairs; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2005, H.D. 1 (S.D. 1):

Representatives Arakaki, Hiraki, Takamine, co-chairs; Ching.

H.B. No. 2009, H.D. 1 (S.D. 1):

Representatives Abinsay, Takamine, co-chairs; Sonson, Jernigan.

In accordance therewith, the President appointed Senators Kokubun, Inouye, co-chairs; Taniguchi, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2013 (S.D. 2):

Representatives Morita, Hiraki, co-chairs; Herkes, Waters, Bukoski.

In accordance therewith, the President appointed Senators English, Menor, co-chairs; Hooser, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2020, H.D. 1 (S.D. 2):

Representatives B. Oshiro, chair; Caldwell, Sonson, Marumoto.

In accordance therewith, the President appointed Senators Chun Oakland, Hanabusa, co-chairs; Fukunaga, Inouye, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2022, H.D. 2 (S.D. 1):

Representatives Kahikina, Arakaki, Kawakami, co-chairs; Nishimoto, Stonebraker.

In accordance therewith, the President appointed Senators Chun Oakland, Taniguchi, co-chairs; Kokubun, Tsutsui, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2023, H.D. 2 (S.D. 2):

Representatives Arakaki, Hamakawa, co-chairs; Shimabukuro, Ching.

In accordance therewith, the President appointed Senators Chun Oakland, Hanabusa, co-chairs; Fukunaga, Hooser, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2025, H.D. 3 (S.D. 2):

Representatives M. Oshiro, B. Oshiro, Nakasone, co-chairs; Blundell.

H.B. No. 2048, H.D. 1 (S.D. 1):

Representatives Morita, Hiraki, co-chairs; Herkes, Bukoski.

In accordance therewith, the President appointed Senators English, Menor, co-chairs; Hooser, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2061, H.D. 2 (S.D. 1):

Representatives Chang, Takamine, co-chairs; Karamatsu, Ontai.

H.B. No. 2074, H.D. 1 (S.D. 1):

Representatives Schatz, Morita, Chang, B. Oshiro, co-chairs; Leong.

In accordance therewith, the President appointed Senators English, Fukunaga, co-chairs; Hooser, Ihara, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2092, H.D. 2 (S.D. 2):

Representatives Arakaki, Hiraki, co-chairs; Caldwell, Marumoto.

H.B. No. 2093, H.D. 1 (S.D. 2):

Representatives Arakaki, Hiraki, co-chairs; Herkes, Caldwell, Finnegan.

In accordance therewith, the President appointed Senators Baker, Menor, co-chairs; Chun Oakland, Espero, Slom as managers on the part of the Senate at such conference.

H.B. No. 2098, H.D. 1 (S.D. 2):

Representatives Arakaki, Hiraki, B. Oshiro, co-chairs; Caldwell, Ching.

In accordance therewith, the President appointed Senators Baker, Hanabusa, co-chairs; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2136, H.D. 1 (S.D. 1):

Representatives Nakasone, Hamakawa, co-chairs; Herkes, Moses.

In accordance therewith, the President appointed Senators Kawamoto, chair; Espero, Kim, Sakamoto, Slom as managers on the part of the Senate at such conference.

H.B. No. 2137, H.D. 1 (S.D. 1):

Representatives Hiraki, Magaoay, co-chairs; Karamatsu, Marumoto.

H.B. No. 2143, H.D. 2 (S.D. 1):

Representatives Hiraki, chair; Herkes, Caldwell, Thielen.

H.B. No. 2170, H.D. 1 (S.D. 1):

Representatives Kawakami, chair; Shimabukuro, Nishimoto, Moses.

H.B. No. 2191, H.D. 1 (S.D. 2):

Representatives Schatz, Wakai, co-chairs; Karamatsu, Ontai.

In accordance therewith, the President appointed Senators Fukunaga, Ige, Taniguchi, co-chairs; Aduja, Inouye, Kokubun, Tsutsui, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2215, H.D. 2 (S.D. 2):

Representatives M. Oshiro, Nakasone, co-chairs; Mindo, Pendleton.

H.B. No. 2223 (S.D. 1):

Representatives Hiraki, chair; Herkes, Ito, Stonebraker.

In accordance therewith, the President appointed Senators Fukunaga, Menor, co-chairs; Ige, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2250, H.D. 2 (S.D. 2):

Representatives Souki, Hamakawa, Takamine, co-chairs; Blundell.

In accordance therewith, the President appointed Senators Kawamoto, Hanabusa, Taniguchi, co-chairs; Whalen as managers on the part of the Senate at such conference.

H.B. No. 2254 (S.D. 1):

Representatives B. Oshiro, chair; M. Oshiro, Caldwell, Sonson, Pendleton.

H.B. No. 2286, H.D. 1 (S.D. 1):

Representatives Takai, Takamine, co-chairs; Leong.

In accordance therewith, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Hooser, Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2290, H.D. 1 (S.D. 2):

Representatives Souki, Hamakawa, co-chairs; Caldwell, Blundell.

In accordance therewith, the President appointed Senators Kawamoto, Hanabusa, co-chairs; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2291, H.D. 2 (S.D. 2):

Representatives Souki, Hamakawa, Takamine, co-chairs; Blundell.

H.B. No. 2292, H.D. 1 (S.D. 1):

Representatives B. Oshiro, Kawakami, co-chairs; Nakasone, Bukoski.

H.B. No. 2297, H.D. 1 (S.D. 2):

Representatives B. Oshiro, Magaoay, co-chairs; Caldwell, Sonson, Thielen.

H.B. No. 2301, H.D. 1 (S.D. 1):

Representatives B. Oshiro, Magaoay, co-chairs; Caldwell, Sonson, Pendleton.

H.B. No. 2320, H.D. 1 (S.D. 1):

Representatives Hamakawa, chair; Sonson, Ito, Chang, Marumoto

H.B. No. 2322, H.D. 1 (S.D. 2):

Representatives Karamatsu, chair; Mindo, Wakai, Meyer.

In accordance therewith, the President appointed Senators Inouye, Taniguchi, co-chairs; Espero, Kanno, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2363, H.D. 1 (S.D. 2):

Representatives Hiraki, B. Oshiro, co-chairs; Sonson, Stonebraker.

H.B. No. 2385, H.D. 1 (S.D. 1):

Representatives Kahikina, Arakaki, Hamakawa, co-chairs; Shimabukuro, Ching.

In accordance therewith, the President appointed Senators Chun Oakland, Hanabusa, co-chairs; Hooser, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2396, H.D. 2 (S.D. 2):

Representatives Schatz, Takamine, co-chairs; Wakai, Karamatsu, Ontai.

In accordance therewith, the President appointed Senators Ige, Fukunaga, Taniguchi, co-chairs; Kokubun, Tsutsui, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2408, H.D. 2 (S.D. 1):

Representatives M. Oshiro, Arakaki, Hiraki, Takamine, co-chairs; Jernigan.

H.B. No. 2458, H.D. 1 (S.D. 2):

Representatives Kahikina, Hamakawa, co-chairs; Shimabukuro, Sonson, Finnegan.

In accordance therewith, the President appointed Senators Chun Oakland, Hanabusa, co-chairs; English, Fukunaga, Inouye, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2459, H.D. 1 (S.D. 2):

Representatives Kahikina, Arakaki, Takamine, co-chairs; Nishimoto, Shimabukuro, Stonebraker, Moses.

In accordance therewith, the President appointed Senators Chun Oakland, Taniguchi, co-chairs; Hanabusa, Kokubun, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2472, H.D. 2 (S.D. 1):

Representatives Arakaki, Hamakawa, co-chairs; Caldwell, Nishimoto, Finnegan.

In accordance therewith, the President appointed Senators Baker, Hanabusa, co-chairs; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2523, H.D. 1 (S.D. 1):

Representatives Souki, Takamine, co-chairs; Mindo, Blundell.

In accordance therewith, the President appointed Senators Kawamoto, Taniguchi, co-chairs; Baker, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2547, H.D. 2 (S.D. 2):

Representatives Takai, Takamine, co-chairs; Nakasone, Tamayo, Leong.

In accordance therewith, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Hooser, Kokubun, Slom as managers on the part of the Senate at such conference.

H.B. No. 2569, H.D. 1 (S.D. 1):

Representatives Hiraki, chair; Herkes, Kanoho, Marumoto.

In accordance therewith, the President appointed Senators Fukunaga, Menor, co-chairs; Aduja, Slom as managers on the part of the Senate at such conference.

H.B. No. 2578, H.D. 1 (S.D. 2):

Representatives Waters, chair; Shimabukuro, Kaho`ohalahala, Karamatsu, Jernigan.

In accordance therewith, the President appointed Senators English, Kokubun, co-chairs; Hooser, Taniguchi, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2608, H.D. 1 (S.D. 1):

Representatives Chang, B. Oshiro, Takamine, co-chairs; Karamatsu.

H.B. No. 2611, H.D. 2 (S.D. 2):

Representatives Schatz, Chang, Takamine, co-chairs; Wakai, Ontai.

In accordance therewith, the President appointed Senators Fukunaga, Ige, Taniguchi, co-chairs; Aduja, Espero, Kokubun, Tsutsui, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2645, H.D. 2 (S.D. 2):

Representatives Takumi, M. Oshiro, Kawakami, co-chairs; Nakasone, Ontai.

H.B. No. 2662, H.D. 1 (S.D. 1):

Representatives Ito, Schatz, Takamine, co-chairs; Mindo, Blundell.

In accordance therewith, the President appointed Senators Kawamoto, Fukunaga, Taniguchi, co-chairs; Whalen as managers on the part of the Senate at such conference.

H.B. No. 2667, H.D. 2 (S.D. 1):

Representatives Kanoho, Takumi, Takamine, co-chairs; Kaho`ohalahala, Ching.

H.B. No. 2674, H.D. 1 (S.D. 1):

Representatives Hamakawa, Hiraki, co-chairs; Herkes, Caldwell, Thielen.

H.B. No. 2703, H.D. 1 (S.D. 2):

Representatives Nakasone, chair; Mindo, Karamatsu, Shimabukuro, Jernigan.

In accordance therewith, the President appointed Senators Kawamoto, Inouye, co-chairs; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2716 (S.D. 1):

Representatives Kanoho, Kaho`ohalahala, co-chairs; Waters, Jernigan.

In accordance therewith, the President appointed Senators Inouye, Taniguchi, co-chairs; Espero, Kokubun, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2722, H.D. 1 (S.D. 1):

Representatives Nishimoto, chair; Kaho`ohalahala, Waters, Meyer.

In accordance therewith, the President appointed Senators Inouye, Taniguchi, co-chairs; Espero, Kokubun, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2739, H.D. 1 (S.D. 2):

Representatives Nakasone, chair; Wakai, Karamatsu, Waters, Moses.

In accordance therewith, the President appointed Senators Ige, Taniguchi, co-chairs; Aduja, Fukunaga, Kokubun, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2740, H.D. 1 (S.D. 1):

Representatives M. Oshiro, chair; Nakasone, Ito, Mindo, Pendleton.

H.B. No. 2741, H.D. 1 (S.D. 1):

Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Mindo.

In accordance therewith, the President appointed Senators Taniguchi, chair; Kokubun, Tsutsui, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2748 (S.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone, Meyer.

In accordance therewith, the President appointed Senators Taniguchi, chair; Kokubun, Slom as managers on the part of the Senate at such conference.

H.B. No. 2749 (S.D. 1):

Representatives Takamine, chair; Kawakami, Magaoay, Bukoski.

In accordance therewith, the President appointed Senators Taniguchi, chair; Kokubun, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2759, H.D. 1 (S.D. 1):

Representatives Takamine, chair; Kaho`ohalahala, Waters, Moses.

In accordance therewith, the President appointed Senators Taniguchi, chair; Kawamoto, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2773, H.D. 1 (S.D. 1):

Representatives Hiraki, chair; Herkes, Sonson, Caldwell, Marumoto.

H.B. No. 2774, H.D. 1 (S.D. 1):

Representatives Hiraki, chair; Sonson, Caldwell, Thielen.

H.B. No. 2786, H.D. 1 (S.D. 2):

Representatives B. Oshiro, chair; Sonson, Ito, Caldwell, Pendleton

H.B. No. 2792, H.D. 1 (S.D. 2):

Representatives Kanoho, Souki, Hamakawa, co-chairs; Finnegan.

In accordance therewith, the President appointed Senators Inouye, Kawamoto, Hanabusa, co-chairs; Whalen as managers on the part of the Senate at such conference.

H.B. No. 2798, H.D. 1 (S.D. 2):

Representatives Arakaki, Hiraki, co-chairs; Nishimoto, Herkes, Stonebraker.

In accordance therewith, the President appointed Senators Baker, Menor, co-chairs; Chun Oakland, Espero, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2814, H.D. 2 (S.D. 1):

Representatives Arakaki, Nishimoto, co-chairs; Shimabukuro, Ching.

In accordance therewith, the President appointed Senators Baker, Kokubun, co-chairs; English, Tsutsui, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2815 (S.D. 1):

Representatives Takumi, Takamine, co-chairs; Evans, Ontai.

In accordance therewith, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Hooser, Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2859, H.D. 2 (S.D. 2):

Representatives Hale, Takamine, co-chairs; Nishimoto, Ching.

In accordance therewith, the President appointed Senators Inouye, Kim, Taniguchi, co-chairs; Kokubun, Tsutsui, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2871, H.D. 2 (S.D. 1):

Representatives Arakaki, M. Oshiro, Takumi, co-chairs; Leong.

H.B. No. 2883, H.D. 2 (S.D. 2):

Representatives Souki, Hiraki, Takamine, co-chairs; Blundell.

In accordance therewith, the President appointed Senators Kawamoto, Menor, co-chairs; Aduja, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2911, H.D. 2 (S.D. 1):

Representatives Takumi, Takamine, co-chairs; Magaoay.

In accordance therewith, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2956, H.D. 1 (S.D. 2):

Representatives Souki, Takamine, co-chairs; Caldwell, Mindo, Moses.

In accordance therewith, the President appointed Senators Kawamoto, Taniguchi, co-chairs; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2961, H.D. 2 (S.D. 2):

Representatives Morita, Takamine, co-chairs; Waters, Bukoski.

In accordance therewith, the President appointed Senators Fukunaga, Menor, Taniguchi, co-chairs; English, Kokubun, Tsutsui, Slom as managers on the part of the Senate at such conference,

was placed on file.

Hse. Com. No. 547, informing the Senate that the Speaker on April 15, 2004, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 2049, H.D. 1 (S.D. 2):

Representatives Morita, Hiraki, co-chairs; Herkes, Thielen.

H.B. No. 2840, H.D. 1 (S.D. 3):

Representatives Kanoho, Schatz, Kaho`ohalahala, co-chairs; Finnegan,

was placed on file.

Hse. Com. No. 548, informing the Senate that the Speaker on April 15, 2004, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bill:

S.B. No. 3025 (H.D. 1):

Representatives Kanohe, Takamine, co-chairs; Kaho`ohalahala, Kawakami,

was placed on file.

Hse. Com. No. 549, informing the Senate that the Speaker on April 15, 2004, made the following changes to the conferees on the following bill:

H.B. No. 2023, H.D. 2 (S.D. 2):

Appointed Representative Kahikina as first co-chair.
Discharged Representative Arakaki as first co-chair,

was placed on file.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:54 o'clock a.m.

Hse. Com. No. 550, returning S.B. No. 2842, S.D. 1, which passed Third Reading in the House of Representatives on April 15, 2004, in an amended form, was placed on file.

Senator Hanabusa then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2842, S.D. 1, seconded by Senator Chun Oakland.

Senator Hanabusa noted:

"Mr. President, S.B. No. 2842, S.D. 1, H.D. 4, contains in it, basically, enabling legislation for the constitutional amendment which we are calling the 'Megan's amendment.'

"What this amendment has done is to create a task force very similar to the information charging task force, which we have used for the constitutional amendment that will be put on the ballot that cures the defect. So this is a similar kind of enabling legislation – the creation of a task force to put into play Megan's amendment."

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

The motion was then put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2842, S.D. 1, and S.B. No. 2842, S.D. 1, H.D. 4, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," was placed on the calendar for Final Reading on Monday, April 26, 2004.

Hse. Com. No. 551, returning S.B. No. 2843, S.D. 1, which passed Third Reading in the House of Representatives on April 15, 2003, in an amended form, was placed on file.

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 2843, S.D. 1, seconded by Senator Chun Oakland.

Senator Hanabusa noted:

"Mr. President, S.B. No. 2843, S.D. 1, H.D. 2, is what we call the constitutional amendment that will address the Megan's issue.

"What the House did is to add the phrase in here that basically sets forth the time after which the conditions under which a convicted person may petition for the termination of public access.

"So this is basically just termination of their placement on it. However, this bill must be read in conjunction with S.B. No. 2842, H.D. 4, which has the enabling legislation. This is the constitutional amendment for Megan."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2843, S.D. 1, and S.B. No. 2843, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," was placed on the calendar for Final Reading on Monday, April 26, 2004.

Hse. Com. No. 552, returning S.B. No. 2846, S.D. 1, which passed Third Reading in the House of Representatives on April 15, 2003, in an amended form, was placed on file.

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 2846, S.D. 1, seconded by Senator Chun Oakland.

Senator Hanabusa noted:

"Mr. President, in S.B. No. 2846, S.D. 1, what the House did was they amended what we call the close constitutional amendment which resulted in the decision by the Hawaii Supreme Court in the Peseti Case.

"What the House did was really more technical in that they moved a portion of Section 2 of the bill within the bill itself, but the questions remains primarily the same that we are going to propose.

"Again, this is the constitutional amendment called Peseti. And for those who don't remember Peseti, Peseti is what is also called the rape shield law."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2846, S.D. 1, and S.B. No. 2846, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 14, OF THE HAWAII CONSTITUTION," was placed on the calendar for Final Reading on Monday, April 26, 2004.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3436) recommending that the Senate advise and consent to the nominations to the Center for Nursing Advisory Board of the following:

ARLENE E. ILAE, in accordance with Gov. Msg. Nos. 404 and 405; and

KEVIN MULLIGAN, in accordance with Gov. Msg. No. 406.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3436 and Gov. Msg. Nos. 404, 405 and 406 was deferred until Monday, April 19, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3437) recommending that the Senate advise and consent to the nomination of CARLITO P. CALIBOSO to the Public Utilities Commission (PUC), in accordance with Gov. Msg. No. 407.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3437 and Gov. Msg. No. 407 was deferred until Monday, April 19, 2004.

ORDER OF THE DAY

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM THURSDAY, APRIL 15, 2004

H.C.R. No. 72, H.D. 1 (Hse. Com. No. 519):

By unanimous consent, action on H.C.R. No. 72, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO RELAX RESTRICTIONS ON THE GRANTING OF NONIMMIGRANT VISAS TO NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA FOR THE PURPOSE OF BUSINESS, TOURISM, AND STUDY IN THE UNITED STATES," was deferred until Monday, April 19, 2004.

H.C.R. No. 73 (Hse. Com. No. 520):

By unanimous consent, action on H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was deferred until Monday, April 19, 2004.

H.C.R. No. 81, H.D. 1 (Hse. Com. No. 521):

By unanimous consent, action on H.C.R. No. 81, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003," was deferred until Monday, April 19, 2004.

H.C.R. No. 84 (Hse. Com. No. 522):

By unanimous consent, action on H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was deferred until Monday, April 19, 2004.

H.C.R. No. 108 (Hse. Com. No. 523):

By unanimous consent, action on H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION CALLING ON THE PEOPLE'S REPUBLIC OF CHINA IMMEDIATELY AND UNCONDITIONALLY TO RELEASE REBIYA KADEER AND URGING PRESIDENT BUSH TO TAKE

URGENT STEPS TO SECURE THE RELEASE OF REBIYA KADEER AS SOON AS POSSIBLE," was deferred until Monday, April 19, 2004.

H.C.R. No. 111 (Hse. Com. No. 524):

By unanimous consent, action on H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR TO RELEASE THE FUNDS APPROPRIATED FOR THE ACQUISITION OF PARADISE PARK IN MANOA," was deferred until Monday, April 19, 2004.

H.C.R. No. 115, H.D. 1 (Hse. Com. No. 525):

By unanimous consent, action on H.C.R. No. 115, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR BUILDING ORDINANCES," was deferred until Monday, April 19, 2004.

H.C.R. No. 145 (Hse. Com. No. 526):

By unanimous consent, action on H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING THE RIGHTS OF UNITED STATES CITIZENS IN FOREIGN COUNTRIES," was deferred until Monday, April 19, 2004.

H.C.R. No. 153, H.D. 1 (Hse. Com. No. 527):

By unanimous consent, action on H.C.R. No. 153, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER ESTABLISHING IN HAWAII A CENTER FOR THE ADVANCEMENT OF GLOBAL HEALTH, WELFARE, EDUCATION, AND PEACE BY AND FOR CHILDREN, YOUTH, AND FAMILIES," was deferred until Monday, April 19, 2004.

H.C.R. No. 158 (Hse. Com. No. 528):

By unanimous consent, action on H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING A COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was deferred until Monday, April 19, 2004.

H.C.R. No. 197, H.D. 1 (Hse. Com. No. 529):

By unanimous consent, action on H.C.R. No. 197, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE COMMUNITY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK AT KEHENA BEACH, HAWAII," was deferred until Monday, April 19, 2004.

H.C.R. No. 214 (Hse. Com. No. 530):

By unanimous consent, action on H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO EXPLORE HOME OWNERSHIP OPTIONS AND STUDY THE FEASIBILITY OF IMPLEMENTING A HOUSING DEMONSTRATION PROJECT AT HAUIKI HOMES AND OTHER STATE-OWNED AND OPERATED HOUSING PROJECTS," was deferred until Monday, April 19, 2004.

H.C.R. No. 250 (Hse. Com. No. 531):

By unanimous consent, action on H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT H.R. 677 EXTENDING VETERANS' BENEFITS TO FILIPINO VETERANS," was deferred until Monday, April 19, 2004.

H.C.R. No. 216 (Hse. Com. No. 532):

By unanimous consent, action on H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING EFFORTS BY THE KO'OLAU GREENBELT AND HERITAGE TRAILS SYSTEM TO PROVIDE A HOLISTIC APPROACH TO WATERSHED PROTECTION AND ENCOURAGE PUBLIC AND PRIVATE PARTNERSHIPS TO DETERMINE THE FUTURE OF THE ENTIRE KO'OLAU SYSTEM," was deferred until Monday, April 19, 2004.

H.C.R. No. 236, H.D. 1 (Hse. Com. No. 533):

By unanimous consent, action on H.C.R. No. 236, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REVIEW AND CONSIDER WHETHER THE EXCEPTION OF PSEUDOEPHEDRINE FROM THE REPORTING, RECORDKEEPING, AND PERMIT REQUIREMENTS GENERALLY APPLICABLE TO LIST 1 CHEMICALS SHOULD BE REPEALED," was deferred until Monday, April 19, 2004.

H.C.R. No. 245, H.D. 1 (Hse. Com. No. 534):

By unanimous consent, action on H.C.R. No. 245, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII FOOD INDUSTRY ASSOCIATION AND THE HAWAII RETAIL ASSOCIATION TO REPORT ON THE BACKHAUL OF SHIPPING AND PACKING MATERIALS AND PALLETS," was deferred until Monday, April 19, 2004.

H.C.R. No. 258 (Hse. Com. No. 535):

By unanimous consent, action on H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was deferred until Monday, April 19, 2004.

H.C.R. No. 265, H.D. 1 (Hse. Com. No. 536):

By unanimous consent, action on H.C.R. No. 265, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE OFFICE OF YOUTH SERVICES TO DEVELOP A PLAN FOR CREATING AND IMPLEMENTING GENDER RESPONSIVE ENVIRONMENTS AT THE WOMEN'S COMMUNITY CORRECTIONAL CENTER AND AT THE HAWAII YOUTH CORRECTIONAL FACILITY," was deferred until Monday, April 19, 2004.

H.C.R. No. 266 (Hse. Com. No. 537):

By unanimous consent, action on H.C.R. No. 266, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO REPEAL THE CHANGES MADE BY THE BUSH ADMINISTRATION TO THE CLEAN AIR ACT IN 2002," was deferred until Monday, April 19, 2004.

FINAL READING

S.B. No. 2294, S.D. 1, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2294, S.D. 1, and S.B. No. 2294, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Ige, Kim, Menor, Sakamoto).

S.B. No. 2443, S.D. 1, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2443, S.D. 1, and S.B. No. 2443, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' LIENS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ige, Menor, Sakamoto).

S.B. No. 2577, S.D. 1, H.D. 2:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2577, S.D. 1, and S.B. No. 2577, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PEER REVIEW," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ige, Menor, Sakamoto).

S.B. No. 2844, S.D. 1, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2844, S.D. 1, and S.B. No. 2844, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ige, Menor).

S.B. No. 3222, S.D. 2, H.D. 2:

On motion by Senator Baker, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3222, S.D. 2, and S.B. No. 3222, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 2 (Ige, Menor).

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3320 (Gov. Msg. No. 153):

Senator Kanno moved that Stand. Com. Rep. No. 3320 be received and placed on file, seconded by Senator Ihara and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of HENRY F. BEERMAN to the Board of Trustees of the Employees' Retirement System (ERS), term to expire January 1, 2009, seconded by Senator Ihara.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 3321 (Gov. Msg. No. 185):

Senator Kanno moved that Stand. Com. Rep. No. 3321 be received and placed on file, seconded by Senator Ihara and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of SANDRA YAHIRO to the Board of Trustees of the Deferred Compensation Plan, term to expire June 30, 2006, seconded by Senator Ihara.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 3322 (Gov. Msg. Nos. 311, 312, 313, 314, 315, 316, 317, 318 and 319):

Senator Kanno moved that Stand. Com. Rep. No. 3322 be received and placed on file, seconded by Senator Ihara and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

TODD K. APO, term to expire June 30, 2007 (Gov. Msg. No. 311);

MARCIA A. ARMSTRONG, term to expire June 30, 2007 (Gov. Msg. No. 312);

MICHAEL FITZGERALD, term to expire June 30, 2007 (Gov. Msg. No. 313);

SIGNE A. GODFREY, term to expire June 30, 2007 (Gov. Msg. No. 314);

ERWIN HUDELIST, term to expire June 30, 2007 (Gov. Msg. No. 315);

WAYNE K. KANEMOTO, term to expire June 30, 2005 (Gov. Msg. No. 316);

STEVE B. METTER, term to expire June 30, 2007 (Gov. Msg. No. 317);

DARNNEY L. PROUDFOOT, term to expire June 30, 2007 (Gov. Msg. No. 318); and

GREGG T. YAMANAKA, term to expire June 30, 2007 (Gov. Msg. No. 319),

seconded by Senator Ihara.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige).

Stand. Com. Rep. No. 3380 (Gov. Msg. No. 421):

Senator Hanabusa moved that Stand. Com. Rep. No. 3380 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of BERT I. AYABE to the office of Judge, 21st Division, Circuit Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, seconded by Senator Chun Oakland.

Senator Hanabusa rose to speak in support of the nominee and said:

"Mr. President, I rise to speak in favor of Gov. Msg. No. 421. Gov. Msg. No. 421, Mr. President, is consideration and confirmation to the Circuit Court of the First Circuit, the Twenty-first Division, Bert I. Ayabe for a term of ten years.

"Mr. President, colleagues, his name may be very familiar because on April 4th of last year we had confirmed Mr. Ayabe to a District Court position at that time. Just to refresh your recollection, Mr. Ayabe's education was Kaimuki High School. I remember one of the testifiers made it a point at that time to say that Mr. Ayabe turned down Punahou for Kaimuki. He did his undergraduate studies at the University of Hawaii and got his law degree at Hastings College of Law. He has practiced law since 1981.

"The testimony we received last year was that he had an extensive private practice, and right before he applied for the judgeship he was then doing a lot of arbitration and mediation, which was a positive reflection upon him.

"The Hawaii State Bar Association came forward and found Mr. Ayabe highly qualified again. They gave a vote of 10 highly qualified; 3 qualified; and 1 person abstained.

"The testimony was very supportive of Mr. Ayabe, as it had been last year as well, and I would just like to highlight some of them. One of the highest compliments came from Richard Turbin not in is role as the future president of the Hawaii State Bar Association, and he was there to testify for the Hawaii State Bar Association, but as a private attorney who had really been an adversary of Mr. Ayabe. He informed us that he was so impressed with Mr. Ayabe that he had asked Mr. Ayabe after that time to serve as a mediator and arbitrator on many of his cases. In essence, he was looking to him to resolve much of his difficult matters.

"Peter Carlisle, who asked to be taken out of order because, as we all know, he is in a very, very visible case, the Aki trial at this time, said that Judge Ayabe was absolutely terrific. He said that his prosecutors that report to him said that the thing that made Judge Ayabe such a very good judge was that he never tried to guess and he never faked it. Basically, if he didn't know the answer, he would find out before he made that decision. This sentiment was shared by the other side, so to speak, by John Tonaki, who is the public defender. He said his public defenders are very impressed with Judge Ayabe,

especially with his great temperament and the manner and the skill with which he handles that district court.

“Members, to understand what a compliment that is, you’ve got to be in district court. District Court is like that show ‘Night Court’ that they used to have. It’s not quite that bad but it gets pretty close sometimes and we have a judge who handles it very well.

“John Komeiji, someone who many of us know, said that he actually went to watch Judge Ayabe because he had spoken so highly of him last time that he wanted to make sure that when he appeared before the Committee, he wouldn’t be shot down by somebody saying, ‘Is he really as good as all of that?’ And he said, ‘Yes, he is very good.’ And then he told us probably the reason why Bert Ayabe stayed at Kaimuki High School. He said that Bert Ayabe likes to be called Mr. Bulldog. That’s Kaimuki High School’s mascot. Because he can now claim that he will be the highest ranking official who graduated from Kaimuki High School. Now I don’t think that’s the reason he turned down Punahou, but who knows. You would have to ask our Punahou colleague across the way if that’s true.

“But I waited, and of course the person that I always want to hear from whenever I hear Bert Ayabe’s name is his coach. Some of you remember him, Mr. Charlie Miyashiro. He was the one who sent me to research who is Jack Armstrong, the All-American Boy. Well anyway, the Coach came and testified. This time he added something new to his testimony. He said that since the last time he was there, he has been inducted, this is the Coach, has been inducted into the National High School Football Hall of Fame, and it was a big event. And then he smiled and said the reason I’m telling you this is so that you put credibility to what I say when I say he’s a great guy. You know, to have your coach from high school be the cheerleader for you and to be there as president of your fan club is a very high tribute. He said that he learned that to have success as a coach you must be fair, firm and friendly. That is the formula for a good coach, the formula for a good leader. And then he said it’s got to be a formula for a good judge and that all of those characteristics he attributes to Bert Ayabe.

“Mr. President and colleagues, I say that on Coach Miyashiro alone, we should confirm Bert Ayabe. The Coach went on to tell me that one of the first coaching, I guess, scrimmages he had was with Waianae High School and they lost three times. I don’t think he told me that to kind of affect my decision that Bert Ayabe is okay because here’s a coach who would throw a game for him, but no, he didn’t know that Bert Ayabe would be before us.

“This is a great person and I understand he’s in the gallery today. This is the Coach . . . not to take anything away from Bert Ayabe, but that’s the kind of support that present Judge Ayabe has, and I ask that you join me in confirming him to the First Circuit Court of the Twenty-first Circuit.

“Thank you.”

Senator Hogue rose in support of the nominee and said:

“Mr. President, I rise in support of this nominee, Bert Ayabe, who has shown great compassion, thoroughness, and willingness to be tremendously prepared on the bench, and all of the great things that have been afforded him are absolutely true.

“He also shows a great warmth when you talk with him in person. I should tell you that he’s also the father of a future girl’s basketball star at Punahou, by the way, interestingly enough. We had a great discussion about the world of sports.

When you participate in sports, you really understand the full person. And I think that because of his understanding of the world of sports, he will understand the people that come before him in the courtroom and he will do an absolutely terrific, terrific job. It’s been a wonderful training ground for him and he will be, indeed, Mr. Bulldog, Mr. Compassionate Bulldog on the bench.

“So, we give him our full unqualified support. Thank you, Mr. President.”

Senator Aduja rose in support and stated:

“I rise in support of the confirmation of Bert Ayabe to the Circuit Court of the First Judicial Circuit.

“I have known Judge Ayabe on a professional level for several years. Early on, we were adversaries in a contested summary possession case. He represented the landlord while I represented the tenant. The tenant alleged constructive eviction as a basis for failing to pay rent. Judge Ayabe and I went back and forth on the issue, but it was Judge Ayabe’s keen eye, fairness, and understanding that stands out in my memory of him during the case. We soon came to an amicable agreement and fair resolution, despite the difficulty of my client. I admired Judge Ayabe for his forthrightness, his professionalism and his character.

“From what I hear of his year on the District Court Bench, he has performed with exemplary service. Judge Ayabe’s experience in the District Court where he served on the Criminal Division is a fantastic introduction to the next branch of the judiciary. Judge Ayabe traveled to the County Courts: Waianae District Court, Ewa District Court, Kaneohe District Court, and Waipahu District Court.

“Judge Bert Ayabe has demonstrated a very high level of skill, patience, knowledge of the law and judicial temperament. He is fair, calm, and impartial. There is no doubt in my mind that he will serve as an excellent Circuit Court Judge.

“While I do not sit on the Judiciary Committee, I did attend the hearing as I had particular interest in Bert Ayabe and Alexa Fujise through my prior experiences with them. It was wonderful to see the overwhelming support that both nominees received. With that, I wholeheartedly recommend that we join in support of Judge Ayabe’s confirmation to the Circuit Court of the First Judicial Circuit.

“Thank you.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Hanabusa introduced Judge Ayabe and his family to the members of the Senate.

Stand. Com. Rep. No. 3381 (Gov. Msg. No. 422):

Senator Hanabusa moved that Stand. Com. Rep. No. 3381 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of ALEXA D.M. FUJISE to the office of Associate Judge, Intermediate Court of Appeals, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, seconded by Senator Chun Oakland.

Senator Hanabusa rose to speak in support of the nominee and said:

“Mr. President, I rise to speak in favor of Gov. Msg. No. 422.

“Mr. President, Gov. Msg. No. 422 is consideration and confirmation to the Intermediate Court of Appeals, Associate Judge, gubernatorial nominee Alexa Fujise for the term of ten years.

“Mr. President, Ms. Fujise is a University of Hawaii Manoa grad and of William S. Richardson School of Law. In other words, she is completely homegrown. She has practiced law since 1980 and her experience has been clerking for Chief Justice Herman Lum. She has been employed three years at the Office of the Disciplinary Counsel, and for the last 20 years she’s worked for the Department of the Prosecuting Attorney in the capacity of their appellate work. She basically is the supervisor for their appellate division at this time.

“The Hawaii State Bar Association found Ms. Fujise qualified with four voting highly qualified and ten qualified. Mr. President, I do want to make a statement about that because the testimony that I received plus what I know of Ms. Fujise and also from all the testimony that we received and those who came forward to actually give tribute to her, that this ranking is one that is wrong. It’s caused myself and members of the Committee to really stop and wonder.

“The reason I raise this, Mr. President, is because statistically we have come across a very interesting thin in the Hawaii State Bar Association. Since last year until this we have confirmed six women judges. We had one highly qualified, I believe, on the system before they instituted this new one, and the subsequent five were four qualified, and one not qualified. One of the ones just receiving a qualified rating is Ms. Fujise.

“The men, on the other hand, Mr. President, were 11 in number – nine highly qualified, one qualified, and one not qualified. Members, the reason I raise this is because for those of you who are looking at the ranking from the Bar Association, I do not want you to hold it in any way in a lesser light of Ms. Fujise, because you will hear, from what I’m about to tell you, how very qualified she is, but there is something foul with that system that cause myself and fellow members of the Committee really cause us to pause and ponder.

“Let me tell you what the testimony was for Ms. Fujise. Peter Carlisle, who took time off of the Aki case, said one of the most humbling things that I’ve ever heard Peter Carlisle say. And you’ve got to know Peter Carlisle and been in hearings after hearings of him to appreciate this. He said that he would really, really miss her. And the reason why is because Ms. Fujise would not tell him what he wanted to hear but tell him what he needed to hear. But he real skill for Ms. Fujise is that Peter Carlisle would listen. Now that, in and of itself, is a great esteem. I don’t know that the prosecutor’s office is going to do without someone who can make Peter Carlisle listen. He said, when she said something to him, she would listen because it was just the package of how she presented herself – very calm, very well reasoned, very detailed, and so knowledgeable of the law that even Peter Carlisle listened.

“On the other side of the fence, John Tonaki, the public defender, said that he strongly supported her in this nomination because of the fact that he said when you had Alexa Fujise on the other side of you, you knew you had to be ready because she was a very formidable opponent. He said that she was very well reasoned and thorough in all of the briefs that she did. So

when they saw her name, they made sure that they were very prepared.

“Lori Nishimura, which many of us know in the role as basically the government liaison for the prosecutor’s office, called Ms. Fujise the pillar of the prosecutor’s office. And she relayed a story that I think really sums it up. She said that as she sat there talking to Ms. Fujise, the phone rang and there was a frantic prosecutor in the court on some issue of law and needed a response immediately. And she said Alexa Fujise calmly explained the law to this prosecutor and said it wasn’t in any way condescending or anything. It was a very reasoned, comforting way and she got that prosecutor through what would normally be a major crisis.

“A friend of many of us is, of course, former Senator/District Court Judge Russell Blair. And he had an interesting slant. He said he would be absolutely delighted to have had or to have Alexa Fujise second guess any of his decisions, and he felt that she would also be an excellent choice on the Appellate Court.

“Mr. President, what we need on the Appellate Court are people who know the law, are willing to study, willing to put in the time, and willing to understand what the law really means. And I think we have that in Alexa Fujise. So I ask that you and my colleagues join me in consenting to her nomination.

“Thank you very much.”

Senator Hogue also rose in support of the nominee and stated:

“Mr. President, I wanted to give bipartisan support to this nominee, Alexa Fujise.

“You’ve heard me, colleagues, talk about the aura of fairness about some of the judge nominees that we’ve had here and certainly Ms. Fujise has that. She has the aura of fairness about her and that’s so very important when you go to the bench. But she also has an aura of calmness, and I think when you face that kind of a situation when sometimes things are a little bit crazy, the attorneys are crazy, the plaintiff is crazy, the defendant is crazy, etc., etc., you need someone there on the bench that has and exudes that aura of calmness. So, we certainly appreciate that and we know that you will do a terrific, terrific job . . . very serious, very focused, very thorough and very highly qualified.

“Regarding the Judiciary Chairman’s concerns about the Hawaii State Bar Association, I want to echo those as well. Let’s call a spade a spade. Obviously we have some male chauvinists in the HSBA and that’s just got to stop, just absolutely got to stop. They have got to not be taking gender into consideration when they consider whether someone is highly qualified or qualified . . . just absolutely have to look at the person. There are some problems going on with the Hawaii State Bar Association and they’ve got to get their house in order.

“There is no doubt in my mind and those on the Committee that Alexa Fujise is highly qualified and we recommend her highly. Thank you very much, Mr. President.”

Senator Aduja rose in support of the nominee and stated:

“Senate President and colleagues, I rise in support of the confirmation of Alexa Fujise to the Intermediate Court of Appeals.

“In 1987, fresh out of law school and having recently passed the Hawaii bar exam, I was hired as a deputy prosecuting

attorney, and assigned to the appellate division. Alexa Fujise, at that time, was one of the top deputies in the division.

“To give you the flavor of the hierarchy in the department, Alexa, a top deputy, had an office. My office was a small desk in the library. Alexa soon became my mentor and my friend. The Prosecutor’s office was a wonderful learning ground that I will never forget, partly because of the fast pace of moving hundreds of cases within a relatively short period of time as per our constitutional requirements and partly because of the great attorneys that comprised the department. Alexa Fujise was and is one of those great attorneys. The average ‘life span’ of a Deputy Prosecuting Attorney is two to three years. My own career at the Prosecutor’s Office lasted three-and-a-half years. Alexa’s career spanned two decades solely in the Appellate Division.

“Alexa has supervised and consulted with the appellate deputy in over 1400 cases. She has supervised and substantively edited briefs by law clerks in over 600 cases. She has written briefs without presenting arguments in over 160 cases, written appellate briefs and presented arguments in over 55 cases, and has presented arguments without briefs in 11 cases. That is over 2,226 cases, some becoming published opinions.

“The expertise gained in the area of criminal law at the Prosecutor’s Office is impeccable. The issues of a legal search and seizure, confession law, statutory construction, double jeopardy, admissibility of evidence, right to due process including prosecutorial misconduct, ineffective assistance of counsel and juror misconduct are all typical issues faced by an appellate advocate.

“In my opinion, Mr. President, there can be no one more qualified for this position in the Intermediate Court of Appeals. Her experience and love for this area of the law is beyond reproach. Her temperament is calm and collected and her disposition is fair and impartial.

“She is married to the former District and Circuit Court Judge and U.S. Magistrate Francis Yamashita, whom I have also encountered during my practice as a deputy prosecuting attorney and private practitioner on many occasions. Magistrate Yamashita has always been fair and impartial with an excellent judicial temperament. Alexa will also be an excellent judge.

“Colleagues, please join me in confirming Alexa Fujise to the Intermediate Court of Appeals.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Hanabusa introduced Judge Fujise and her family to the members of the Senate.

At 12:27 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:46 o’clock p.m.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, APRIL 15, 2004

Stand. Com. Rep. No. 3323 (S.C.R. No. 13):

Senator Kawamoto moved that Stand. Com. Rep. No. 3323 and S.C.R. No. 13 be adopted, seconded by Senator Hogue.

Senator Slom rose to speak in opposition to several resolutions and said:

“Mr. President, I rise in opposition to several of these resolutions.

“We all know that resolutions are really not that important because they don’t have the force of law and they just request or they urge or they ask, but they are important because they are a record of what we do and they are a record of our votes. Unfortunately, my understanding is that our votes in opposition to any of these are actually not recorded and what the Clerk records is whether or not the resolution is adopted either unanimously or not unanimously.

“I think it’s important because there’ve been a number of times when resolutions have been passed and people have then later said this is reflective of the Legislature, meaning all 76 Legislators. A case in point is last year when our good friends across the hall there introduced that wonderful resolution, the aloha to Saddam Hussein, giving him all kinds of praise and everything else. A lot of people said later they were caught by surprise where it was because they voted on 30 or 40 or 50 at the time.

“So, I’m going to just list very briefly the objections that I have, but I would suggest that in the future, if we’re going to be doing a major 29 pages worth of resolutions, then we should allocate a little bit more time and have discussion on these resolutions.

“Saying that, Mr. President and Senate Clerk, please cast my ‘no’ vote on committee reports 3323, 3324, which is S.C.R. No. 13 and S.C.R. No. 15, which I think will have a deleterious effect on non-union construction companies in this major military government project.

“Thank you.”

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 13, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING HAWAII’S CONGRESSIONAL DELEGATION TO ENSURE THAT AT LEAST EIGHTY PER CENT OF FEDERAL EXPENDITURES REMAIN IN HAWAII, AND THE RIGHTS OF LOCAL UNION LABOR TO FAIR WAGES UNDER THE DAVIS-BACON ACT ARE NOT CIRCUMVENTED, ON THE U.S. MILITARY PRIVATIZATION CONSTRUCTION CONTRACTS FOR IMPROVEMENTS ON HAWAII MILITARY BASES,” was adopted with Senators Hemmings, Hogue, Slom and Trimble voting “No.”

Stand. Com. Rep. No. 3324 (S.R. No. 15):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 15, entitled: “SENATE RESOLUTION REQUESTING HAWAII’S CONGRESSIONAL DELEGATION TO ENSURE THAT AT LEAST EIGHTY PER CENT OF FEDERAL EXPENDITURES REMAIN IN HAWAII, AND THE RIGHTS OF LOCAL UNION LABOR TO FAIR WAGES UNDER THE DAVIS-BACON ACT ARE NOT CIRCUMVENTED, ON THE U.S. MILITARY PRIVATIZATION CONSTRUCTION CONTRACTS FOR IMPROVEMENTS ON HAWAII MILITARY BASES,” was adopted with Senators Hemmings, Hogue, Slom and Trimble voting “No.”

Stand. Com. Rep. No. 3325 (S.C.R. No. 101, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 101, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE EAST-WEST CENTER TO CONDUCT AN INVENTORY OF INTERNATIONAL ACTIVITIES IN HAWAII TO AID BUSINESS, GOVERNMENT, AND CIVIC ORGANIZATIONS," was adopted.

Stand. Com. Rep. No. 3326 (S.C.R. No. 146, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 146, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII HEALTH SYSTEMS CORPORATION AND ST. FRANCIS HEALTHCARE SYSTEM TO CONTINUE THEIR PARTNERSHIP IN SERVING THE NEEDS OF DIALYSIS PATIENTS IN THE PUNA DISTRICT OF THE ISLAND OF HAWAII BY EXPANDING ITS NETWORK OF DIALYSIS TREATMENT FACILITIES TO THE KEAAU FAMILY CENTER IN THE PUNA DISTRICT AND BY CONDUCTING A NEEDS ASSESSMENT THAT WILL DETERMINE THE COST AND REQUIREMENTS OF ESTABLISHING A DIALYSIS CENTER IN PUNA," was adopted.

Stand. Com. Rep. No. 3327 (S.C.R. No. 183, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 183, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND AMERICAN INDUSTRIAL HYGIENE ASSOCIATION TO CONVENE A MOLDS WORKING GROUP TO IDENTIFY KEY ISSUES REGARDING MOLDS," was adopted.

Stand. Com. Rep. No. 3328 (S.R. No. 100, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 100, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND AMERICAN INDUSTRIAL HYGIENE ASSOCIATION TO CONVENE A MOLDS WORKING GROUP TO IDENTIFY KEY ISSUES REGARDING MOLDS," was adopted.

Stand. Com. Rep. No. 3329 (S.C.R. No. 87, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 87, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE RENAMING OF THE OLD KONA AIRPORT STATE RECREATION AREA AS THE KIYONO KUNITAKE STATE RECREATION AREA," was adopted.

Stand. Com. Rep. No. 3330 (S.R. No. 44, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 44, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE RENAMING OF THE OLD KONA AIRPORT STATE RECREATION AREA AS

THE KIYONO KUNITAKE STATE RECREATION AREA," was adopted.

Stand. Com. Rep. No. 3331 (S.C.R. No. 97):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 97, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES," was adopted.

Stand. Com. Rep. No. 3332 (S.R. No. 51):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 51, entitled: "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES," was adopted.

Stand. Com. Rep. No. 3333 (S.C.R. No. 126):

Senator Kawamoto moved that Stand. Com. Rep. No. 3333 and S.C.R. No. 126 be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition and said:

"Mr. President, on page 17, 3333 and 3334, which is S.C.R. No. 126 and S.R. No. 64, which is an oblique way of attacking President Bush in terms of reducing veteran's benefits. My understanding is that there is a reconciliation that changes the way benefits for future veterans are going to be calculated. So there's a 'no' vote for that one.

"Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH'S PLANS TO REDUCE VETERANS BENEFITS," was adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3334 (S.R. No. 64):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 64, entitled: "SENATE RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH'S PLANS TO REDUCE VETERANS BENEFITS," was adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3335 (S.C.R. No. 203):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 203, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was adopted.

Stand. Com. Rep. No. 3336 (S.R. No. 114):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 114, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was adopted.

Stand. Com. Rep. No. 3337 (S.C.R. No. 106, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 106, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INQUIRY INTO THE DELAYS IN PAYMENT TO DEVELOPMENTAL DISABILITY PROVIDERS," was adopted.

Stand. Com. Rep. No. 3338 (S.C.R. No. 54):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE IMPACT OF THE DEPARTMENT OF HUMAN SERVICES' POLICY OF EXPEDITED PROCESSING OF APPLICATIONS RECEIVED FROM PREGNANT WOMEN USING THE 'MEDICAL ASSISTANCE APPLICATION FOR CHILDREN AND PREGNANT WOMEN ONLY' FORM ON EARLY ENTRY INTO PRENATAL CARE AND SUBSEQUENT BIRTH OUTCOMES," was adopted.

Stand. Com. Rep. No. 3339 (S.C.R. No. 76, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 76, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was adopted.

Stand. Com. Rep. No. 3340 (S.R. No. 36, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 36, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was adopted.

Stand. Com. Rep. No. 3341 (S.C.R. No. 85):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO CONSIDER AND INCORPORATE THE IMPORTANCE OF ECONOMIC FACTORS AND IMPACTS IN LAWS, RULES, AND POLICIES CONCERNING THE CONSERVATION OF FORESTRY AND AGRICULTURAL RESOURCES," was adopted.

Stand. Com. Rep. No. 3342 (S.R. No. 42):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 42, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO CONSIDER AND INCORPORATE THE IMPORTANCE OF ECONOMIC FACTORS AND IMPACTS IN LAWS, RULES, AND POLICIES CONCERNING THE CONSERVATION OF FORESTRY AND AGRICULTURAL RESOURCES," was adopted.

Stand. Com. Rep. No. 3343 (S.C.R. No. 187, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 187, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO RESEARCH THE DEVELOPMENT OF A SUSTAINABLE FLOOD PROJECT SPONSORSHIP PROGRAM TO PROMOTE FLOOD ABATEMENT IN LANDS FROM WAIHAOLE TO LAIE," was adopted.

Stand. Com. Rep. No. 3344 (S.C.R. No. 190, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 190, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO TAKE ACTION TO PREVENT ILLEGAL ENTRY TO THE HAIKU STAIRS UNTIL THE ISSUE OF PERMANENT ACCESS TO THE HAIKU STAIRS IS RESOLVED AND THE SURROUNDING NEIGHBORHOOD IS NO LONGER IMPOSED UPON, AND REQUESTING THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO DISCLOSE TO THE PUBLIC THE CITY'S PLANS REGARDING THE FUTURE OF THE HAIKU STAIRS AND HAIKU VALLEY," was adopted.

Stand. Com. Rep. No. 3345 (S.R. No. 104, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 104, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO TAKE ACTION TO PREVENT ILLEGAL ENTRY TO THE HAIKU STAIRS UNTIL THE ISSUE OF PERMANENT ACCESS TO THE HAIKU STAIRS IS RESOLVED AND THE SURROUNDING NEIGHBORHOOD IS NO LONGER IMPOSED UPON, AND REQUESTING THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO DISCLOSE TO THE PUBLIC THE CITY'S PLANS REGARDING THE FUTURE OF THE HAIKU STAIRS AND HAIKU VALLEY," was adopted.

Stand. Com. Rep. No. 3346 (S.C.R. No. 212):

Senator Kawamoto moved that Stand. Com. Rep. No. 3346 and S.C.R. No. 212 be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition and said:

"Mr. President, on page 21, Stand. Com. Rep. No. 3346, 3347, this is a thorough evaluation of Waikane after use since 1976 training by the United States Marines. Certainly I think that there should be some kind of evaluation but I don't think that we should get into the financial problems and difficulties in costs that we had with Kahoolawe, and yet this is an open-ended resolution which really encourages that.

“Thank you.”

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 212, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN FOR AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII,” was adopted with Senators Slom and Trimble voting “No.”

Stand. Com. Rep. No. 3347 (S.R. No. 123):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 123, entitled: “SENATE RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN FOR AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII,” was adopted with Senators Slom and Trimble voting “No.”

Stand. Com. Rep. No. 3348 (S.C.R. No. 50, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 50, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION, WITHIN AVAILABLE RESOURCES, TO ENSURE FULL COMPLIANCE WITH THAT PORTION OF THE ADMINISTRATIVE RULES THAT CALLS FOR ‘APPROPRIATE INTERVENTION AND TREATMENT SERVICES’ FOR STUDENTS EXCLUDED FROM SCHOOL DUE TO ‘POSSESSION OF A DANGEROUS WEAPON, SWITCHBLADE KNIFE, INTOXICATING LIQUOR, OR ILLICIT DRUGS,’” was adopted.

Stand. Com. Rep. No. 3349 (S.C.R. No. 71, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3349 and S.C.R. No. 71, S.D. 1, be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition and said:

“Mr. President, on page 22, 3349, which is S.C.R. No. 71, S.D. 1, the title has been changed, but it’s the same resolution. Basically, it comes from the homosexual community which is seeking even more study and more emphasis and more public housing to protect their particular lifestyle.

“Thank you.”

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 71, S.D. 1,

entitled: “SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF DISCRIMINATION AND HARASSMENT OF STUDENTS IN THE PUBLIC SCHOOLS,” was adopted with Senators Hemmings, Slom and Trimble voting “No.”

Stand. Com. Rep. No. 3350 (S.C.R. No. 86):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 86, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS,” was adopted.

Stand. Com. Rep. No. 3351 (S.R. No. 43):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 43, entitled: “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS,” was adopted.

Stand. Com. Rep. No. 3352 (S.C.R. No. 91):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 91, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS,” was adopted.

Stand. Com. Rep. No. 3353 (S.C.R. No. 133):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 133, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION REVIEW AND REVISE POLICIES TO ENLARGE AND EXPAND REGULAR OPPORTUNITIES IN EACH DISTRICT FOR MEMBERS OF THE COMMUNITIES TO PARTICIPATE MEANINGFULLY BY EXPRESSING THEIR IDEAS AND SUPPORT OF IMPORTANT ISSUES IMPACTING EDUCATIONAL ADVANCEMENT,” was adopted.

Stand. Com. Rep. No. 3354 (S.R. No. 71):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 71, entitled: “SENATE RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION REVIEW AND REVISE POLICIES TO ENLARGE AND EXPAND REGULAR OPPORTUNITIES IN EACH DISTRICT FOR MEMBERS OF THE COMMUNITIES TO PARTICIPATE MEANINGFULLY BY EXPRESSING THEIR IDEAS AND SUPPORT OF IMPORTANT ISSUES IMPACTING EDUCATIONAL ADVANCEMENT,” was adopted.

Stand. Com. Rep. No. 3355 (S.C.R. No. 156, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was

adopted and S.C.R. No. 156, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING A COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was adopted.

Stand. Com. Rep. No. 3356 (S.C.R. No. 164):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 164, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was adopted.

Stand. Com. Rep. No. 3357 (S.R. No. 84):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 84, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was adopted.

Stand. Com. Rep. No. 3358 (S.C.R. No. 198):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 198, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION," was adopted.

Stand. Com. Rep. No. 3359 (S.R. No. 111):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 111, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION," was adopted.

Stand. Com. Rep. No. 3360 (S.C.R. No. 10, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3360 and S.C.R. No. 10, S.D. 1, be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition and said:

"Mr. President, on page 25, my good friend, the Minority Floor Leader, just said that he'll go along with anything that the Senator from God's country will do and that's nice to know. I always mention I'm the classmate, the younger classmate, of the good Senator from God's country, and I'll go along with almost, almost anything. But, Mr. President and colleagues, this is what my good colleague has done. On 3360, which is S.C.R. No. 10, S.D. 1, that originally was a resolution to inquire into the impact for all of Hawaii citizens by the Jones Act – the cost, the lack of communication, the lack of competition, all of

the problems that we suffer when we talk about the high cost of living for other things. Now, my good colleague, my good friend, my classmate, the arbiter of God's country – and there is, by the way, only one God's country that I recognize – he gutted that resolution before he even gave it a hearing, for God's sake in God's country. And he's fixing a traffic light . . . now, come on. You know, from an evaluation of the Jones Act, which affects all of us, to a traffic signal at the intersection of Kamehameha Highway and Kuala Street in Pearl City. Come on, I'm all for traffic lights, but this was not the way to do it. So a strong 'no' vote on that.

"Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.C.R. No. 10, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY AND INSTALL A TRAFFIC SIGNAL LIGHT AT THE INTERSECTION OF KAMEHAMEHA HIGHWAY AND KUALA STREET IN PEARL CITY TO ALLEVIATE TRAFFIC CONGESTION AND PROVIDE PROTECTION TO NEARBY RESIDENTS WHO FREQUENTLY CROSS THAT INTERSECTION," was adopted with Senators Slom and Trimble voting "No."

Stand. Com. Rep. No. 3361 (S.C.R. No. 11, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3361 and S.C.R. No. 11, S.D. 1, be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition and said:

"He did it again, Mr. President, the very next one, 3361 and 3362, S.C.R. No. 11, S.D. 1, and S.R. No. 7, S.D. 1. Now, here was an evaluation of the Passenger Carrier Act. Again, something that affects us, affects transportation, affects our economy, and what did he do? He gutted it again before a hearing and he stuck in a request to design and erect an attractive and appropriate sign for the Korean Vietnam Veterans Memorial on our state grounds here. I'm all for that . . . in a separate resolution, but this is not proper. I think that we should inquire into the medical condition of the good Senator from God's country because I think he had too much birthday cake and Chinese food the other day. (Laughter.)

"Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.C.R. No. 11, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO DESIGN AND ERECT AN ATTRACTIVE AND APPROPRIATE SIGNAGE FOR THE KOREAN VIETNAM VETERANS MEMORIAL ON THE GROUNDS OF THE STATE CAPITOL," was adopted with Senators Slom and Trimble voting "No."

Stand. Com. Rep. No. 3362 (S.R. No. 7, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 7, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO DESIGN AND ERECT AN ATTRACTIVE AND APPROPRIATE SIGNAGE FOR THE KOREAN VIETNAM VETERANS MEMORIAL ON THE GROUNDS OF THE STATE CAPITOL," was adopted with Senators Slom and Trimble voting "No."

Stand. Com. Rep. No. 3363 (S.C.R. No. 38, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 38, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FULL PLEDGE OF ALLEGIANCE BE RECITED BEFORE THE START OF THE SENATE AND HOUSE FLOOR SESSION ON THE FIRST SESSION DAY OF THE WEEK," was adopted.

Stand. Com. Rep. No. 3364 (S.R. No. 19, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 19, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE FULL PLEDGE OF ALLEGIANCE BE RECITED BEFORE THE START OF THE SENATE AND HOUSE FLOOR SESSION ON THE FIRST SESSION DAY OF THE WEEK," was adopted.

Stand. Com. Rep. No. 3365 (S.C.R. No. 99):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was adopted.

Stand. Com. Rep. No. 3366 (S.R. No. 53):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 53, entitled: "SENATE RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was adopted.

Stand. Com. Rep. No. 3367 (S.C.R. No. 161, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 161, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," was adopted.

Stand. Com. Rep. No. 3368 (S.C.R. No. 180, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3368 and S.C.R. No. 180, S.D. 1, be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition and said:

"Mr. President, moving right along, on page 27, 3368 and 3369, which is S.C.R. No. 180, S.D. 1, and S.R. No. 97. This is requesting the Department of Health to ask the food industry, in particular, 'big box' people to find ways of taking their pallets and their wooden materials backhaul. We had a bill about that previously. The big box companies and others that work with pallets have weighed in on that issue. I don't think we have to continue trying to browbeat them on this. In some cases, they recycle the materials here. In other cases they sell the materials

here. But in terms of backhaul, they've shown that it was an economic implausibility.

"Thank you."

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 180, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO WORK WITH THE HAWAII FOOD INDUSTRY ASSOCIATION TO DETERMINE THE FEASIBILITY OF REQUIRING THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE 'BIG BOX' RETAILERS AND WHOLESALERS," was adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3369 (S.R. No. 97, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3369 and S.R. No. 97, S.D. 1, be adopted, seconded by Senator Hogue.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 97, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO WORK WITH THE HAWAII FOOD INDUSTRY ASSOCIATION TO DETERMINE THE FEASIBILITY OF REQUIRING THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE 'BIG BOX' RETAILERS AND WHOLESALERS," was adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3370 (S.C.R. No. 181, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 181, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOMMENDING THE LONG-TERM CARE VETERANS AFFAIRS STATE HOME IN HILO BE NAMED IN HONOR OF YUKIO OKUTSU," was adopted.

Stand. Com. Rep. No. 3371 (S.C.R. No. 107, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII FILM AND TELEVISION DEVELOPMENT BOARD TO FORMULATE AND IMPLEMENT A COMPREHENSIVE STRATEGY TO PROMOTE AND FOSTER A STRONG AND COMPETITIVE DIGITAL MEDIA INDUSTRY IN HAWAII," was adopted.

Stand. Com. Rep. No. 3372 (S.R. No. 57, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 57, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII FILM AND TELEVISION DEVELOPMENT BOARD TO FORMULATE AND IMPLEMENT A COMPREHENSIVE STRATEGY TO PROMOTE AND FOSTER A STRONG AND COMPETITIVE DIGITAL MEDIA INDUSTRY IN HAWAII," was adopted.

Stand. Com. Rep. No. 3373 (S.C.R. No. 127, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted

and S.C.R. No. 127, S.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 adopted.

Stand. Com. Rep. No. 3382 (S.C.R. No. 26, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 26, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE STATE FILM OFFICE, THE UNIVERSITY OF HAWAII, OTHER STATE AGENCIES, AND OTHER INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH AN ANNUAL INTERNATIONAL ANIMATION FILM FESTIVAL," was adopted.

Stand. Com. Rep. No. 3383 (S.R. No. 13, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 13, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE STATE FILM OFFICE, THE UNIVERSITY OF HAWAII, OTHER STATE AGENCIES, AND OTHER INTERESTED PARTIES TO WORK TOGETHER TO ESTABLISH AN ANNUAL INTERNATIONAL ANIMATION FILM FESTIVAL," was adopted.

Stand. Com. Rep. No. 3384 (S.C.R. No. 82, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 82, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO EVALUATE CHILD SUPPORT ADJUSTMENTS FOR ACTIVATED MILITARY PERSONNEL AND RECOMMEND SOLUTIONS," was adopted.

Stand. Com. Rep. No. 3385 (S.R. No. 41, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 41, S.D. 1, entitled: "SENATE RESOLUTION CONVENING A TASK FORCE TO EVALUATE CHILD SUPPORT ADJUSTMENTS FOR ACTIVATED MILITARY PERSONNEL AND RECOMMEND SOLUTIONS," was adopted.

Stand. Com. Rep. No. 3386 (S.C.R. No. 153):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 153, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JUDICIARY WORK GROUP TO EVALUATE AND RECOMMEND METHODS TO STREAMLINE COURT-ORDERED FORENSIC EVALUATIONS AND TO DELIVER APPROPRIATE MENTAL HEALTH TREATMENT TO PRETRIAL DETAINEES," was adopted.

Stand. Com. Rep. No. 3387 (S.C.R. No. 154):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 154, entitled: "SENATE CONCURRENT

RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE DIAMONDBACK CORRECTIONAL FACILITY," was adopted.

Stand. Com. Rep. No. 3388 (S.C.R. No. 159, S.D. 2):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 159, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII'S EFFORTS TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLORS OF THE UNIVERSITY OF HAWAII TO FORM TASK FORCES TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS," was adopted.

Stand. Com. Rep. No. 3389 (S.C.R. No. 167):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 167, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING NATIVE HAWAIIANS AS TRADITIONAL, INDIGENOUS KNOWLEDGE HOLDERS AND RECOGNIZING THEIR COLLECTIVE INTELLECTUAL PROPERTY RIGHTS," was adopted.

Stand. Com. Rep. No. 3390 (S.R. No. 87):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 87, entitled: "SENATE RESOLUTION RECOGNIZING NATIVE HAWAIIANS AS TRADITIONAL, INDIGENOUS KNOWLEDGE HOLDERS AND RECOGNIZING THEIR COLLECTIVE INTELLECTUAL PROPERTY RIGHTS," was adopted.

Stand. Com. Rep. No. 3391 (S.C.R. No. 194):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 194, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGAL SERVICES CORPORATION TO REMOVE THE RESTRICTIONS ON ACCESS TO PUBLIC LEGAL SERVICES FOR CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS AND REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION IN CONGRESS CALLING FOR THE INCLUSION OF THE PROVISION OF LEGAL SERVICES TO CITIZENS OF THE FREELY ASSOCIATED STATES RESIDING IN THE STATE OF HAWAII AND OTHER AFFECTED JURISDICTIONS UNDER THE COMPACT OF FREE ASSOCIATION, AND ANY SUBSEQUENTLY RENEGOTIATED COMPACT," was adopted.

Stand. Com. Rep. No. 3392 (S.C.R. No. 114):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 114, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR TO RELEASE THE FUNDS APPROPRIATED FOR THE

ACQUISITION OF PARADISE PARK IN MANOA," was adopted.

Stand. Com. Rep. No. 3393 (S.C.R. No. 115):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 115, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM," was adopted.

Stand. Com. Rep. No. 3394 (S.R. No. 60):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 60, entitled: "SENATE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM," was adopted.

Stand. Com. Rep. No. 3395 (S.C.R. No. 40):

Senator Kawamoto moved that Stand. Com. Rep. No. 3395 and S.C.R. No. 40 be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition and said:

"Mr. President, moving right along, on page 32, 3395 and 3396, S.C.R. No. 40 and S.R. No. 20, requesting the Federal Communications Commission to investigate the adverse health effects of cellular and radio antenna in Waiawa and Pearl City. Well, there are two things that can be said about that. One is that if we're concerned about the health concerns then it should be to look into the possible health impact on all of the island where there are cellular facilities. But the other is that the FCC is really important right now because it's got to get sex and scandal off the airwaves and off TV. So, I think we should let them do their job in that area as well.

"Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.C.R. No. 40, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA 'PEARL CITY' INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK," was adopted with Senators Slom and Trimble voting "No."

Stand. Com. Rep. No. 3396 (S.R. No. 20):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 20, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE FEDERAL COMMUNICATIONS COMMISSION TO INVESTIGATE AND EXAMINE THE ADVERSE HEALTH EFFECTS OF CELLULAR AND RADIO ANTENNA TOWERS IN THE WAIAWA 'PEARL CITY' INDUSTRIAL AREA, AND IF NECESSARY, TO REQUIRE THE REMOVAL OF ANY UNUSED OR POTENTIALLY DANGEROUS ANTENNAS THAT POSE A HEALTH RISK," was adopted with Senators Slom and Trimble voting "No."

Stand. Com. Rep. No. 3397 (S.R. No. 48, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 48, S.D. 1, entitled: "SENATE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was adopted.

Stand. Com. Rep. No. 3398 (S.C.R. No. 92, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 92, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was adopted.

Stand. Com. Rep. No. 3399 (S.C.R. No. 136):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 136, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO ESTABLISH THE ASIA-PACIFIC RISK MANAGEMENT AND INSURANCE PROGRAM WITHIN THE COLLEGE OF BUSINESS ADMINISTRATION AT THE UNIVERSITY OF HAWAII AT MANOA," was adopted.

Stand. Com. Rep. No. 3400 (S.C.R. No. 147, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 147, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATION OF MARINE LIFE CONSERVATION DISTRICTS AND OF THE STEWARDSHIP OF THE MARINE NATURAL AREA RESERVES SYSTEM BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted.

Stand. Com. Rep. No. 3401 (S.C.R. No. 209, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 209, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE RENAMING OF HEEIA STATE PARK TO LAE 'O KEALOHI STATE PARK," was adopted.

Stand. Com. Rep. No. 3402 (S.R. No. 120, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 120, S.D. 1, entitled: "SENATE RESOLUTION URGING THE RENAMING OF HEEIA STATE PARK TO LAE 'O KEALOHI STATE PARK," was adopted.

Stand. Com. Rep. No. 3403 (S.C.R. No. 112, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 112, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, THE UNIVERSITY OF HAWAII,

THE DEPARTMENT OF EDUCATION, AND THE COUNTIES TO CREATE AND ISSUE A COORDINATED STRATEGY FOR THE INSTITUTIONAL NETWORK AND THE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS SYSTEM," was adopted.

Stand. Com. Rep. No. 3404 (S.R. No. 58, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 58, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, THE UNIVERSITY OF HAWAII, THE DEPARTMENT OF EDUCATION, AND THE COUNTIES TO CREATE AND ISSUE A COORDINATED STRATEGY FOR THE INSTITUTIONAL NETWORK AND THE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS SYSTEM," was adopted.

Stand. Com. Rep. No. 3405 (S.C.R. No. 131, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3405 and S.C.R. No. 131, S.D. 1, be adopted seconded by Senator Hogue.

Senator Slom rose in opposition and said:

"Mr. President, then we come to page 34, number 3405 and 3406, S.C.R. No. 131 and S.R. No. 69, S.D. 1, urging development and support for robotics education in Hawaii. Until we can educate our young folks into reading, writing, mathematics and basics, I'm worried about those robotics, Mr. President, quite frankly. I have visions of them at night coming to take just Republicans and take them away. (Laughter.) So, I see this as a sinister move and I don't want virtual people. I don't want robots. I think we should deal with real students, real teachers, and real problems.

"Thank you."

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 131, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF AND SUPPORT FOR ROBOTICS EDUCATION IN HAWAII," was adopted with Senators Slom and Trimble voting "No."

Stand. Com. Rep. No. 3406 (S.R. No. 69, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 69, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEVELOPMENT OF AND SUPPORT FOR ROBOTICS EDUCATION IN HAWAII," was adopted with Senators Slom and Trimble voting "No."

Stand. Com. Rep. No. 3407 (S.C.R. No. 157, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 157, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was adopted.

Stand. Com. Rep. No. 3408 (S.R. No. 80, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 80, S.D. 1, entitled: "SENATE RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was adopted.

Stand. Com. Rep. No. 3409 (S.C.R. No. 168, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 168, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD OF LAND AND NATURAL RESOURCES REPORT TO THE LEGISLATURE ON THE PROGRESS OF THE DIVISION OF BOATING AND OCEAN RECREATION IN ADDRESSING THE AUDITOR'S CONCERNS IN THE 1998 AND 2001 AUDITS OF THE MANAGEMENT OF STATE BOATING FACILITIES," was adopted.

Stand. Com. Rep. No. 3410 (S.R. No. 88, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 88, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE BOARD OF LAND AND NATURAL RESOURCES REPORT TO THE LEGISLATURE ON THE PROGRESS OF THE DIVISION OF BOATING AND OCEAN RECREATION IN ADDRESSING THE AUDITOR'S CONCERNS IN THE 1998 AND 2001 AUDITS OF THE MANAGEMENT OF STATE BOATING FACILITIES," was adopted.

Stand. Com. Rep. No. 3411 (S.C.R. No. 171):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 171, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE EFFORTS AND PROMOTE THE USE OF COMPOST," was adopted.

Stand. Com. Rep. No. 3412 (S.R. No. 91):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 91, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE EFFORTS AND PROMOTE THE USE OF COMPOST," was adopted.

Stand. Com. Rep. No. 3413 (S.C.R. No. 174, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 174, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR ORDINANCES," was adopted.

Stand. Com. Rep. No. 3414 (S.R. No. 93, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was

adopted and S.R. No. 93, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR ORDINANCES," was adopted.

Stand. Com. Rep. No. 3415 (S.C.R. No. 175, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 175, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," was adopted.

Stand. Com. Rep. No. 3416 (S.R. No. 94, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 94, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," was adopted.

Stand. Com. Rep. No. 3417 (S.C.R. No. 185, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 185, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING IMMEDIATE DEVELOPMENT AND IMPLEMENTATION OF ALTERNATIVE RULES UNDER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S SAFE DRINKING WATER ACT'S LEAD AND COPPER RULE," was adopted.

Stand. Com. Rep. No. 3418 (S.R. No. 102, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 102, S.D. 1, entitled: "SENATE RESOLUTION URGING IMMEDIATE DEVELOPMENT AND IMPLEMENTATION OF ALTERNATIVE RULES UNDER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S SAFE DRINKING WATER ACT'S LEAD AND COPPER RULE," was adopted.

Stand. Com. Rep. No. 3419 (S.C.R. No. 81, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 81, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO MAINTAIN AND UTILIZE THE SELF-SUFFICIENCY STANDARD AS A FRAMEWORK TO EVALUATE PROGRAMS AND DEVELOP PUBLIC POLICY," was adopted.

Stand. Com. Rep. No. 3420 (S.C.R. No. 135, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 135, S.D. 1, entitled: "SENATE

CONCURRENT RESOLUTION REQUESTING THE CONVENING OF AN AFFORDABLE HOUSING TASK FORCE," was adopted.

Stand. Com. Rep. No. 3421 (S.C.R. No. 199):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 199, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND LABOR AND INDUSTRIAL RELATIONS TO JOINTLY EXAMINE ISSUES RELATING TO PUBLIC ASSISTANCE INVOLVING INCENTIVES AND REQUIREMENTS TO WORK AND INCOME AND ASSET THRESHOLDS THAT MAY ACT AS DISINCENTIVES TO WORK," was adopted.

Stand. Com. Rep. No. 3422 (S.C.R. No. 96):

Senator Kawamoto moved that Stand. Com. Rep. No. 3422 and S.C.R. No. 96 be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition and said:

"Mr. President, moving down the list, and I'm almost finished. I know you're happy about that. Thank you for fixing my microphone because that could have been a tragedy. (Laughter.)

"On page 38 and 39, 3422 and 3423, urging the United States Congress to amend the laws about immigration. We're talking about an alien convicted of crimes, and the idea here is to seek a waiver from the deportation and it having more delay. And this reminds me of the bill that was just talked about earlier, the Megan's law where all of the 1,900-plus convicted felons wanted to have an individual hearing. They've had the hearing; they've been convicted; let them go and say aloha to them.

"Thank you."

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 96, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO AMEND THE LAWS ON IMMIGRATION TO ALLOW IMMIGRATION AUTHORITIES TO EXERCISE JUDICIAL DISCRETION IN A PROCEEDING TO DEPORT AN ALIEN CONVICTED OF A CRIME AND TO ALLOW A CONVICTED ALIEN TO SEEK A WAIVER FROM DEPORTATION UPON DEMONSTRATION OF SUCCESSFUL REHABILITATION EVIDENCED BY NO SUBSEQUENT CRIMINAL CONVICTIONS," was adopted with Senators Hemmings, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3423 (S.R. No. 50):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 50, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO AMEND THE LAWS ON IMMIGRATION TO ALLOW IMMIGRATION AUTHORITIES TO EXERCISE JUDICIAL DISCRETION IN A PROCEEDING TO DEPORT AN ALIEN CONVICTED OF A CRIME AND TO ALLOW A CONVICTED ALIEN TO SEEK A WAIVER FROM DEPORTATION UPON DEMONSTRATION OF SUCCESSFUL REHABILITATION EVIDENCED BY NO SUBSEQUENT CRIMINAL CONVICTIONS," was adopted with Senators Hemmings, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3424 (S.C.R. No. 123):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 123, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON EMPLOYEE OVERPAYMENT WITHIN THE UNIVERSITY OF HAWAII SYSTEM," was adopted.

Stand. Com. Rep. No. 3425 (S.R. No. 47):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 47, entitled: "SENATE RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS," was adopted.

Stand. Com. Rep. No. 3426 (S.C.R. No. 125):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 125, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ALLOW PRESCRIPTION DRUGS TO BE IMPORTED FROM CANADA," was adopted.

Stand. Com. Rep. No. 3427 (S.R. No. 63):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 63, entitled: "SENATE RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ALLOW PRESCRIPTION DRUGS TO BE IMPORTED FROM CANADA," was adopted.

Stand. Com. Rep. No. 3428 (S.C.R. No. 149):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 149, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR HAWAII SUPERFERRY, INC. AND REQUESTING EXPEDITIOUS ADMINISTRATIVE PROCESSING OF NECESSARY PERMITS," was adopted.

Stand. Com. Rep. No. 3429 (S.R. No. 79):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 79, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR HAWAII SUPERFERRY, INC. AND REQUESTING EXPEDITIOUS ADMINISTRATIVE PROCESSING OF NECESSARY PERMITS," was adopted.

Stand. Com. Rep. No. 3430 (S.C.R. No. 64, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 64, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENSURE THAT THE HAWAIIAN SPINNER DOLPHIN POPULATION ARE MANAGED AND PROTECTED IN A MANNER THAT IS CONSISTENT WITH THE UNITED

STATES MARINE MAMMAL PROTECTION ACT," was adopted.

Stand. Com. Rep. No. 3431 (S.R. No. 29, S.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 29, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENSURE THAT THE HAWAIIAN SPINNER DOLPHIN POPULATION ARE MANAGED AND PROTECTED IN A MANNER THAT IS CONSISTENT WITH THE UNITED STATES MARINE MAMMAL PROTECTION ACT," was adopted.

Stand. Com. Rep. No. 3432 (S.C.R. No. 120, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3432 and S.C.R. No. 120, S.D. 1, be adopted, seconded by Senator Hogue.

Senators Kokubun, Baker and English requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 120, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY EVALUATING THE FEASIBILITY AND NECESSITY OF THE CREATION OF A MAUNA KEA SCIENCE RESERVE AUTHORITY," was adopted.

Stand. Com. Rep. No. 3433 (S.C.R. No. 162, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3433 and S.C.R. No. 162, S.D. 1, be adopted, seconded by Senator Hogue.

Senators Kokubun, Baker and English requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 162, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY EVALUATING THE NECESSITY FOR AND IMPACT OF IMPLEMENTING A NEW PROJECT APPROVAL PROCESS FOR THE MANAGEMENT OF THE MAUNA KEA SCIENCE RESERVE," was adopted.

Stand. Com. Rep. No. 3434 (S.C.R. No. 118, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3434 and S.C.R. No. 118, S.D. 1, be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition and said:

"Finally, on page 41, number 3434, which is S.C.R. No. 118, S.D. 1, this is the resolution that disses the hard work of the executive salary commission. They all testified about why they were coming forward with the need for the salary increases. We pass salary increases for the HGEA on a regular basis year after year, month after month, but most of these people in the executive branch have not had an increase in their salaries in 12-14 years.

"Thank you."

Senator Hemmings rose in opposition to the resolution and said:

"I want to cast a very strong 'no' vote on Stand. Com. Rep. No. 3434 on page 41, which is S.C.R. No. 118, S.D. 1, and add the following comments, Mr. President.

"It seems last year in austere financial times, a much more austere budget scenario was going to be facing us and the council of revenues' problems, that we could afford to pass a pay raise for ourselves and sit on our hands. I think the Senate Republicans did offer a resolution to challenge that. Those pay increases added up to 26 percent over the next eight years. It was enough money for that.

"Right now, there is a bill – it's S.B. No. 2718. It's in Conference Committee. It's going to give compensation to the officials of the legislative service agencies. And I might add, these people deserve a pay raise too, but it's being given to them. But yet, in the branch of government that has not been given a pay raise for over 14 years is once again being denied it.

"It's important to have these pay raises put in perspective. The pay raise for the executive branch of government would amount to approximately half-a-million dollars a year. Yesterday, we passed a pay raise that was arbitrated, not negotiated, for HGEA workers that amounts to \$54 million a year beginning in 06. This is for a union that's had 25 percent increases in the last six years. And trust me, these people do good work, but they also get good pay and benefits, far in excess than their counterparts, oftentimes, in the private sector who are suffering in a beleaguered economy. We're turning down executive pay raises

"It's important to note that the committee report says that we have to contend with pending unbudgeted salary adjustments for various collective bargaining units. I think maybe therein lies the problem. Once again, this Legislature and the Majority Party is more concerned about that than fairness to the judicial and the executive branches of government.

"I might also note that the Governor makes less money than the head librarian. I might also note that there are 361 civil servants employed in the executive branch of government that make considerably more than the department heads.

"The committee report noted, I must say lamely, that these new directors have only been on the job for 14 months, why should they get the pay raise? Well, I might add, why should recent hires in the civil service get extensive pay raises with extensive benefits? I might add that the fringe benefits for recent hires, someone getting hired in the executive branch of government in the civil service area, the fringe benefits are by far and away the most benevolent in the nation.

"Mr. President, it's unfair, and as the newspaper said, it's petty politics at its worst.

Senator Ihara rose in opposition to the resolution and said:

"Mr. President, a 'no' vote on S.C.R. No. 118, Stand. Com. Rep. No. 3434, which would disapprove recommendations of the executive salary commission.

"I must respectfully disagree with the committee report for that resolution. This is Stand. Com. Rep. No. 3434. It said that the commission had no statutory authority to establish a tiered system of compensation for department heads. My reading of, and I'll quote HRS 26-55(b), it says 'the commission may recommend different salaries for department heads and executive officers.'

"Thank you."

Senator Hogue rose with reservations and said:

"Mr. President, strong reservations on Stand. Com. Rep. No. 3434 and 3435.

"The reason why I ask for reservations is because I would have gone along with the idea that we're not going to grant executive and judiciary pay raises. I would have gone along with that if we also voted down legislative pay raises. That would have been a consistent position. But it is very wrong, extremely wrong to accept legislative pay raises and then disapprove similar pay raises for the executive and judiciary branches.

"It does not, does not look good to the public. I think we should be ashamed of doing something like that, and I just want to note my total disagreement with the way that this Body has handled these particular measures.

"Thank you, Mr. President."

Senator Aduja requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 118, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 EXECUTIVE SALARY COMMISSION," was adopted with Senators Hemmings, Ihara, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3435 (S.C.R. No. 119, S.D. 1):

Senator Kawamoto moved that Stand. Com. Rep. No. 3435 and S.C.R. No. 119, S.D. 1, be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition and said:

"Mr. President, the last one, 3435, which was S.C.R. No. 119, recommendations of the judicial salary commission. We heard from the Governor; we heard from the people on the commission; we heard from attorneys about the need to adjust those salaries and that you want to turn down as well. I don't know what the reasoning is behind it, but that's it.

"Thank you."

Senator Hemmings rose in opposition to the resolution and said:

"I also want to address Stand. Com. Rep. No. 3435, which is on page 41, S.C.R. No. 119, S.D. 1. This resolution also rejects the commission's recommendations for pay raises for the judiciary. In actual dollars, our judiciary is ranked 32 in the nation for pay compensation. In dollars adjusted for the cost of living in Hawaii, we're dead last – dead last. It's once again just not fair.

"This Legislature . . . the Majority Party, I should be more specific, has found money for pay increases for themselves, for the people that work directly for them, and for the labor unions, but cannot find enough pay to give our judges an adequate salary for the work they do. I find it quite ironic that the Majority Party can stand up and laud all the nominees that come to this Floor for advise and consent and get voted into a judicial position of great prestige, and the entire third branch of

government, the judiciary, relies on their confidence and their integrity and we insult them without giving them a pay raise.

“So, for these reasons, I’m voting against these resolutions. I know, Mr. President, you have noted that maybe this could be done next year. Well, maybe the pay raises that we gave the HGEA could be done a year or two years from now in view of all the excessive benefits and pay raises they’ve gotten. Maybe the pay raises that we gave ourselves last year could have been delayed. Maybe the pay raises that we’re contemplating for legislative offices could be delayed. These people deserve a pay raise and they deserve it now, and these two resolutions are an insult to them.

“Thank you, Mr. President.”

Senators Ihara, Hogue and Aduja requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, the report of the Committee was adopted and S.C.R. No. 119, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 JUDICIAL SALARY COMMISSION,” was adopted with Senators Hemmings, Slom and Trimble voting “No.”

ADOPTION OF RESOLUTIONS

S.C.R. No. 39, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 39, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT,” was adopted.

S.C.R. No. 43, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 43, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH ESTABLISH A VIOLENCE PREVENTION UNIT THAT INCLUDES SEXUAL ASSAULT, TO PROVIDE SAFETY FOR VICTIMS OF SEXUAL ASSAULT, PROMOTE EFFECTIVE INTERVENTION, AND REDUCE THE INCIDENCE OF SEXUAL ASSAULT,” was adopted.

S.C.R. No. 44:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 44, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FORM AN OVERSIGHT COMMITTEE OF THE DOMESTIC VIOLENCE PREVENTION SPECIAL FUND AND THE SPOUSE AND CHILD ABUSE SPECIAL ACCOUNTS WITH THE DEPARTMENT OF HUMAN SERVICES AND JUDICIARY,” was adopted.

S.C.R. No. 48:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 48, entitled: “SENATE CONCURRENT RESOLUTION SUPPORTING THE REBUILDING AND REFURBISHING OF STUDENT HOUSING AT THE UNIVERSITY OF HAWAII,” was adopted.

S.C.R. No. 60, S.D. 1:

Senator Kawamoto moved that S.C.R. No. 60, S.D. 1, be adopted, seconded by Senator Hogue.

Senator Slom rose in opposition and said:

“Finally, on page 42, S.C.R. No. 60, S.D. 1, trying to get a waiver for the ‘no child left behind’ for Hawaii and several other states have tried to do. I certainly agree with the idea that there should be funding for any unfunded mandate, but we’re always trying to get a waiver or exempt ourselves from laws that we don’t like. I think we should work with them or we should try to amend them at the time that they’re being discussed.

“That, Mr. President, are my ‘no’ votes. Thank you very much.”

The motion was put by the Chair and carried, S.C.R. No. 60, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION,” was adopted with Senators Slom and Trimble voting “No.”

S.C.R. No. 61, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 61, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FISCAL AUDIT AND THE DEPARTMENT OF EDUCATION TO CONDUCT A PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION’S HAWAIIAN STUDIES PROGRAM,” was adopted.

S.C.R. No. 62, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 62, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING A REPORT FROM THE CHARTER SCHOOL ADMINISTRATIVE OFFICE THAT SURVEYS EACH INDIVIDUAL CHARTER SCHOOL IN THE STATE OF HAWAII TO DETERMINE ITS FUNCTION, LOCATION, ENROLLMENT, STAFF SIZE, OPERATING AND MAINTENANCE COSTS, PHYSICAL CONDITION, CURRENT STATUS, AND PROJECTED FUTURE NEEDS,” was adopted.

S.C.R. No. 68, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 68, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING COOPERATIVE VENTURES WITH ORGANIZATIONS ON THE U.S. MAINLAND IN PROMOTING HAWAII AND ITS PRODUCTS,” was adopted.

S.C.R. No. 72, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 72, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, OFFICE OF THE PUBLIC GUARDIAN, AND ALL PROVIDERS OF LONG-TERM CARE SERVICES TO CONSIDER TRANSFER TRAUMA BEFORE RELOCATING FACILITY RESIDENTS AND TAKE NECESSARY STEPS TO MITIGATE THE POSSIBLE IMPACT ON THE

HEALTH, SAFETY, AND WELFARE OF FACILITY RESIDENTS," was adopted.

S.C.R. No. 79, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 79, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was adopted.

S.C.R. No. 95, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.C.R. No. 95, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ALLOWING PRIVATE PAY PATIENTS ON A FEE FOR SERVICES BASIS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT SERVICES PROVIDED BY THE DEPARTMENT'S COMMUNITY HEALTH CENTERS," was adopted.

S.R. No. 49, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 49, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ALLOWING PRIVATE PAY PATIENTS ON A FEE FOR SERVICES BASIS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT SERVICES PROVIDED BY THE DEPARTMENT'S COMMUNITY HEALTH CENTERS," was adopted.

RECONSIDERATION OF ACTION TAKEN

S.B. No. 2395, S.D. 2, H.D. 1:

Senator Kim 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. 2395, S.D. 2, seconded by Senator Hanabusa.

At 1:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:12 o'clock p.m.

The motion was put by the Chair and carried.

Senator Kim moved that the Senate agree to the amendments proposed by the House to S.B. No. 2395, S.D. 2, seconded by Senator Hanabusa.

Senator Kim noted:

"Mr. President, this measure is the information practices for the convention center. The House basically made some style changes."

Senator Ihara rose in opposition to the motion and said:

"Mr. President, I rise to speak in opposition to the motion that the Senate agree to the House amendments to S.B. No. 2395.

"I'm taking this unusual move to speak on this bill at this time because I want to sound the alarm to the members and the public that the Senate is about to pass this bill on Monday. The Senate originally passed this bill at the recommendation of the Senate Judiciary Committee. The House companion bill came to the Senate, the Judiciary Committee heard the bill and voted to hold the bill. So, the Committee had actually reversed its position and, nonetheless, we are seeing this bill here before us again.

"I am opposed to this bill because it would keep secret the user's identity, the users of Hawaii's public convention center. I think this is an ill-advised policy that I must oppose.

"S.B. No. 2395 sets a hasty precedent, in my mind, that Hawaii's open records laws and citizen's right to know may be disregarded for economic reasons. This bill poses a significant policy question in my mind – how much are our citizen's rights, these rights, how much are they worth? A million dollars? Two million dollars? Because it is purely and only for economic reasons that this bill was even proposed. It is only because Hawaii's convention center is in economic trouble, flowing in red ink, that this bill is needed and before us today.

"If the convention center was doing half as well as expected when first proposed years ago, this bill would not have been introduced, I believe. This bill takes away forever the public's right to know who is using our convention center, because all users who demand secrecy will get it if this bill passes. Mr. President, this bill provides that if and when the convention center becomes an economic success, which I hope it will, it must still continue to provide secrecy. The bill disregards citizen's right to know even when the reasons for this bill goes away.

"Mr. President, the Senate will vote on this bill for Final Reading on Monday and I hope Senators enjoy the weekend. I'll try to sound as large an alarm I can make and I hope that we will consider keeping the lights on in the convention center when we vote on Monday.

"Thank you."

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I, too, rise in opposition to the action contemplated here.

"I applaud the previous speaker – his remarks, his dedication to this. I spoke up and voted against this in Committee on several occasions. On the second floor I was very happy that the Senate had taken this position, and there is no way that we can justify this bill. There's no way that we can talk about open government and sunshine and public information, and pass this bill. There was no need for this bill.

"There may be something going on that we're not discussing, but we certainly aren't discussing it in public right here. And quite frankly, this bill does not pass the smell test and we should stop it today – not on Monday. We should do it today.

"Thank you."

Senator Kim rose in rebuttal and said:

"Mr. President, I rise to speak in support or rebuttal.

"Mr. President, this bill will not forever remove certain information and the public from knowing. This measure was amended and it continues to be in that form, in the House form, where up until 10 days after the event. And it's only in cases, specific cases, when a client feels that they would like this information for various reasons that were stated that this information be kept confidential.

"I believe that whether or not the convention center is doing well or not really has no bearing on this. The fact of the matter is, you have certain types of conventions that come into town that may want to have some of their records kept confidential, and this is a means in which the convention center can also remain viable and competitive with its competition throughout the nation.

"Also, if a booking is canceled, that information is made available. I was also told that if a Legislator were to ask for that information, that information would also be available.

"Thank you."

Senator Hogue rose in opposition and said:

"Mr. President, I rise in opposition to this measure.

"This measure doesn't pass the smell test or the common sense test. Think about this – we can have some entity coming in here; we can't release the information for 10 days; hundreds, if not thousands, of people are running around and we ask the convention center what's going on and they say, 'well, contractually, we can't tell you.' And so, it makes absolutely no common sense.

"In its form right now, we should vote it down. Thank you."

Senator Ihara rose in opposition and said:

"Mr. President, just a quick note and further comments in opposition to the motion to agree.

"I want us to be clear that any and all users of the convention center who request it and have a legitimate reason to duly note their verification but demand that their use of the convention center be kept from the public while they are using the convention center – any and all users who say that they want their use of the convention center be kept secret, will be kept secret and the public will never, never know who is using the convention center while they are using it. They will only find out about who the user of the convention center is, the identity of that user, after, if they're from the mainland, after they leave town. And that's when we'll find out.

"I believe that this is Hawaii's convention center and I am quite concerned about the policy that this legislation would provide.

"Thank you."

Senator Inouye rose to speak on the motion and said:

"Mr. President, I will be voting for the motion, however, I will leave my remarks, if this passes, to our decision-making on Monday.

"It has been brought to my attention . . . I received a call from San Francisco on this measure, but apparently it didn't pass so I have no problem with that. However, one thought that was put to mind for my information was that there's a certain

industry that is very concerned about the non-information posting, as well as not knowing who's using the industry as it relates to an incident that happened in San Francisco with regards to WTO and their plans to have conferences worldwide. There is a concern that in the event that there is a conference to be held here in our state with regards to an activity of WTO (World Trade Organization) or anything that affects decision-making of that body as it relates to the biotech industry and the process of GMOs, that in the event something does come to Hawaii, that no one will know of it until they leave as well as how it affects, if in the event such conferences are held here, that security measures will be needed and how can we differentiate security requests of our police departments as well as civil defense and those of that nature, Mr. President and colleagues.

"It's a concern that I've dealt with in the last couple of days and I thought this measure died so I didn't have to worry about that. But I just needed to hear that with all of you that I will be looking at this measure and will probably make some decisions at that time.

"Thank you."

Senator Slom rose and said:

"Roll Call vote, Mr. President."

Senators Chun Oakland, Fukunaga, Hooser, Ige and Inouye requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Roll Call vote having been requested, the Senate agreed to the amendments proposed by the House to S.B. No. 2395, S.D. 2, and S.B. No. 2395, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," was placed on the calendar for Final Reading on Monday, April 19, 2004, on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Hemmings, Hogue, Ihara, Slom, Trimble). Excused, 2 (Kanno, Whalen).

At 1:23 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:23 o'clock p.m.

APPOINTMENT OF CONFEREES

S.B. No. 14, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 14, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kanno, Taniguchi, co-chairs; Hooser, Hogue as managers on the part of the Senate at such conference.

S.B. No. 473, S.D. 1 (H.D. 3):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 473, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Chun Oakland, co-chairs; Aduja, Whalen as managers on the part of the Senate at such conference.

S.B. No. 643, S.D. 2 (H.D. 3):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 643, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Hanabusa, Taniguchi, co-chairs; Chun Oakland, English as managers on the part of the Senate at such conference.

S.B. No. 1000, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1000, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, English, Hogue as managers on the part of the Senate at such conference.

S.B. No. 1138, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1138, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Taniguchi, co-chairs; Chun Oakland, Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 1615 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1615, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2004, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2004, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Taniguchi, co-chairs; Menor, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2021, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2021, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto chair; Aduja, Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2045, 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. 2045, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Taniguchi, co-chairs; Kanno, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2063, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2063, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Hooser, Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2077, 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. 2077, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, Kawamoto, Taniguchi, Inouye, co-chairs; Kokubun, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2114 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2114, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Hooser, Kokubun, Tsutsui, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2131, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2131, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Aduja, Espero, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2134 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2134, and the request for a conference on the subject matter thereof, the President appointed Senators English, Kokubun, Kawamoto, co-chairs; Taniguchi, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2165, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2165, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Baker, Taniguchi, co-chairs; Kim, Kokubun, Tsutsui, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2200 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2200, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Hanabusa, co-chairs; Hooser, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2226, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2226, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Taniguchi, co-chairs; Baker, Hooser, Inouye, Kokubun, Tsutsui, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2246, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2246, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Aduja, Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2280, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2280, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2281, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2281, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, Fukunaga, Taniguchi, co-chairs; Aduja, Kokubun, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2302, 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. 2302, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, Taniguchi, co-chairs; Espero, Slom as managers on the part of the Senate at such conference.

S.B. No. 2344, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2344, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, chair; Aduja, Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2364, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2364, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Taniguchi, co-chairs; Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2380, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2380, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, Taniguchi, co-chairs; Fukunaga, Kokubun, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2385, 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. 2385, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Kokubun, co-chairs; Chun Oakland, Espero, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2396, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2396, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, Taniguchi, co-chairs; Tsutsui, Slom as managers on the part of the Senate at such conference.

S.B. No. 2399, 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. 2399, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Kokubun, co-chairs; Inouye, Taniguchi, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2405, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2405, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators English, Hanabusa, co-chairs; Kokubun, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2413, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2413, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Fukunaga, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2438, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2438, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Taniguchi, Kokubun, co-chairs; Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2538, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2538, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Chun Oakland, Menor, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2558, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2558, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, Ige, Taniguchi, co-chairs; Aduja, Espero, Kokubun, Tsutsui, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2586, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2586, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Menor, co-chairs; Chun Oakland, Inouye, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2605 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2605, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Taniguchi, co-

chairs; Baker, Espero, Kawamoto, Kim, Kokubun, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2606, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2606, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, Menor, Hanabusa, co-chairs; Kawamoto, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2607, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2607, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Hanabusa, co-chairs; Fukunaga, Tsutsui, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2654, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2654, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Baker, Taniguchi, co-chairs; Inouye, Kim, Kokubun, Tsutsui, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2671, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2671, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2690, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2690, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Kokubun, co-chairs; Chun Oakland, Taniguchi, Tsutsui, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2693, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2693, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Taniguchi, co-chairs; Aduja, Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2716, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2716, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Chun Oakland, Hooser, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2748, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2748, S.D. 1, and the request for a conference on the subject matter thereof,

the President appointed Senators Hanabusa, Taniguchi, co-chairs; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2782, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2782, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, English, co-chairs; Aduja, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2790, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2790, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Chun Oakland, English, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2791, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2791, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Chun Oakland, English, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2834, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2834, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Taniguchi, co-chairs; Chun Oakland, Kokubun, Slom as managers on the part of the Senate at such conference.

S.B. No. 2835, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2835, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Taniguchi, co-chairs; Chun Oakland, Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2840, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2840, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Taniguchi, co-chairs; English, Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2861, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2861, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, English, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2869, 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. 2869, S.D. 2,

and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Fukunaga, Taniguchi, co-chairs; Espero, Kanno, Kokubun, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2929, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2929, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Baker, Taniguchi, co-chairs; Inouye, Kim, Kokubun, Tsutsui, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2930, 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. 2930, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Baker, Taniguchi, co-chairs; Kim, Kokubun, Tsutsui, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2936, 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. 2936, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Taniguchi, co-chairs; Kokubun, Tsutsui, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2976, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2976, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Taniguchi, co-chairs; Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2994, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2994, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Taniguchi, co-chairs; Chun Oakland, Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2996, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2996, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators English, chair; Kokubun, Taniguchi, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3020 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3020, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kanno, Taniguchi, co-chairs; Hooser, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3024, 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. 3024, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, Fukunaga, Taniguchi, co-chairs; Hooser, Kokubun, Tsutsui, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3041, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3041, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Baker, Hanabusa, co-chairs; Fukunaga, Ige, Trimble as managers on the part of the Senate at such conference.

S.B. No. 3044 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3044, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Kawamoto, Hanabusa, co-chairs; Hooser, Trimble as managers on the part of the Senate at such conference.

S.B. No. 3051, 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. 3051, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3080, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3080, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Kim, Taniguchi, co-chairs; Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3086 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3086, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Kanno, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3104, 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. 3104, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Taniguchi, co-chairs; English, Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3129, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3129, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Taniguchi, co-chairs; Aduja, Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3135, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3135, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Taniguchi, co-chairs; Chun Oakland, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3153, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3153, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators English, Inouye, co-chairs; Baker, Kokubun, Taniguchi, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3182 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3182, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kim, Kokubun, Trimble as managers on the part of the Senate at such conference.

S.B. No. 3207, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3207, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators English, Kokubun, co-chairs; Taniguchi, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2397, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2397, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kim, Kokubun, Sakamoto, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2511 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2511, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Kokubun, Tsutsui as managers on the part of the Senate at such conference.

H.B. No. 2844, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2844, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Chun Oakland, Taniguchi, co-chairs; Hooser, Tsutsui as managers on the part of the Senate at such conference.

CONFERENCE COMMITTEE REPORT

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. In consequence thereof, and subsequent to its recessing at 1:24 o'clock p.m., the Senate took the following actions:

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2061, H.D. 2, S.D. 1, presented a report (Conf. Com. Rep. No. 11-04) recommending that H.B. No. 2061, 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. 11-04 and H.B. No. 2061, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," was deferred for a period of 48 hours.

ADJOURNMENT

At 6:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Monday, April 19, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FIFTIETH DAY

Monday, April 19, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:11 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Rosalyn H. Baker, Hawaii State Senate, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Ninth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 439 to 474) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 439, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, the nomination of HERBERT B. MINN, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 440, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, the nomination of HENRY SASAKI, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 441, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of SAM AIONA, term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 442, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of D. MELE CARROLL, term to expire June 30, 2005, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 443, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of JENNY FUJITA, term to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 444, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of JENNY FUJITA, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 445, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of ROBERT T. OKUDA, term to expire June 30, 2007, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 446, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of GERRY SILVA, term to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 447, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of GERRY SILVA, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 448, submitting for consideration and confirmation to the Civil Defense Advisory Council, the nomination of MYRON N. DOBASHI (RET), term to expire June 30, 2008, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 449, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of WILLIAM A. BURWELL, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 450, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MARTHA GUINAN, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 451, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of PATRICIA L. HEU MD, MPH, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 452, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MARY F. JOSSEM, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 453, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of ELROY K.M. MALO, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 454, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of EVAN A.R. MURAKAMI, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 455, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of SHERYL NELSON, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 456, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MARK F. ROMOSER, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 457, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of BETSY R. WHITNEY, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 458, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MARK YASUO YABUI, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 459, submitting for consideration and confirmation to the Health Planning Council, Hawai'i County

Subarea, the nomination of GLENN E. SPARKS BSN, MHA, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 460, submitting for consideration and confirmation to the Health Planning Council, Kaua'i County Subarea, the nomination of ZACHARY J. OCTAVIO, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 461, submitting for consideration and confirmation to the Health Planning Council, Maui County Subarea, the nomination of JULIE A. CLARK-MCGEE MN, RN, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 462, submitting for consideration and confirmation to the Health Planning Council, Maui County Subarea, the nomination of DENISE L. COHEN, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 463, submitting for consideration and confirmation to the Health Planning Council, West Oahu Subarea, the nomination of DAVID J.W. CHANG, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 464, submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, the nomination of CHRISTOPHER P. SIBLEY, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 465, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of CHARLES P.M.K. BURROWS EDD, term to expire June 30, 2008, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 466, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of ROBERT J. LU'UWAI, term to expire June 30, 2008, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 467, submitting for consideration and confirmation to the Kaneohe Bay Regional Council, the nomination of JOHN M. MORGAN, term to expire June 30, 2008, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 468, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of RON AGOR, term to expire June 30, 2008, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 469, submitting for consideration and confirmation to the Real Estate Commission, the nomination of CAROL MAE A. BALL, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 470, submitting for consideration and confirmation to the Real Estate Commission, the nomination of MICHELLE SUNAHARA LOUDERMILK, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 471, submitting for consideration and confirmation to the Hawai'i Television and Film Development Board, the nomination of EDDIE KAMAE, term to expire June 30, 2008, was referred to the Committee on Economic Development.

Gov. Msg. No. 472, submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, the nomination of STEPHEN C. GREEN, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 473, submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, the nomination of ANN T. ZANE, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 474, informing the Senate that on April 16, 2004, she signed into law House Bill No. 2251 as Act 6, entitled: "RELATING TO CHAPTER 291E," was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 553 to 624) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 553, transmitting H.C.R. No. 7, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 7, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO REEVALUATE THE PLACEMENT OF THE OFFICE OF THE PUBLIC GUARDIAN," was referred to the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 554, transmitting H.C.R. No. 10, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 10, entitled: "HOUSE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 555, transmitting H.C.R. No. 12, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT SPRECKELSVILLE, WAILUKU, MAUI, HAWAII, FOR MAINTENANCE OF ROCK GROIN PURPOSES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 556, transmitting H.C.R. No. 13, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF BREAKWATER PURPOSES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 557, transmitting H.C.R. No. 45, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 45, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROMOTE THE RECOVERY OF NATIVE PLANT SPECIES BY ENCOURAGING THE ESTABLISHMENT OF NATIVE TREE FARMS ON PUBLIC LANDS AND LANDS NOT DESIGNATED AS IMPORTANT AGRICULTURAL LANDS," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 558, transmitting H.C.R. No. 49, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 49, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A POLICY REVIEW TO EXAMINE THE PRECAUTIONARY PRINCIPLE POLICY FRAMEWORK AS A GUIDING PRINCIPLE IN CONDUCTING THE STATE'S AFFAIRS," was referred to the Committee on Energy and Environment.

Hse. Com. No. 559, transmitting H.C.R. No. 57, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY TO DETERMINE A RETAIL SALES TAX RATE SUFFICIENT TO REPLACE THE STATE INCOME, GENERAL EXCISE, AND FUEL TAXES," was referred to the Committee on Ways and Means.

Hse. Com. No. 560, transmitting H.C.R. No. 62, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING MEMBERS OF CONGRESS TO INCLUDE WAIVERS OR MAKE CHANGES TO NO CHILD LEFT BEHIND AND PROVIDE SUFFICIENT FUNDING THAT WILL ALLOW HAWAII TO USE THE LAW AS AN OPPORTUNITY TO IMPROVE EDUCATION," was referred jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 561, transmitting H.C.R. No. 63, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was referred jointly to the Committee on Education and the Committee on Health.

Hse. Com. No. 562, transmitting H.C.R. No. 77, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 77, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL

RELATIONS TO ENFORCE THE PROVISIONS OF ACT 44, SESSION LAWS OF HAWAII 2003, IN ACCORDANCE WITH THE LEGISLATURE'S INTENT," was referred to the Committee on Labor.

Hse. Com. No. 563, transmitting H.C.R. No. 83, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE CURRENT USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT AND THE ADOPTION OF A STATE POLICY SUPPORTING USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT OPERATIONS," was referred jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 564, transmitting H.C.R. No. 87, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE CITY AND COUNTY OF HONOLULU ENTERTAIN SOLICITED AND UNSOLICITED PROPOSALS FOR MASS TRANSIT," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 565, transmitting H.C.R. No. 88, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 88, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF GAY, LESBIAN, BISEXUAL, AND TRANSGENDER YOUTH OF HAWAII," was referred jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 566, transmitting H.C.R. No. 90, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 90, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 567, transmitting H.C.R. No. 91, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 91, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO FORM A TASK FORCE TO RESEARCH AND COLLECT INPUT FROM LOCAL TOUR OPERATORS AND THE LOCAL COMMUNITY, RELATIVE TO CREATING A COMPREHENSIVE DEFINITION OF ECOTOURISM AND DEVELOPING STANDARDS AND OPERATING GUIDELINES FOR IMPLEMENTATION OF AN ECOTOURISM PROGRAM," was referred jointly to the Committee on Tourism and the Committee on Energy and Environment.

Hse. Com. No. 568, transmitting H.C.R. No. 92, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 92, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ADDRESSING THE CONCERNS RAISED BY RESIDENTS IMPACTED BY THE H-1 WAIMALU VIADUCT FREEWAY WESTBOUND WIDENING PROJECT," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 569, transmitting H.C.R. No. 94, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A TASK FORCE TO ADDRESS PROBLEMS FACED BY MILITARY IMPACTED SCHOOLS," was referred jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 570, transmitting H.C.R. No. 100, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT FOR COMPLETION OF CONNECTIONS BETWEEN AND ENHANCEMENTS TO THE LEEWARD BIKE PATH AND PEARL HARBOR HISTORIC TRAIL," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Water, Land, and Agriculture and the Committee on Economic Development.

Hse. Com. No. 571, transmitting H.C.R. No. 101, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 101, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF TAXATION AND BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A REVIEW AND COST BENEFIT ANALYSIS OF ALL CURRENT TAX INCENTIVES UNDER TITLE 14, HAWAII REVISED STATUTES," was referred to the Committee on Ways and Means.

Hse. Com. No. 572, transmitting H.C.R. No. 103, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 103, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO EXAMINE THE FEDERAL INDEPENDENCE PLUS INITIATIVE TO DETERMINE IF HAWAII CAN BENEFIT FROM APPLYING FOR AND OBTAINING A WAIVER OR WAIVERS TO PROVIDE INDIVIDUALS WITH DISABILITIES WITH SERVICES IN THE COMMUNITY," was referred jointly to the Committee on Health and the Committee on Human Services.

Hse. Com. No. 573, transmitting H.C.R. No. 105, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 105, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS TO ALLOW PRIVATE PAY PATIENTS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL

HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT," was referred to the Committee on Health.

Hse. Com. No. 574, transmitting H.C.R. No. 106, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENT OF TRANSPORTATION TO TAKE AN ACTIVE ROLE IN PLANNING FOR AND PROVIDING PUBLIC TRANSPORTATION BOTH ON OAHU AND IN THE NEIGHBOR ISLAND COUNTIES," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 575, transmitting H.C.R. No. 113, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 113, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES SECRETARY OF ENERGY SUPPORT A PARTNERSHIP BETWEEN ICELAND AND HAWAII FOR THE DEVELOPMENT AND DEPLOYMENT OF RENEWABLE HYDROGEN TECHNOLOGIES AS PART OF THE INTERNATIONAL PARTNERSHIP FOR A HYDROGEN ECONOMY," was referred to the Committee on Energy and Environment.

Hse. Com. No. 576, transmitting H.C.R. No. 117, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO SUPPORT FULL FUNDING FOR THE CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT," was referred jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 577, transmitting H.C.R. No. 118, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 118, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A WATER QUALITY MONITORING PROGRAM FOR MARINE WATERS THAT EMPHASIZES ENVIRONMENTAL PROTECTION," was referred jointly to the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture.

Hse. Com. No. 578, transmitting H.C.R. No. 124, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 124, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A LEASE OF WATER RIGHTS FOR THE USE OF THE 'BLUE HOLE' DIVERSION AND PORTIONS OF A WATER TRANSMISSION SYSTEM LOCATED IN THE WAILUA SECTION OF THE LIHUE-KOLOA FOREST RESERVE FOR HYDROPOWER PRODUCTION PURPOSES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 579, transmitting H.C.R. No. 125, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 125, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," was referred jointly to the Committee on Energy and Environment and the Committee on Health.

Hse. Com. No. 580, transmitting H.C.R. No. 127, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 127, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A STUDY ON THE COST OF MAINTAINING ALOHA STADIUM," was referred jointly to the Committee on Economic Development and the Committee on Ways and Means.

Hse. Com. No. 581, transmitting H.C.R. No. 129, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CALIFORNIA SERVICE CENTER FOR THE BUREAU OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES TO REOPEN DUNCAN HAMILTON'S REQUEST FOR EXTENSION OF HIS E-2 NONIMMIGRANT TREATY INVESTOR STATUS AND FOR HIS TWO DAUGHTERS," was referred jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 582, transmitting H.C.R. No. 141, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was referred to the Committee on Health.

Hse. Com. No. 583, transmitting H.C.R. No. 146, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 146, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII," was referred jointly to the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 584, transmitting H.C.R. No. 151, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 151, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE LEGISLATURE ON THE AVAILABILITY OF

SPECIAL EQUIPMENT THAT INFLUENCES AN AUTOMOBILE'S SPEED AND THE ADVISABILITY OF ENACTING LEGISLATION TO REQUIRE THE USE OF GOVERNORS TO INFLUENCE AN AUTOMOBILE'S SPEED," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 585, transmitting H.C.R. No. 152, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 152, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON HOW MEDICAL MARIJUANA PLANTS AND PRODUCTS MAY BE PROCURED AND DISTRIBUTED TO PATIENTS REGISTERED WITH THE MEDICAL MARIJUANA PROGRAM," was referred jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 586, transmitting H.C.R. No. 156, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 156, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EVALUATE AND RECOMMEND POSSIBLE STATUTORY AND OTHER CHANGES TO STREAMLINE AND EXPEDITE MENTAL HEALTH TREATMENT TO PERSONS COMMITTED TO STATE-OPERATED OR -CONTRACTED FACILITIES," was referred jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 587, transmitting H.C.R. No. 157, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 157, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DISCLOSURE OF INFORMATION RELATED TO THE PETER BOY KEMA CASE," was referred to the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 588, transmitting H.C.R. No. 163, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE TO FOSTER AND IMPROVE RELATIONS BETWEEN ISRAEL AND THE STATE OF HAWAII," was referred jointly to the Committee on Tourism and the Committee on Economic Development.

Hse. Com. No. 589, transmitting H.C.R. No. 164, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 164, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO COMPLY WITH THE STATUTORY DIRECTIVE THAT THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM HAVE SOLE JURISDICTION OVER THE LAND USE COMMISSION, OFFICE OF PLANNING, AND THE HAWAII STATE PLANNING ACT," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development.

Hse. Com. No. 590, transmitting H.C.R. No. 166, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 166, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE STATE WATERS IN THE NORTHWESTERN HAWAIIAN ISLANDS TO PROVIDE LONG-TERM AND LASTING PROTECTIONS TO THE FRAGILE ECOSYSTEMS IN THAT REGION," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 591, transmitting H.C.R. No. 168, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 168, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES NAVY'S REQUEST FOR A LONG-TERM LEASE OF STATE LANDS AS WELL AS THE PRESERVATION OF A PERMANENT AGRICULTURAL BUFFER AROUND THE PACIFIC MISSILE RANGE FACILITY," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture.

Hse. Com. No. 592, transmitting H.C.R. No. 171, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO STUDY THE ADVISABILITY OF TRANSFERRING THE VANPOOL PROGRAM TO THE COUNTIES," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 593, transmitting H.C.R. No. 173, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 173, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES CONSULT WITH FILIPINO NATIONAL LONGLINE FISHERS SEEKING TO ENTER HAWAII CONCERNING NONIMMIGRANT VISA OPTIONS," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development.

Hse. Com. No. 594, transmitting H.C.R. No. 175, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 175, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING SECRETARY OF DEFENSE DONALD RUMSFELD TO IMPLEMENT A NATIONAL SECURITY PERSONNEL SYSTEM THAT PROTECTS AND MAINTAINS THE CIVIL SERVICE RIGHTS AND COLLECTIVE BARGAINING RIGHTS OF DEPARTMENT OF DEFENSE EMPLOYEES," was referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Labor.

Hse. Com. No. 595, transmitting H.C.R. No. 179, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF, AND PROVIDE COST ESTIMATES FOR, THE INSTALLATION OF AN ACCESS ROAD ON THE SOUTHERN END OF KAWAIHAE HARBOR TO INCREASE ACCESS TO THE SMALL BOAT HARBOR AND BEACH AREA, AND FOR OTHER HARBOR IMPROVEMENTS," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 596, transmitting H.C.R. No. 181, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 181, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE CONSTRUCTION PROJECTS TO HAVE CULTURAL CONSULTANTS AND MONITORS," was referred jointly to the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture.

Hse. Com. No. 597, transmitting H.C.R. No. 194, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 194, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INITIATE CONDEMNATION PROCEEDINGS TO PURCHASE REAL PROPERTY OWNED BY THE GALBRAITH ESTATE," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 598, transmitting H.C.R. No. 198, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE EFFORTS OF HAWAII'S CONGRESSIONAL DELEGATION IN OBTAINING FUNDING FOR THE KAUMALAPAU HARBOR PROJECT," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 599, transmitting H.C.R. No. 199, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE OFFICE OF HAWAIIAN AFFAIRS TO CEASE ISSUING ANY EASEMENTS TO THE CITY AND COUNTY OF HONOLULU FOR ACCESS TO HAIKU VALLEY AND TO 'HAIKU STAIRS,'" was referred jointly to the Committee on Judiciary and Hawaiian Affairs, the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 600, transmitting H.C.R. No. 201, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 201, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE BE ORGANIZED TO ADDRESS THE HAZARDS OF ROCK AND LAND SLIDES ON OUR URBAN POPULATIONS," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 601, transmitting H.C.R. No. 202, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE FEDERAL LEGISLATION TO PROVIDE ADDITIONAL RESOURCES TO EXPAND VISA PROCESSING CAPACITY IN THE CONSULAR SECTION OF THE UNITED STATES EMBASSY IN SEOUL IN THE REPUBLIC OF KOREA AND TO INCLUDE THE REPUBLIC OF KOREA IN THE VISA WAIVER PROGRAM," was referred jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 602, transmitting H.C.R. No. 203, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY AND IMPLEMENT PARITY BETWEEN OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, AND SPEECH THERAPISTS WITHIN THE DEPARTMENT OF EDUCATION," was referred jointly to the Committee on Education and the Committee on Labor.

Hse. Com. No. 603, transmitting H.C.R. No. 208, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADOPTION OF RULES RESTRICTING COMMERCIAL ACTIVITIES AND IMPLEMENTING AN EFFECTIVE RESTORATION AND CONSERVATION MANAGEMENT PLAN FOR THE HANAPEPE AND WAIMEA RIVERS ON KAUAI," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 604, transmitting H.C.R. No. 211, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES SEARCH FOR SURPLUS PROPERTY WITHIN THE STATE SYSTEM THAT COULD BE LEASED TO SUBSTANCE ABUSE TREATMENT PROGRAMS TO ASSIST IN THE TREATMENT OF RECOVERING ADDICTS AND THAT THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES LOOK FOR

AVAILABLE FEDERAL MONIES AND OTHER GRANTS TO HELP DEVELOP HOUSING FACILITIES FOR THESE TREATMENT PROGRAMS," was referred jointly to the Committee on Human Services and the Committee on Health.

Hse. Com. No. 605, transmitting H.C.R. No. 213, H.D. 2, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 213, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A TASK FORCE TO DEVELOP A DRUG ENDANGERED CHILD PROTECTION PROGRAM," was referred jointly to the Committee on Human Services and the Committee on Health.

Hse. Com. No. 606, transmitting H.C.R. No. 217, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 217, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE STATE CONSERVATION DISTRICT PROGRAM," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 607, transmitting H.C.R. No. 223, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 223, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE MAY 23, 2004, AS 'SEA TURTLE DAY' IN HAWAII," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 608, transmitting H.C.R. No. 225, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 225, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF HONOLULU TO CONDUCT A STUDY ON LENGTHENING YELLOW LIGHTS TO ADDRESS THE PROBLEM OF RUNNING RED LIGHTS," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 609, transmitting H.C.R. No. 226, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 226, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO FULLY FUND THE IMPACT AID PROGRAM," was referred jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 610, transmitting H.C.R. No. 231, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 231, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO SUPPORT A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF

THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was referred jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 611, transmitting H.C.R. No. 234, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 234, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE SECRETARY OF THE INTERIOR TO DESIGNATE A NEW NATIONAL SEASHORE FROM 'AHIHI-KINA'U NATURAL AREA RESERVE TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 612, transmitting H.C.R. No. 238, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO IMPLEMENT AN ONLINE 'FIXIT' SYSTEM ON THE STATE WEBSITE," was referred to the Committee on Science, Arts, and Technology.

Hse. Com. No. 613, transmitting H.C.R. No. 239, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 239, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, WITH THE ASSISTANCE OF THE STATE SURVEYOR AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO INVESTIGATE TECHNOLOGIES, EDUCATION, STAFF POSITIONS WITHIN THE DEPARTMENT AND TO DEVELOP CRITERIA TO QUALIFY SURVEYORS IN THE DETERMINATION OF SHORELINES," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 614, transmitting H.C.R. No. 249, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 249, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DEVELOP FLEXIBLE DESIGN GUIDELINES FOR SCENIC HIGHWAYS," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 615, transmitting H.C.R. No. 255, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 255, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND CITY & COUNTY OF HONOLULU TO ASSIST HOMEOWNERS IN PREVENTING FURTHER EROSION ALONG HEEIA, KEAAHALA/KEOLAA, KAWA, AND KANEOHE STREAMS ON OAHU," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 616, transmitting H.C.R. No. 260, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AGRIBUSINESS INCUBATOR IN WAIALUA," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Economic Development.

Hse. Com. No. 617, transmitting H.C.R. No. 261, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 261, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES, RULES, AND COUNTY ORDINANCES THAT CRIMINALIZE NON-SERIOUS OFFENSES," was referred to the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 618, transmitting H.C.R. No. 263, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 263, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATION OF MARINE LIFE CONSERVATION DISTRICTS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Water, Land, and Agriculture.

Hse. Com. No. 619, transmitting H.C.R. No. 267, H.D. 1, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 267, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REPORT TO THE LEGISLATURE ON PROGRESS MADE BY THE OFFICE OF THE ATTORNEY GENERAL AND THE PROSECUTING ATTORNEYS FROM THE COUNTIES OF THE STATE OF HAWAII IN USING CHAPTER 846E, HAWAII REVISED STATUTES, TO RESTORE PUBLIC ACCESS TO REGISTRATION INFORMATION REGARDING DANGEROUS PERSONS CONVICTED OF CERTAIN OFFENSES AGAINST CHILDREN AND CERTAIN SEXUAL OFFENSES," was referred to the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 620, transmitting H.C.R. No. 165, which was adopted by the House of Representatives on April 16, 2004, was placed on file.

By unanimous consent, H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was referred jointly to the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture.

Hse. Com. No. 621, returning S.C.R. No. 30, which was adopted by the House of Representatives on April 16, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 30, and requested a conference on the subject matter thereof.

Hse. Com. No. 622, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2608, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2608, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 16, 2004, was placed on file.

Hse. Com. No. 623, informing the Senate that the House agreed to the amendments proposed by the Senate to H.B. No. 267, H.D. 2, and has on April 16, 2004, passed H.B. No. 267, H.D. 2, S.D. 2, on Final Reading in the House of Representatives, was placed on file.

Hse. Com. No. 624, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 16, 2004:

H.B. No. 1043, S.D. 1, C.D. 1;
H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 2796, H.D. 1, S.D. 2, C.D. 1; and
S.B. No. 2525, H.D. 1, C.D. 1,

was placed on file

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3438) recommending that the Senate advise and consent to the nomination of KYONG-SU IM to the Land Use Commission, in accordance with Gov. Msg. No. 156.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3438 and Gov. Msg. No. 156 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3438 and Gov. Msg. No. 156 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3439) recommending that the Senate advise and consent to the nomination of JAMES A. FRAZIER to the Commission on Water Resource Management, in accordance with Gov. Msg. No. 167.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3439 and Gov. Msg. No. 167 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3439 and Gov. Msg. No. 167 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3440) recommending that the Senate advise and consent to the nomination of TEENA M. RASMUSSEN to the Board of Directors of the Agribusiness Development Corporation, in accordance with Gov. Msg. No. 170.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3440 and Gov. Msg. No. 170 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3440 and Gov. Msg. No. 170 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3441) recommending that the Senate advise and consent to the nomination of KEOKI A. LEONG to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 251.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3441 and Gov. Msg. No. 251 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3441 and Gov. Msg. No. 251 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3442) recommending that the Senate advise and consent to the nominations to the Advisory Committee on Pesticides of the following:

JO-ANNA NAKATA, in accordance with Gov. Msg. No. 340; and

CYNTHIA K.L. REZENTES, in accordance with Gov. Msg. No. 341.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3442 and Gov. Msg. Nos. 340 and 341 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3442 and Gov. Msg. Nos. 340 and 341 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3443) recommending that the Senate advise and consent to the nomination of ALAN H. GOTTLIEB to the Board of Agriculture, in accordance with Gov. Msg. No. 375.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3443 and Gov. Msg. No. 375 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3443 and Gov. Msg. No. 375 was deferred until Thursday, April 22, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3444) recommending that the Senate advise and consent to the nominations to the Natural Area Reserve System Commission of the following:

DALE B. BONAR, in accordance with Gov. Msg. No. 401;

RICHARD F. HUGHES PH.D., in accordance with Gov. Msg. No. 402; and

LLOYD LEE LOOPE, in accordance with Gov. Msg. No. 403.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3444 and Gov. Msg. Nos. 401, 402 and 403 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3444 and Gov. Msg. Nos. 401, 402 and 403 was deferred until Thursday, April 22, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3445) recommending that the Senate advise and consent to the nomination of JOAN DOBBS PH.D., C.N.S. to the Health Planning Council, Honolulu Subarea, in accordance with Gov. Msg. No. 388.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3445 and Gov. Msg. No. 388 was deferred until Wednesday, April 21, 2004.

By unanimous consent, action on Stand. Com. Rep. No. 3445 and Gov. Msg. No. 388 was deferred until Thursday, April 22, 2004.

ORDER OF THE DAY

**REFERRAL OF
HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM
FRIDAY, APRIL 16, 2004**

The President made the following committee assignments of House concurrent resolutions that were received on Thursday, April 15, 2004:

House
Concurrent
Resolution

Referred to:

No. 72, H.D. 1 Jointly to the Committee on Tourism, the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations

No. 73 Committee on Water, Land, and Agriculture, then to the Committee on Commerce, Consumer Protection and Housing

No. 81, H.D. 1 Jointly to the Committee on Health and the Committee on Transportation, Military Affairs, and Government Operations

No. 84 Jointly to the Committee on Education and the Committee on Health

No. 108 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations

No. 111 Committee on Education

No. 115, H.D. 1 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

No. 145 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations

No. 153, H.D. 1 Jointly to the Committee on Health, the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations

No. 158 Jointly to the Committee on Education and the Committee on Health

No. 197, H.D. 1 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations

No. 214 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Human Services

No. 216 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Energy and Environment

No. 236, H.D. 1 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Health

No. 245, H.D. 1 Jointly to the Committee on Energy and Environment and the Committee on Health

No. 250 Committee on Transportation, Military Affairs, and Government Operations

No. 258 Committee on Transportation, Military Affairs, and Government Operations

No. 265, H.D. 1 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Human Services

No. 266 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations

ADVISE AND CONSENT

Stand. Com. Rep. No. 3436 (Gov. Msg. Nos. 404, 405 and 406):

Senator Sakamoto moved that Stand. Com. Rep. No. 3436 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Center for Nursing Advisory Board of the following:

ARLENE E. ILAE, terms to expire June 30, 2004, and June 30, 2008 (Gov. Msg. Nos. 404 and 405); and

KEVIN MULLIGAN, term to expire June 30, 2007 (Gov. Msg. No. 406),

seconded by Senator Hooser.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fukunaga).

Stand. Com. Rep. No. 3437 (Gov. Msg. No. 407):

Senator Menor moved that Stand. Com. Rep. No. 3437 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of CARLITO P. CALIBOSO to the Public Utilities Commission (PUC), term to expire June 30, 2010, seconded by Senator Baker.

Senator Menor rose to speak in support of the nominee and said:

"Mr. President, I just wanted to offer some brief remarks in support of Gov. Msg. No. 407, submitting for consideration and confirmation to the Public Utilities Commission, gubernatorial nominee Carlito B. Caliboso for a term to expire June 30, 2010.

"It gives me great pleasure to ask my colleagues at this point in time to join me in voting in favor of Mr. Caliboso's confirmation. Carlito Caliboso has served as the chair of the Public Utilities Commission since April 30, 2003, after we had confirmed him during the last Legislative Session. I can tell you that he's done a very solid job in trying to improve the operations of the Public Utilities Commission as well as in attempting to address the myriad of policy and technical issues that face the commission.

"Your Committee had an opportunity to do an extensive thorough review and consideration of Mr. Caliboso's background, experience and qualifications, and I am confident that he will be able to do an effective job as Public Utilities Commission Chair in the future.

"Again, Mr. President, I urge my colleagues to vote in favor of this confirmation. Thank you very much."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fukunaga).

FINAL READING

Conf. Com. Rep. No. 10-04 (H.B. No. 1294, S.D. 1, C.D. 1):

On motion by Senator English, seconded by Senator Hooser and carried, Conf. Com. Rep. No. 10-04 was adopted and H.B. No. 1294, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fukunaga).

Conf. Com. Rep. No. 11-04 (H.B. No. 2061, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kim, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 11-04 was adopted and H.B. No. 2061, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Fukunaga).

S.B. No. 2395, S.D. 2, H.D. 1:

Senator Hanabusa moved that S.B. No. 2395, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Ihara rose in opposition to the measure and said:

"Mr. President, I rise in opposition to S.B. No. 2395, relating to information practices.

"Mr. President, I spoke on Friday and gave some of my reasons why I oppose this bill. I want to just outline my six reasons why the Senate should vote down on this bill.

"Number one, this bill would take away from citizens, citizens' right to know who was using the state's convention center and give convention center lessees a new right. It takes away a right from citizens and gives a new right to convention center lessees. And this new right is a right to use our convention center in secret. That's number one.

"Number two, the bill would establish for the first time a public policy that explicitly and unequivocally, and I would say blatantly, exempt Hawaii's open records law for a purely economic reason. And I believe if we do this, particularly in this fashion, this sets up and opens the door to other facilities and other agencies in the state seeking a similar exemption for purely economic reasons.

"Number three, this bill would allow the state to withhold secrecy . . . actually would allow the state to withhold disclosure of convention center users, even if the state disagrees with the demand for secrecy. So the bill would allow any user to demand or require secrecy. All they have to say is 'I want secrecy. If you want me to use the convention center, I want to be able to use it in secret.' The state would be required to give the secrecy, to provide the secrecy even if the state disagrees. You know, they sign a contract and the state says well, I'm not sure if it's a good idea after all, the state does not have the option. And if the state did reveal the identity of the user of the convention center, the user could take the state to court because we are giving convention center users a statutory right to have their identity be kept secret even if the state disagreed.

"Number four, this bill would require secrecy even when the original reason for the secrecy goes away. The reason is that we want our convention center to be competitive, to be successful, and we all want that. Where I differ is that it is being done and proposed to be done at the expense of our citizen rights. But years from now when the convention center is successful and we're already competitive, in fact we don't even need this offering of secrecy as a way to sell our convention center, it's just an add on, a little extra, but we don't need it, really, to be competitive because we're already competitive. The state will still be required to provide secrecy to the convention center users even if we're packed to the gills and we're booked and we don't need anyone else. Many of those users say we want secrecy, they get secrecy, and to me that's not fair.

"Number five, the secrecy required in this bill would deny citizens critical information they need to exercise their right to protest and petition the government. This information, as you've guessed, is the identity of the users. It's hard to protest when you don't know who's using the convention center.

"The Society of Professional Journalists came up with a few kind of, perhaps, extreme situations. You never know. It could happen. Exhibits and shows around the world go to all kinds of places and Hawaii is a good place to have conventions, particularly if they know they can come to Hawaii and come in secret. If there was a show that promoted the selling of automatic weapons to Hawaii residents, those who might oppose such shows would not know, or shows that want to promote genetically modified foods – I'm not saying I'm for or against any of these but these are examples of where there may be some controversy – or shows that celebrate the superiority of certain races would also be able to come here and celebrate to their heart's content all within the closed confines of our convention center and we wouldn't know it. The public would not have the ability to exercise their right to protest or to seek relief of government.

"Number six, the secrecy would also apply to particular information, particular situations that affect the neighbors of the

convention center, where I believe they do have the right to know, such as when there are large conventions where severe traffic congestion may be expected or there may be the presence of some danger of some kind, whether it's chemicals or some other means where they would want to know if they even have a list for their safety.

"Mr. President, I want to also note that in this version of S.B. No. 2395, the Legislature does not have access to convention center booking records. There was another draft that was in existence or is in existence that allowed the Legislature to have access to these records, but this version that we are voting on today does not allow for that.

"For all of these reasons, Mr. President, I urge Senators to vote this bill down once and for all times' sake. Thank you."

Senator Trimble rose to speak against the measure as follows:

"Mr. President, I rise in opposition to S.B. No. 2395.

"We expect our citizens to act rationally. To act rationally, they need complete and accurate information. Whether it is the national weather service telling us of an approaching hurricane or it's the highway department telling us about a road construction project, people need information to make rational decisions.

"The convention center is in Senate District 12 but there are also many residents in Senate District 12 that plan their life or some part of their life based upon the nature and size of a convention. I think that my constituents have a right to know whether it's the World Trade Organization or the Ku Klux Klan that is coming to town. They might want to make other plans. It is not the protestors that will be denied the information because they'll find out anyway. The only ones that will be in the dark are residents of Hawaii.

"For this reason and the others stated by the previous speaker, I ask that you consider the measure carefully and vote against it.

"Thank you."

Senator Kim rose in favor of the measure and stated:

"Mr. President, I rise to speak in favor of the bill.

"Mr. President, first, let me just make some clarifying remarks here. It was said to the media, and I believe it was said earlier on this Floor, that somehow this measure was killed by the Judiciary Committee and we were looking for a way of getting this measure around that. For the record, I asked Senator Hanabusa to hold the House measure when it was in their Committee because I knew that the Senate measure that had gone over was moving through the process and we do this all the time and that it would be coming over to us. So, that's for the record. It made it sound as if we killed it once and now we're trying to revive this measure, and that's not true.

"Let me also read from the committee report that came out of the Judiciary Committee. It says that following the hearing on this measure, the Department of Business, Economic Development and Tourism, the Hawaii Tourism Authority, and the Office of Information Practices mutually agreed on amendments to this measure. And these amendments were to allow information regarding the event to be released 10 days after the event occurs and allowing the booking business records to be disclosed if the event was canceled. That was the measure that came out of the Senate Judiciary Committee that

went over to the House. The House made some style changes to this measure which is why we're moving to agree.

"Also, the information that was said by an earlier speaker about the Legislators not being privy to this information is incorrect. I will read the bill to you, it says: '(a) Booking records relating to Hawaii convention center licensees shall not be disclosed under chapter 92F until ten days after the event has occurred, when requested by a potential licensee and disclosure may result in: (1) Disclosure of a potential licensee's confidential business information or proprietary information; or (2) The loss of a convention center booking,' and '(b) Subsection (a) shall not apply to disclosure to the legislature.' So, if anyone here in the Legislature requested this information, once we requested this information we would be open to the open records policy. So we are not exempt from that and that information would remain open to the public.

"Another thing that I would like to set straight, Mr. President, is that I'm not the force behind this measure. As the Tourism Chair, I introduced this measure because I was asked to by the HTA, the Hawaii Tourism Authority. The convention center people needed it. We are in a situation where we, the state, are running a commercial entity. The convention center is there to bring money into the state, to support our tourism, and that is exactly what as Chair of the Tourism Committee was my job to do as we move forward. The measure was amended by the Judiciary Committee and we agreed to those amendments that were made, I might add, I believe by DBEDT. This is the process that we go through.

"I believe that if the convention center is successful then we can repeal this measure. So, to say that the public will be forever and ever, or the state will be forever and ever bound by this legislation, I don't believe that's true. So, there are issues here, Mr. President, and I just suggest that the members vote as they may on this issue.

"Thank you."

Senator Slom rose in opposition as follows:

"Mr. President, I rise in opposition to this bill.

"This bill was a bad bill when we started out. It is a bad bill now. It's actually a worse bill with the House version. That's why we initially did not agree to the House version.

"The title of the bill has to do with information practices, so we're not talking about information, we're talking about secrecy and withholding information. I will quote also from the House committee report, stand. com. 1285, page 2, when it said, quote, 'The Office of Information Practices took no position on this measure, but suggested, during oral testimony, that the phrase "shall not be subject to disclosure" be changed to "may be withheld from disclosure" to afford the HTA discretion over when nondisclosure may apply. The HTA indicated at the hearing that it was not in favor of this change.'

"The whole record of this bill, and it doesn't matter whether it came from HTA, the Tourism Committee or DBEDT, it is a matter of principle. The principle is we are not providing for sunshine. We are not providing more information. We are in fact hiding information from the public, as was said by the previous speakers.

"In addition to that, those institutions that want to have private conventions or conferences do not want to know, do not want the public to know who is sponsoring the convention or who is in town, can do so. They have private facilities in which to do this. There is not indication that you're going to have a

large convention group that wishes anonymity. To the contrary, it would seem that it would be smaller groups that would not be economically profitable to the state.

“And speaking to this item of profitability, stand. com. 1285 also says the following: ‘Your Committee finds that allowing the Center to honor nondisclosure clauses will enhance its opportunities to obtain bookings, thus serving the public interest in profitable operations, without unduly impeding public access to information.’ Well of course we have free speech and you can say anything, but that’s just not true. It will in fact impede public access to information and will not – will not – guarantee profitable operation to the convention center. The convention center was never, never envisioned as being a profitable operation, and the taxpayers of this state pay a hefty debt service – principal and interest – every year for the \$350 million original cost of the convention center. In addition, we pay hefty amounts for the marketing, for the servicing, for the personnel of this convention center. So it is a large and prominent investment.

“It’s interesting to me that this Legislature, who has always prided itself on Hawaii’s uniqueness, particularly with public records, if it supports this, this bill, it is supporting just the opposite and just sending mixed signals. From the time that the Legislature was cognizant of a public effort to build or to fund the convention center, I never heard a complaint that we would have difficulty in bookings unless the information was kept private – never until this Session. And then it seems that this bill has a life of its own or several lives because while we can argue semantics of whether it was killed or held or delayed or whatever, the bill was not going anywhere until it did get a new life. There’s a great deal of pressure to push this bill through, and one might ask where that pressure is actually coming from and what is the nature of it. I, like my colleagues, have been told, well, other jurisdictions require these kinds of secrecy clauses or at least allow them. That, colleagues, does not make it right and does not make it something that we have to adopt.

“We were never told that we could not get a specific convention or group to come here because they were afraid that people would find out in advance that they were coming. And in fact, if we look back to the history of this convention center and to the original marketing and the original discussions in the Legislature, we were always told this was going to be the convention center for travel agency groups, and attorney groups, and doctors, and dentists, and everyone else. And none of them seem to need any anonymity.

“And as far as protecting proprietary interest, proprietary interests are protected under the various laws and are not subject to someone having to put down on an application for the convention center yes the ABC Corporation is coming because we want to introduce our new product, the ABC Eliminator. So that’s not a good argument as well.

“And I guess the issue or the statement that was just made by the good Committee Chair of Tourism that if successful in terms of bookings and everything else, we can later repeal this bill, that doesn’t make any sense because there is no direct relationship. None that’s been shown, at least, between additional bookings, numbers of people coming here and the necessity for having this particular secrecy clause. And therefore there would be no reason to remove it.

“I think that we’re going down a bad road. There is bipartisan opposition to this bill. I don’t think it really serves either the convention center, the tourism industry, or those conventions that book our convention center or other facilities without trying to fool the public. So colleagues, I think that this is an important bill, and regardless of who is behind it and what

their motives really are, it’s something that does not belong in our information practices.

“I urge a ‘no’ vote and a Roll Call vote, Mr. President. Thank you.”

Senator Hooser rose in opposition also and stated:

“Mr. President, I rise in opposition to the bill.

“I’d like to state for the record that I believe the bill is well intended, well meaning, and it is perfectly appropriate to seek ways to protect the users of this facility, protect their trade secrets, proprietary information and other things that they may be fearful of getting out exposed to competitors who want to know. So I think the intent is positive and well meaning.

“I also think, Mr. President, given more time and more discussion that I and others perhaps would be able to come to terms with the amendments of the bill to make it more satisfactory to protect the public’s right to know and also extend maybe additional protections to the potential users of the convention center.

“However, at this time, in my opinion the bill is too far reaching and I will not be able to support it in this form. Thank you.”

Senator Hanabusa rose to speak in favor of the measure and said:

“Mr. President, I rise to speak in favor of the measure.

“Mr. President, since we’ve had so many references to the Judiciary Committee I believe that as the Chair of the Judiciary Committee I must step up now and put the record as straight as I can.

“First of all, Mr. President, the terms at issue were originally contained in the Judiciary Committee’s amendment, the S.D. 2 to S.B. No. 2395, and let me explain why. During the hearing that we held, the testimony was basically that everyone could agree to the 10 days because the original version of the bill had no time limit. I believe the Tourism Committee put in 30 days or something like that, and then we got the compromise of 10. However, Mr. President, what then subsequently happened was we put in the amendment that if a booking was canceled, then immediately the information would become public.

“As our system works, when the House bill came over we had another hearing on the matter. And in that time, it was your Judiciary Chair that asked HTA and SMG, I think was the name of the company that’s doing the booking, ‘What’s the value of this to the economy? What is it that you feel you’ll be able to bring forward if we were to provide this bill for you?’ The answer was there would be \$11 million a year in direct tax benefit and \$132 million to the economy. This was their estimate. And I, in jest, partially in jest, said, ‘So when we look upon this matter and when the Legislature votes, that’s what we’re going to tell the people that it’s worth. That’s what you’re telling us that it’s worth.’ And they basically said, ‘that’s what we believe it’s worth.’

“I’d like to correct the statement made by one of the previous speakers. This is a very unusual provision. It does not exist elsewhere. And the reason why the HTA believed that it would give them an advantage is because it does not exist. However, the Judiciary Chair also asked another question of the HTA and that was regarding subpart (b), which says, ‘Subsection (a) shall not apply to disclosure to the legislature.’ And at that time, I told them straight out, ‘So if the good Senator from Kaimuki

has a standing request at the beginning of each year to know exactly what your bookings are, what would you do?' And they said, 'we would disclose it to the legislature.' So I said, 'If the good Tourism Chair had an informational hearing at the beginning of each year and said tell us what your bookings are, these bookings would have to be disclosed?' And they said, 'yes.'

"So my point was, 'so this provision that you're asking for, the secrecy provision that everyone's talking about, you would have to reveal it to the Legislature of the State of Hawaii.' And they said 'yes.' So I said, 'well, if that's the case, then it makes the Legislature really the watchdog over these matters. And the good Tourism Committee and/or any member of the Legislature could request that information.' And they said, 'that's exactly what would happen.'

"So, Mr. President, it's not as onerous as what's it's coming out to be because there is in this bill the ability and the right to know. And it would be up to each and every member of this Legislature as to whether or not they believe (1) they need to know; (2) people should know, because at that point it would become public.

"But notwithstanding, given those circumstances, HTA believed that this is the bill that they could go forward with and get the \$11 million in direct revenue and \$132 million indirect to the economy. We as a Legislative Body have made exceptions to basically our Freedom of Information Act – HRS 92F. We have done it in certain circumstances for NELHA, for example, where we have permitted them not to make public certain appendices to the lease that they enter into based upon proprietary information and competition. We do that. This is another example of whether or not this Legislature is going to do that as well.

"But one of the most critical aspects of this bill is the fact that it is not pure secrecy and that in fact it does shift the burden, to a large extent, to this Legislative Body. And yes, every member is going to have to decide, is that sufficient protection that you feel you can live with? And secondly, is the economic gain for the state in these difficult economic times sufficient to outweigh what you might consider to be that right that we're giving to HTA – a right that we have a lot of strings attached to, a right that we technically control.

"So based on that, Mr. President, I support the bill and I ask my colleagues to do the same because it is not the onerous bill that people paint it out to be. Read the bill. Read what it says. It has in it, clearly, the exemption for the Legislature, and I trust the members of this Legislative Body, both the Senate and the House, will be there to ensure that nothing, nothing goes forward that in fact would infringe upon the rights of the public, that if they believe something should be known, they would come forward and they will do their job as Legislators.

"Thank you, Mr. President."

Senator Trimble rose in rebuttal and said:

"Mr. President, I rise in brief rebuttal.

"The previous speaker talked about the rights of the Legislature, the rights of the Legislature for information. I think the underlying issue is the right of the people for information so that they can act responsibly and plan their life for their own convenience, and they can't do that if they don't know what is happening at the convention center.

"The previous speaker also mentioned another bill, so why don't we talk about the trilogy of the attacks on OIP. We might

as well start with S.B. No. 3185. We did something for our own convenience. We didn't want to be bothered with vexatious requests. And what is vexatious today we can revisit tomorrow and say exasperating; and the day after tomorrow, annoying. And after a while, we run the risk that OIP will actually be in collusion with individual departments to determine who and why and when people have a right for information.

"Then we went on to H.B. No. 2142. H.B. No. 2142 was necessary because it appears that some departments and some agencies don't care or don't know how to read Chapter 92F, and therefore want to put their own little exclusions in their own little chapter.

"But the end of the trilogy is far worse, and I would suggest there is no difference between the highway department telling people what roads are going to be under construction and the need for the people to know the size and nature of the conventions that are held right next door to where they live so they can plan their life accordingly. It is the people's right. It is one thing to deny the people the right to vote on things like school boards, but it is something else that we face here today – and that is their right to know.

"Thank you."

Senator Ihara rose in rebuttal as follows:

"Mr. President, a few rebuttal comments.

"I stand corrected on the provision that allows for disclosure to the Legislature. I wonder, though, why give Legislators access to this information and not citizens? And if the purpose is to keep these records secret, then are Legislators being expected to keep it secret? Or if not, then why give Legislators access and we represent citizens, and if we were to just make it public, then what's the point of the bill to begin with?

"Secondly, if the Tourism Chair wanted to have her intent be made known, I believe the Judiciary Committee should have deferred action on the bill and not held the bill. The recommendation on this bill's companion, the House companion to this bill, was to hold, and a vote was taken. That's why as you recall, Mr. President, we have Rule 22. And I supported changes to this Rule. This Rule allowed for a Chair to defer indefinitely as long as the reason for the deferral was made public. So the Chair, I think, rightly could have announced that one of the sponsors of the bill, the Tourism Chair, recommended that the bill be deferred because she wanted to act on the Senate version which was alive in the House. And I believe that would have been an appropriate action instead of voting to hold the bill. That is why I believe that it is a valid statement to say that the Judiciary Committee reversed its position from passing the bill or this issue – this policy expressed in this bill in the companion bill – in one point in time on March 1st, and actually on April 1st voting on the same issue to hold the bill. I believe that the actions of the Committee as is known and is public, a citizen, a Legislator, myself can validly assert that the Committee reversed its position.

"Nonetheless, Mr. President, I wanted to also mention there was reference to the Office of Information Practices having agreed to the ten day disclosure period. That's not true. I called the director of the Office of Information Practices. Mr. President, that's why I make points about there are sometimes information in committee reports that I disagree with, and I often let it go. But, this is an example of why it's important for members to read committee reports, because if they are, there's information in committee reports that are not challenged. And I

did not challenge it at the time. Then they stand as the report of the Committee. We can double-check this and I'm sure the Judiciary will. But I claim that the Office of Information . . . see, it implies that the OIP supports this bill or at least supports the ten day portion of it, and I assert that they do not.

Respectfully submitted,

"This erodes the open records law clearly. In fact it's the OIP director that raised the concern in his testimony in the House about the public not having the right to protest, not having the right to access information with which to use to protest users of the convention center.

Clerk of the Senate

Approved:

"Thank you, Mr. President."

President of the Senate

Senators Aduja, English, Espero, Ige, Kokubun, Menor and Taniguchi requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2395, S.D. 2, and S.B. No. 2395, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," having been read throughout, and Roll Call vote having been requested, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Baker, Chun Oakland, Fukunaga, Hemmings, Hogue, Hooser, Ihara, Inouye, Slom, Trimble). Excused, 1 (Whalen).

At 12:58 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:59 o'clock p.m.

APPOINTMENT OF CONFEREES

S.B. No. 473, S.D. 1 (H.D. 3):

The President appointed Senator Hanabusa as an additional co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 473, S.D. 1.

S.B. No. 3052, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3052, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, Taniguchi, co-chairs; Espero, Kim, Kokubun, Tsutsui, Whalen as managers on the part of the Senate at such conference.

ADJOURNMENT

At 1:01 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 21, 2004.

FIFTY-FIRST DAY

Wednesday, April 21, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Bob Hogue, 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 Fiftieth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 475 to 480) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 475, dated March 23, 2004, transmitting a report prepared by the Department of Health, pursuant to Act 200, Section 21, SLH 2003, requiring the Department of Health to prepare a detailed progress report on the Healthy Hawaii Initiative and to identify the impact on any aspect of the Healthy Hawaii Initiative success due to the reallocation of funds from the tobacco settlement fund to the healthy start purchase of service contracts, was placed on file.

Gov. Msg. No. 476, submitting for consideration and confirmation to the Hawai'i Community Development Authority (HCDA), the nomination of WARREN F. WEGESEND, JR., term to expire June 30, 2007, was referred to the Committee on Economic Development.

Gov. Msg. No. 477, informing the Senate that on April 19, 2004, she signed into law Senate Bill No. 3172 as Act 7, entitled: "RELATING TO PEST CONTROL," was placed on file.

Gov. Msg. No. 478, informing the Senate that on April 19, 2004, she signed into law Senate Bill No. 2902 as Act 8, entitled: "RELATING TO TELEMARKETING," was placed on file.

Gov. Msg. No. 479, informing the Senate that on April 19, 2004, she signed into law Senate Bill No. 2394 as Act 9, entitled: "RELATING TO THE HAWAII TOURISM AUTHORITY," was placed on file.

Gov. Msg. No. 480, informing the Senate that on April 19, 2004, she signed into law Senate Bill No. 2278 as Act 10, entitled: "RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 625 to 630) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 625, returning S.C.R. No. 9, S.D. 1, which was adopted by the House of Representatives on April 19, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 9, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 626, informing the Senate that the Speaker on April 19, 2004, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 14, S.D. 1 (H.D. 2):

Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Blundell.

S.B. No. 53, S.D. 1 (H.D. 1):

Representatives Takamine, chair; Kaho'ohalahala, Bukoski.

S.B. No. 214, S.D. 3 (H.D. 2):

Representatives M. Oshiro, Takai, Takamine, co-chairs; Moses.

S.B. No. 469 (H.D. 1):

Representatives M. Oshiro, Hamakawa, co-chairs; Nakasone, Mindo, Pendleton.

S.B. No. 473, S.D. 1 (H.D. 3):

Representatives Kahikina, Arakaki, Hamakawa, Shimabukuro, co-chairs; Jernigan.

S.B. No. 643, S.D. 2 (H.D. 3):

Representatives Kanoho, Schatz, Karamatsu, co-chairs; Kaho'ohalahala, Jernigan.

S.B. No. 762, S.D. 1 (H.D. 2):

Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Blundell.

S.B. No. 779, S.D. 2 (H.D. 2):

Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Blundell.

S.B. No. 1000, S.D. 1 (H.D. 1):

Representatives Kahikina, Hamakawa, co-chairs; Shimabukuro, Stonebraker.

S.B. No. 1138, S.D. 1 (H.D. 1):

Representatives Ito, Hamakawa, Nishimoto, co-chairs; Pendleton.

S.B. No. 1238, S.D. 2 (H.D. 2):

Representatives Arakaki, B. Oshiro, Nishimoto, co-chairs; Marumoto.

S.B. No. 1318, S.D. 1 (H.D. 2):

Representatives Hiraki, Hamakawa, Takamine, co-chairs; Meyer.

S.B. No. 1362, S.D. 3 (H.D. 2): Representatives Arakaki, B. Oshiro, co-chairs; Ito, Finnegan.	Representatives Kahikina, Arakaki, Kawakami, co-chairs; Stonebraker.
S.B. No. 1549, S.D. 1 (H.D. 1): Representatives Hiraki, chair; Herkes, Sonson, Thielen.	S.B. No. 2175, S.D. 1 (H.D. 1): Representatives Takai, Takamine, co-chairs; Tamayo, Kawakami, Ontai.
S.B. No. 1556, S.D. 2 (H.D. 2): Representatives Kanohe, Takamine, co-chairs; Kaho`ohalahala, Jernigan.	S.B. No. 2200 (H.D. 1): Representatives Takumi, B. Oshiro, co-chairs; Kawakami, Leong.
S.B. No. 1615 (H.D. 2): Representatives Kanohe, Takamine, co-chairs; Kaho`ohalahala, Meyer.	S.B. No. 2210, S.D. 2 (H.D. 1): Representatives Hiraki, Takamine, co-chairs; Herkes, Marumoto.
S.B. No. 2004, S.D. 1 (H.D. 1): Representatives Ito, Takamine, co-chairs; Mindo, Blundell.	S.B. No. 2226, S.D. 1 (H.D. 1): Representatives Kahikina, Takamine, co-chairs; Shimabukuro, Ching.
S.B. No. 2021, S.D. 1 (H.D. 2): Representatives Souki, Hamakawa, co-chairs; Caldwell, Blundell.	S.B. No. 2246, S.D. 1 (H.D. 1): Representatives Abinsay, Kanohe, co-chairs; Sonson, Jernigan.
S.B. No. 2033, S.D. 1 (H.D. 2): Representatives M. Oshiro, Takamine, co-chairs; Nakasone.	S.B. No. 2264, S.D. 1 (H.D. 1): Representatives Takai, Takamine, co-chairs; Tamayo, Blundell.
S.B. No. 2045, S.D. 2 (H.D. 1): Representatives Ito, Takamine, co-chairs; Mindo, Moses.	S.B. No. 2269, S.D. 2 (H.D. 1): Representatives Schatz, Takamine, co-chairs; Wakai, Meyer.
S.B. No. 2056, S.D. 1 (H.D. 2): Representatives Takumi, Magaoay, B. Oshiro, co-chairs; Ching.	S.B. No. 2280, S.D. 1 (H.D. 1): Representatives Kanohe, Takamine, co-chairs; Kaho`ohalahala, Bukoski.
S.B. No. 2063, S.D. 2 (H.D. 2): Representatives Takumi, Takamine, co-chairs; Evans, Ching.	S.B. No. 2281, S.D. 1 (H.D. 1): Representatives Schatz, Takamine, co-chairs; Wakai, Marumoto.
S.B. No. 2067, S.D. 1 (H.D. 1): Representatives Takai, Takamine, co-chairs; Kawakami, Tamayo, Leong.	S.B. No. 2302, S.D. 2 (H.D. 1): Representatives Chang, Mindo, co-chairs; Magaoay, Moses.
S.B. No. 2073, S.D. 2 (H.D. 2): Representatives Takai, M. Oshiro, Takamine, co-chairs; Leong.	S.B. No. 2344, S.D. 1 (H.D. 2): Representatives Souki, Ito, Takamine, co-chairs; Jernigan.
S.B. No. 2077, S.D. 2 (H.D. 1): Representatives Wakai, chair; Nishimoto, Karamatsu, Moses.	S.B. No. 2349, S.D. 2 (H.D. 1): Representatives Kahikina, Takamine, co-chairs; Shimabukuro, Finnegan.
S.B. No. 2114 (H.D. 1): Representatives Takai, Takamine, co-chairs; Nishimoto, Ontai.	S.B. No. 2355, S.D. 2 (H.D. 2): Representatives M. Oshiro, Nakasone, co-chairs; Mindo, Pendleton.
S.B. No. 2131, S.D. 1 (H.D.1): Representatives Ito, Takamine, co-chairs; Mindo, Moses.	S.B. No. 2358, S.D. 2 (H.D. 1): Representatives Hiraki, B. Oshiro, co-chairs; Herkes, Marumoto.
S.B. No. 2134 (H.D. 1): Representatives Morita, Takamine, co-chairs; Waters, Thielen.	S.B. No. 2364, S.D. 1 (H.D. 1): Representatives Ito, Takamine, co-chairs; Mindo, Pendleton.
S.B. No. 2165, S.D. 1 (H.D. 1):	

- S.B. No. 2377, S.D. 1 (H.D. 1):
Representatives Schatz, B. Oshiro, co-chairs; Hamakawa, Thielen.
- S.B. No. 2380, S.D. 1 (H.D. 1):
Representatives Chang, Karamatsu, co-chairs; Wakai, Bukoski.
- S.B. No. 2385, S.D. 2 (H.D. 1):
Representatives Kawakami, chair; Nishimoto, Shimabukuro, Bukoski.
- S.B. No. 2396, S.D. 1 (H.D. 1):
Representatives Chang, Takamine, co-chairs; Karamatsu, Ontai.
- S.B. No. 2399, S.D. 2 (H.D. 1):
Representatives Kawakami, chair; Nishimoto, Shimabukuro, Jernigan.
- S.B. No. 2404, S.D. 2 (H.D. 1):
Representatives Chang, Magaoay, Takamine, co-chairs; Leong.
- S.B. No. 2405, S.D. 1 (H.D. 1):
Representatives Morita, B. Oshiro, co-chairs; Herkes.
- S.B. No. 2413, S.D. 1 (H.D. 2):
Representatives Abinsay, Schatz, Takamine, co-chairs; Halford.
- S.B. No. 2424, S.D. 2 (H.D. 2):
Representatives M. Oshiro, Takumi, Takamine, co-chairs; Pendleton.
- S.B. No. 2425, S.D. 1 (H.D. 1):
Representatives Takumi, Takamine, co-chairs; Evans, Kawakami, Ontai.
- S.B. No. 2438, S.D. 2 (H.D. 2):
Representatives Kanohe, Takamine, co-chairs; Shimabukuro, Meyer.
- S.B. No. 2440, S.D. 1 (H.D. 1):
Representatives Kanohe, Kahikina, Hamakawa, Kawakami, co-chairs; Stonebraker.
- S.B. No. 2447, S.D. 1 (H.D. 1):
Representatives Hamakawa, chair; B. Oshiro, Caldwell, Thielen.
- S.B. No. 2474, S.D. 3 (H.D. 2):
Representatives Morita, Hiraki, co-chairs; Herkes, Thielen.
- S.B. No. 2478, S.D. 2 (H.D. 1):
Representatives Takumi, Nakasone, co-chairs; Kawakami, Bukoski.
- S.B. No. 2538, S.D. 1 (H.D. 1):
Representatives Takumi, Nishimoto, co-chairs; Evans, Leong.
- S.B. No. 2541, S.D. 1 (H.D. 1):
Representatives Takamine, chair; Kawakami, Magaoay, Moses.
- S.B. No. 2542, S.D. 1 (H.D. 1):
Representatives Takamine, chair; Kawakami, Magaoay, Moses.
- S.B. No. 2543, S.D. 1 (H.D. 1):
Representatives Takamine, chair; Kawakami, Magaoay, Meyer.
- S.B. No. 2544, S.D. 1 (H.D. 1):
Representatives Takamine, chair; Kawakami, Magaoay, Bukoski.
- S.B. No. 2545, S.D. 1 (H.D. 1):
Representatives Takamine, chair; Kawakami, Magaoay, Jernigan.
- S.B. No. 2546, S.D. 1 (H.D. 1):
Representatives Takamine, chair; Kawakami, Magaoay, Jernigan.
- S.B. No. 2547, S.D. 1 (H.D. 1):
Representatives Takamine, chair; Kawakami, Magaoay, Jernigan.
- S.B. No. 2549, S.D. 1 (H.D. 1):
Representatives Takamine, chair; Kawakami, Magaoay, Moses.
- S.B. No. 2550 (H.D. 1):
Representatives Takamine, chair; Kawakami, Magaoay, Moses.
- S.B. No. 2551 (H.D. 1):
Representatives Takamine, chair; Kawakami, Magaoay, Meyer.
- S.B. No. 2556 (H.D. 1):
Representatives Takamine, chair; Kawakami, Magaoay, Jernigan.
- S.B. No. 2558, S.D. 2 (H.D. 2):
Representatives Schatz, Chang, Takamine, co-chairs; Wakai, Marumoto.
- S.B. No. 2586, S.D. 2 (H.D. 2):
Representatives Arakaki, Hiraki, co-chairs; Herkes, Ching.
- S.B. No. 2595, S.D. 2 (H.D. 2):
Representatives Arakaki, Takamine, co-chairs; Nishimoto, Finnegan.
- S.B. No. 2605 (H.D. 1):
Representatives Kahikina, Arakaki, Takamine, co-chairs; Stonebraker.

- S.B. No. 2606, S.D. 1 (H.D. 2):
Representatives Schatz, B. Oshiro, co-chairs; Caldwell, Blundell.
- S.B. No. 2607, S.D. 1 (H.D. 2):
Representatives Kahikina, Hamakawa, co-chairs; Shimabukuro, Stonebraker.
- S.B. No. 2608, S.D. 1 (H.D. 1):
Representatives Arakaki, Kahikina, Kawakami, co-chairs; Meyer.
- S.B. No. 2654, S.D. 2 (H.D. 2):
Representatives Kahikina, Arakaki, Kawakami, co-chairs; Shimabukuro, Ching.
- S.B. No. 2671, S.D. 1 (H.D. 1):
Representatives Takumi, Shimabukuro, co-chairs; Arakaki, Leong.
- S.B. No. 2686, S.D. 2 (H.D. 2):
Representatives Arakaki, Schatz, Kawakami, co-chairs; Finnegan.
- S.B. No. 2690, S.D. 2 (H.D. 2):
Representatives Arakaki, Shimabukuro, co-chairs; Nishimoto, Bukoski.
- S.B. No. 2693, S.D. 1 (H.D. 1):
Representatives Kanoho, Magaoay, co-chairs; Kaho`ohalahala, Bukoski.
- S.B. No. 2716, S.D. 1 (H.D. 2):
Representatives Takai, Magaoay, co-chairs; Tamayo, Halford.
- S.B. No. 2718, S.D. 1 (H.D. 1):
Representatives Magaoay, Takamine, co-chairs; Kawakami, Halford.
- S.B. No. 2748, S.D. 1 (H.D. 2):
Representatives Hamakawa, Takamine, co-chairs; B. Oshiro, Pendleton.
- S.B. No. 2779, S.D. 2 (H.D. 1):
Representatives Kanoho, Arakaki, Hiraki, co-chairs; Ching.
- S.B. No. 2782, S.D. 1 (H.D. 1):
Representatives Kanoho, Morita, Kaho`ohalahala, co-chairs; Thielen.
- S.B. No. 2790, S.D. 1 (H.D. 1):
Representatives Takumi, Nakasone, co-chairs; Kaho`ohalahala, Bukoski.
- S.B. No. 2791, S.D. 1 (H.D. 1):
Representatives Takumi, Nakasone, co-chairs; Kaho`ohalahala, Blundell.
- S.B. No. 2834, S.D. 2 (H.D. 2):
Representatives Hamakawa, Takamine, co-chairs; Marumoto.
- S.B. No. 2835, S.D. 1 (H.D. 1):
Representatives Hamakawa, Takamine, co-chairs; Caldwell, Sonson, Pendleton.
- S.B. No. 2839, S.D. 2 (H.D. 2):
Representatives Hiraki, B. Oshiro, Kawakami, co-chairs; Caldwell, Stonebraker.
- S.B. No. 2840, S.D. 2 (H.D. 2):
Representatives Hamakawa, Takamine, co-chairs; Nakasone, Pendleton.
- S.B. No. 2861, S.D. 1 (H.D. 2):
Representatives Hamakawa, Waters, co-chairs; B. Oshiro, Sonson, Thielen.
- S.B. No. 2869, S.D. 2 (H.D. 1):
Representatives Schatz, Kanoho, Karamatsu, co-chairs; Moses.
- S.B. No. 2873, S.D. 1 (H.D. 2):
Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Blundell.
- S.B. No. 2878, S.D. 2 (H.D. 2):
Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Blundell.
- S.B. No. 2879, S.D. 2 (H.D. 2):
Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Blundell.
- S.B. No. 2882, S.D. 1 (H.D. 1):
Representatives Hiraki, chair; Herkes, Kanoho, Thielen.
- S.B. No. 2887, S.D. 2 (H.D. 2):
Representatives Hiraki, Takamine, co-chairs; Herkes, Marumoto.
- S.B. No. 2895, S.D. 1 (H.D. 1):
Representatives M. Oshiro, Hiraki, co-chairs; Herkes, Stonebraker.
- S.B. No. 2897, S.D. 2 (H.D. 2):
Representatives Arakaki, Hiraki, co-chairs; Herkes, Ching.
- S.B. No. 2899, S.D. 2 (H.D. 1):
Representatives Arakaki, Hiraki, co-chairs; Nishimoto, Herkes, Ching.
- S.B. No. 2906, S.D. 1 (H.D. 2):

Representatives Hiraki, Takamine, co-chairs; Wakai, Stonebraker.	Representatives Hamakawa, Takamine, co-chairs; Ito, Marumoto.
S.B. No. 2908, S.D. 1 (H.D. 1):	S.B. No. 2996, S.D. 2 (H.D. 2):
Representatives Schatz, Hiraki, co-chairs; Herkes, Ontai.	Representatives Morita, Takamine, co-chairs; Waters, Bukoski.
S.B. No. 2909, S.D. 1 (H.D. 1):	S.B. No. 3002 (H.D. 1):
Representatives Schatz, Hiraki, Takamine, co-chairs; Leong.	Representatives Schatz, Takumi, Wakai, co-chairs; Leong.
S.B. No. 2919, S.D. 1 (H.D. 1):	S.B. No. 3018, S.D. 2 (H.D. 1):
Representatives Ito, M. Oshiro, Mindo, co-chairs; Moses.	Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Jernigan.
S.B. No. 2926, S.D. 1 (H.D. 2):	S.B. No. 3019, S.D. 1 (H.D. 2):
Representatives Kahikina, Shimabukuro, co-chairs; Nishimoto, Ching.	Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Blundell.
S.B. No. 2928 (H.D. 2):	S.B. No. 3020 (H.D. 1):
Representatives Kahikina, Shimabukuro, co-chairs; Nishimoto, Ching.	Representatives Takumi, Kawakami, co-chairs; Evans, Ontai.
S.B. No. 2929, S.D. 1 (H.D. 1):	S.B. No. 3024, S.D. 2 (H.D. 1):
Representatives Kahikina, Arakaki, Kawakami, co-chairs; Finnegan.	Representatives Schatz, Takamine, co-chairs; Wakai, Ontai.
S.B. No. 2930, S.D. 2 (H.D. 1):	S.B. No. 3041, S.D. 2 (H.D. 2):
Representatives Kahikina, Arakaki, Kawakami, co-chairs; Finnegan.	Representatives Arakaki, Hamakawa, co-chairs; Nishimoto, Finnegan.
S.B. No. 2936, S.D. 2 (H.D. 1):	S.B. No. 3044 (H.D. 1):
Representatives Kahikina, Arakaki, Kawakami, co-chairs; Moses.	Representatives Kanoho, B. Oshiro, co-chairs; Hamakawa, Thielen.
S.B. No. 2941 (H.D. 1):	S.B. No. 3049, S.D. 2 (H.D. 2):
Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Pendleton.	Representatives Hiraki, Takamine, co-chairs; Magaoay, Stonebraker.
S.B. No. 2948, S.D. 2 (H.D. 1):	S.B. No. 3051, S.D. 2 (H.D. 1):
Representatives Arakaki, Nishimoto, co-chairs; Shimabukuro, Finnegan.	Representatives Kanoho, Abinsay, Takamine, co-chairs; Thielen.
S.B. No. 2968, S.D. 1 (H.D. 1):	S.B. No. 3052, S.D. 2 (H.D. 2):
Representatives Kahikina, Morita, B. Oshiro, co-chairs; Bukoski.	Representatives Kanoho, Abinsay, Takamine, co-chairs; Nakasone, Thielen.
S.B. No. 2976, S.D. 1 (H.D. 1):	S.B. No. 3062, S.D. 1 (H.D. 2):
Representatives Ito, Takamine, co-chairs; Mindo, Pendleton.	Representatives Kanoho, Takamine, co-chairs; Mindo, Bukoski.
S.B. No. 2990 (H.D. 1):	S.B. No. 3068, S.D. 2 (H.D. 2):
Representatives Takamine, chair; Kawakami, Nakasone, Jernigan.	Representatives Takamine, chair; Kawakami, Nakasone, Meyer.
S.B. No. 2994, S.D. 1 (H.D. 2):	S.B. No. 3080, S.D. 2 (H.D. 2):
Representatives Hamakawa, Takamine, co-chairs; Ito, Marumoto.	Representatives Souki, Takamine, co-chairs; Caldwell, Blundell.
S.B. No. 2995, S.D. 2 (H.D. 1):	S.B. No. 3085, S.D. 2 (H.D. 2):
	Representatives Arakaki, Hiraki, co-chairs; Herkes, Ching.

- S.B. No. 3086 (H.D. 1):
Representatives Takumi, Karamatsu, co-chairs; Mindo, Magaoay, Ontai.
- S.B. No. 3092, S.D. 1 (H.D. 1):
Representatives Morita, Waters, co-chairs; Kaho`ohalahala, Bukoski.
- S.B. No. 3104, S.D. 2 (H.D. 1):
Representatives B. Oshiro, Takamine, co-chairs; Hamakawa, Pendleton.
- S.B. No. 3106, S.D. 1 (H.D. 2):
Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Blundell.
- S.B. No. 3113, S.D. 1 (H.D. 1):
Representatives Hamakawa, chair; B. Oshiro, Caldwell, Marumoto.
- S.B. No. 3129, S.D. 1 (H.D. 1):
Representatives Kanoho, Magaoay, co-chairs; Kaho`ohalahala, Meyer.
- S.B. No. 3135, S.D. 1 (H.D. 1):
Representatives Kawakami, chair; Karamatsu, Mindo, Moses.
- S.B. No. 3148, S.D. 2 (H.D. 3):
Representatives Takumi, Kanoho, Kawakami, co-chairs; Kaho`ohalahala, Ontai.
- S.B. No. 3153, S.D. 2 (H.D. 2):
Representatives Abinsay, Takamine, co-chairs; Sonson, Jernigan.
- S.B. No. 3156, S.D. 1 (H.D. 1):
Representatives Takamine, chair; Kawakami, Nishimoto, Meyer.
- S.B. No. 3170, S.D. 2 (H.D. 2):
Representatives Morita, Waters, co-chairs; Kaho`ohalahala, Thielen.
- S.B. No. 3175, S.D. 2 (H.D. 2):
Representatives M. Oshiro, Takamine, co-chairs; Nakasone, Moses.
- S.B. No. 3179 (H.D. 1):
Representatives Takamine, chair; Kaho`ohalahala, Shimabukuro.
- S.B. No. 3182 (H.D. 1):
Representatives Takamine, chair; Kawakami, Nakasone, Bukoski.
- S.B. No. 3190, S.D. 1 (H.D. 1):
Representatives Souki, Hiraki, co-chairs; Herkes, Blundell.
- S.B. No. 3193, S.D. 2 (H.D. 2):
Representatives Morita, Hiraki, Takamine, co-chairs; Marumoto.
- S.B. No. 3204 (H.D. 1):
Representatives Hiraki, chair; Kanoho, Sonson, Stonebraker.
- S.B. No. 3207, S.D. 2 (H.D. 2):
Representatives Morita, Waters, co-chairs; Kaho`ohalahala, Bukoski.
- S.B. No. 3230, S.D. 2 (H.D. 1):
Representatives Kahikina, Takumi, Kawakami, co-chairs; Shimabukuro, Leong,
was placed on file.
Hse. Com. No. 627, informing the Senate that the Speaker on April 19, 2004, made the following changes to the conferees on the following bills:
- H.B. No. 189, H.D. 2 (S.D. 2):
Appointed Representative Lee as a manager.
- H.B. No. 1004, H.D. 1 (S.D. 1):
Appointed Representative Pendleton as a manager.
- H.B. No. 1259, H.D. 1 (S.D. 1):
Appointed Representative Thielen as a manager.
- H.B. No. 1261, H.D. 2 (S.D. 1):
Appointed Representative Moses as a manager.
- H.B. No. 1335, H.D. 3 (S.D. 2):
Appointed Representative Leong as a manager.
- H.B. No. 1374, H.D. 2 (S.D. 2):
Appointed Representative Blundell as a manager.
- H.B. No. 1560, H.D. 1 (S.D. 1):
Appointed Representative Jernigan as a manager.
- H.B. No. 1590, H.D. 2 (S.D. 2):
Appointed Representative Pendleton as a manager.
- H.B. No. 1634, H.D. 1 (S.D. 1):
Appointed Representative Meyer as a manager.
- H.B. No. 1774, H.D. 2 (S.D. 2):
Appointed Representative Bukoski as a manager.
- H.B. No. 2022, H.D. 2 (S.D. 1):
Discharged Representative Nishimoto as a manager.
Appointed Representative Shimabukuro as a manager.

H.B. No. 2136, H.D. 1 (S.D. 1):

Discharged Representative Hamakawa as second co-chair.
Discharged Representative Herkes as a manager.
Appointed Representative Herkes as second co-chair.
Appointed Representative Magaoay as a manager.

H.B. No. 2814, H.D. 2 (S.D. 1):

Appointed Representative Kaho`ohalahala as a manager.

H.B. No. 2815 (S.D. 1):

Appointed Representative Kaho`ohalahala as a manager.

H.B. No. 2883, H.D. 2 (S.D. 2):

Discharged Representative Hiraki as second co-chair.
Appointed Representative Herkes as second co-chair.

S.B. No. 2302, S.D. 2 (H.D. 1):

Appointed Representative Abinsay as a manager,

was placed on file.

Hse. Com. No. 628, informing the Senate that the Speaker on April 20, 2004, made the following changes to the conferees on the following bills:

H.B. No. 1839, H.D. 2 (S.D. 2):

Discharged Representative Hiraki as second co-chair.
Appointed Representative Herkes as second co-chair.

H.B. No. 1987, H.D. 1 (S.D. 1):

Discharged Representative Hiraki as second co-chair.
Appointed Representative Herkes as second co-chair.

H.B. No. 2005, H.D. 1 (S.D. 1):

Discharged Representative Hiraki as second co-chair.
Appointed Representative Herkes as second co-chair.

H.B. No. 2048, H.D. 1 (S.D. 1):

Appointed Representative Chang as a manager.

H.B. No. 2049, H.D. 1 (S.D. 2):

Appointed Representative Chang as a manager.

H.B. No. 2092, H.D. 2 (S.D. 2):

Discharged Representative Hiraki as second co-chair.
Appointed Representative Herkes as second co-chair.

H.B. No. 2098, H.D. 1 (S.D. 2):

Discharged Representative Hiraki as second co-chair.
Appointed Representative Herkes as second co-chair.

H.B. No. 2136, H.D. 1 (S.D. 1):

Discharged Representative Nakasone as first co-chair.
Discharged Representative Magaoay as a manager.
Appointed Representative Magaoay as first co-chair.
Appointed Representative Nakasone as a manager.

H.B. No. 2408, H.D. 2 (S.D. 1):

Discharged Representative Hiraki as third co-chair.
Appointed Representative Herkes as third co-chair.

S.B. No. 2779, S.D. 2 (H.D. 1):

Discharged Representative Hiraki as third co-chair.
Appointed Representative Herkes as third co-chair,

was placed on file.

Hse. Com. No. 629, informing the Senate that the Speaker on April 20, 2004, made the following changes to the conferees on the following bill:

S.B. No. 2474, S.D. 3 (H.D. 2):

Discharged Representatives Morita and Hiraki as co-chairs.
Discharged Representatives Herkes and Thielen as members,

was placed on file

Hse. Com. No. 630, informing the Senate that the Speaker on April 20, 2004, appointed Representatives Hiraki, Nakasone, co-chairs, Herkes, Marumoto as managers on the part of the House for the consideration of amendments proposed by the Senate to H.B. No. 1103, H.D. 2 (S.D. 1), was placed on file.

STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3446) recommending that S.R. No. 113, S.D. 1, as amended in S.D. 2, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3446 and S.R. No. 113, S.D. 2, entitled: "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII'S EFFORTS TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLORS OF THE UNIVERSITY OF HAWAII TO FORM TASK FORCES TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS," was deferred until Thursday, April 22, 2004.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 3447) recommending that the Senate advise and consent to the nomination of JOYCE NAOMI CHINEN PHD to the Hawai'i Historic Places Review Board, in accordance with Gov. Msg. No. 246.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3447 and Gov. Msg. No. 246 was deferred until Thursday, April 22, 2004.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 3448) recommending that the Senate advise and consent to the nominations to the Island Burial Council, Island of Kaua'i and Ni'ihau of the following:

DONNA A'ANA-NAKAHARA, in accordance with Gov. Msg. No. 395;

BARBARA J. SAY, in accordance with Gov. Msg. No. 396; and

HENRIETTA ESTHER KULAMANU THAXTON, in accordance with Gov. Msg. No. 397.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3448 and Gov. Msg. Nos. 395, 396 and 397 was deferred until Thursday, April 22, 2004.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 3449) recommending that the Senate advise and consent to the nomination of MEI LEE WONG to the Island Burial Council, Island of Maui and Lanai, in accordance with Gov. Msg. No. 398.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3449 and Gov. Msg. No. 398 was deferred until Thursday, April 22, 2004.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 3450) recommending that the Senate advise and consent to the nominations to the Island Burial Council, Island of Oahu of the following:

CY M. BRIDGES, in accordance with Gov. Msg. No. 399; and

KALEI S. KINI, in accordance with Gov. Msg. No. 400.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3450 and Gov. Msg. Nos. 399 and 400 was deferred until Thursday, April 22, 2004.

ORDER OF THE DAY

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The Chair re-referred the following House concurrent resolutions that were received:

House Concurrent Resolution	Referred to:
No. 152, H.D. 2	Committee on Health
No. 156, H.D. 1	Committee on Health

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 1362, S.D. 3 (H.D. 2):

Senator Baker 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. 1362, S.D. 3, seconded by Senator Hanabusa and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 1362, S.D. 3, seconded by Senator Hanabusa.

Senator Baker noted:

“Colleagues, this bill relates to mental health. It’s an administration bill. This is a bill that the administration asked us to make some additional amendments to, which we did on the Floor of the Senate prior to crossover.

“What the House did was to make the effective date upon approval, which is of course acceptable to the Senate, and to change the reporting language requested in this bill from 10 days prior to Session to 20 days prior to Session, which is certainly consistent with what is the normal practice. Therefore, I believe we should agree to the House amendments.

“Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1362, S.D. 3, and S.B. No. 1362, S.D. 3, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MENTAL HEALTH,” was placed on the calendar for Final Reading on Thursday, April 22, 2004.

S.B. No. 2897, S.D. 2 (H.D. 2):

Senator Baker 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. 2897, S.D. 2, seconded by Senator Tsutsui and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2897, S.D. 2, seconded by Senator Tsutsui.

Senator Baker noted:

“This is also an administration bill. It relates to dental examinations.

“What it does is to provide that if the state constructed exam cannot be administered in a public facility available in the state, which is Pearl Harbor, then it authorizes regional or state testing agencies to be used and then be able to license dentists and dental hygienists.

“It also repeals the license eligibility of graduates of foreign dental schools not accredited by the American Dental Association. This will bring the State of Hawaii’s licensure in conformance with all of the other states as of January of this year.

“These were amendments requested by the board of dental examiners. The Senate would have added these but the request came after we had already made a decision, and rather than reconsidering action in Committee, we let them go forward in the House.

So, these amendments are certainly acceptable to both your Committees on Health and Consumer Protection and Housing. I urge my colleagues to vote in favor of these amendments.

“Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2897, S.D. 2, and S.B. No. 2897, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE DENTAL EXAMINATION,” was placed on the calendar for Final Reading on Thursday, April 22, 2004.

At 11:48 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

Senator Kanno, requested a waiver of the notice requirement pursuant to the 2004 Committee on Conference Procedures for the following Senate Bills:

S.B. No. 762;
S.B. No. 779;
S.B. No. 2355;
S.B. No. 2424;
S.B. No. 2541;
S.B. No. 2542;
S.B. No. 2543;
S.B. No. 2544;
S.B. No. 2545;
S.B. No. 2546;
S.B. No. 2547;
S.B. No. 2549;
S.B. No. 2550;
S.B. No. 2551;
S.B. No. 2556;
S.B. No. 2718;
S.B. No. 2873;
S.B. No. 2878;
S.B. No. 2879;
S.B. No. 2941;
S.B. No. 3018; and
S.B. No. 3019,

and the Chair granted the waiver.

Senator Kanno, Chair of the Committee on Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

H.C.R. No. 77;
H.C.R. No. 112;
H.C.R. No. 195; and
H.C.R. No. 251,

and the Chair granted the waiver.

Senator Baker, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions and governor's messages:

H.C.R. No. 152;
H.C.R. No. 156;
Gov. Msg. No. 449;
Gov. Msg. No. 450;
Gov. Msg. No. 451;
Gov. Msg. No. 452;
Gov. Msg. No. 453;
Gov. Msg. No. 454;
Gov. Msg. No. 455;
Gov. Msg. No. 456;
Gov. Msg. No. 457;
Gov. Msg. No. 458;
Gov. Msg. No. 459;
Gov. Msg. No. 460;
Gov. Msg. No. 461;
Gov. Msg. No. 462;
Gov. Msg. No. 463; and
Gov. Msg. No. 464.

Senator Baker noted:

"Mr. President, the resolutions are being scheduled in order to meet the crossover deadline on Monday, and your Committee has scheduled the confirmation hearing for the nominees to the State Council on Developmental Disabilities at the same time."

The Chair then granted the waiver.

Senator Baker, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 138.

Senator Baker noted:

"Mr. President, this resolution is being scheduled in order to meet the crossover deadline on Monday."

The Chair then granted the waiver.

Senator Baker, Vice Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

H.C.R. No. 90;
H.C.R. No. 123; and
H.C.R. No. 214.

Senator Baker noted:

"Mr. President, these resolutions are being scheduled in order to meet the crossover deadline on Monday."

The Chair then granted the waiver.

Senator English, Chair of the Committee on Energy and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

H.C.R. No. 49;
H.C.R. No. 118; and
H.C.R. No. 245.

Senator English noted:

"Mr. President, these resolutions are being scheduled in order to meet the crossover deadline on Monday."

The Chair then granted the waiver.

Senator Fukunaga, Chair of the Committee on Economic Development, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 202.

Senator Fukunaga noted:

"Mr. President, this resolution is being scheduled in order to meet the crossover deadline on Monday."

The Chair then granted the waiver.

Senator Espero, Vice Chair of the Committee on Water, Land, and Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

H.C.R. No. 13;
H.C.R. No. 54;
H.C.R. No. 124;
H.C.R. No. 255; and
H.C.R. No. 263.

Senator Espero noted:

"Mr. President, these resolutions are being scheduled in order to meet the crossover deadline on Monday."

The Chair then granted the waiver.

Senator Espero, Vice Chair of the Committee on Water, Land, and Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 260.

Senator Espero noted:

“Mr. President, this resolution is being scheduled in order to meet the crossover deadline on Monday.”

The Chair then granted the waiver.

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:10 o'clock p.m.

Senator Espero, Vice Chair of the Committee on Water, Land, and Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. No. 73, and the Chair granted the waiver.

Senator Hemmings rose on a point of personal privilege and said:

“Mr. President, I rise on a point of personal privilege.

“Mr. President, your loyal opposition in the Senate Minority is extremely concerned with the volume of the waiving of Rule 21 concerning hearing notices. I believe this Legislature in that it expedited some very significant legislation such as the state omnibus spending bill through the process this year and sent to the Governor many bills of major importance three weeks early, that there is indeed time to do things in such a manner that the public can be notified about it. There seems to be some substantive labor bills that are being expedited without adequate public notice and a number of resolutions that we feel that could have a direct impact on our constituencies.

“I'm hoping that members of the Majority Party will join us in this concern. If the Rule is uniformly waived on a regular basis, the Rule becomes absolutely useless. The intent of the Rule is extremely important – that the public, who sent us here, has adequate notice on bills and resolutions that will dramatically affect their life.

“I believe this effort, once again, is undemocratic in the sense of the word that the public will not have adequate notice to react accordingly to legislation we're considering. In that some of these bills do have the time to be adequately notified, I'm curious as to why it's being done.

“Thank you, Mr. President.”

The President responded:

“Thank you for voicing your concern. We will take that into advisement.”

APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 53, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 53, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Kokubun, co-chairs;

English, Taniguchi, Tsutsui, Hogue as managers on the part of the Senate at such conference.

S.B. No. 214, S.D. 3 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 214, S.D. 3, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Sakamoto, Taniguchi, co-chairs; Espero, Kokubun, Slom as managers on the part of the Senate at such conference.

S.B. No. 459, S.D. 1 (H.D. 1, C.D. 2):

The President discharged Senator Kawamoto as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 459, S.D. 1.

S.B. No. 762, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 762, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Slom as managers on the part of the Senate at such conference.

S.B. No. 779, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 779, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Espero, Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 1238, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1238, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Kokubun, Hanabusa, co-chairs; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

S.B. No. 1318, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1318, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Baker, Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 1491, S.D. 1 (H.D. 1):

The President discharged Senator Fukunaga as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1491, S.D. 1.

S.B. No. 1549, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1549, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2033, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2033, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Kawamoto, Taniguchi, co-chairs; Kokubun as managers on the part of the Senate at such conference.

S.B. No. 2056, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2056, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Baker, Hanabusa, co-chairs; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2073, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2073, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Sakamoto, Taniguchi, co-chairs; Espero, Kokubun, Slom as managers on the part of the Senate at such conference.

S.B. No. 2131, S.D. 1 (H.D. 1):

The President appointed Senator Taniguchi as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2131, S.D. 1.

S.B. No. 2210, 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. 2210, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Taniguchi, co-chairs; Espero, Kim, Kokubun, Sakamoto, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2355, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2355, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Slom as managers on the part of the Senate at such conference.

S.B. No. 2358, 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. 2358, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Hanabusa, co-chairs; Sakamoto, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2424, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2424, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Sakamoto, Taniguchi, co-chairs; Hooser, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2447, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2447, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, English, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2528, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2528, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Taniguchi, co-chairs; Baker, Kim, Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2541, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2541, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2542, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2542, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2543, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2543, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2544, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2544, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2545, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2545, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2546, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2546, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2547, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2547, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2549, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2549, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2550 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2550, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2551 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2551, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2556 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2556, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2595, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2595, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Taniguchi, co-chairs; Espero, Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2595, S.D. 2 (H.D. 2):

The President discharged Senator Espero as a manager and appointed Senator Baker as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2595, S.D. 2.

S.B. No. 2704 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2704, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Hanabusa, co-chairs; Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2718, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2718, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2839, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2839, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Hanabusa, Taniguchi, co-chairs; Baker, Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2873, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2873, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Espero, Kokubun, Slom as managers on the part of the Senate at such conference.

S.B. No. 2878, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2878, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Espero, Slom as managers on the part of the Senate at such conference.

S.B. No. 2879, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2879, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Kokubun, co-chairs; Espero, Inouye, Slom as managers on the part of the Senate at such conference.

S.B. No. 2882, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2882, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Baker, Ige, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2887, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2887, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Taniguchi, co-chairs; Baker, Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2895, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2895, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Menor, Kokubun, co-chairs; Slom as managers on the part of the Senate at such conference.

S.B. No. 2906, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2906, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Taniguchi, co-chairs; Baker, Kim, Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2908, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2908, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Baker, Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2909, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2909, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2926, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2926, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Taniguchi, co-chairs; Baker, Kim, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2928 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2928, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Taniguchi, co-chairs; Baker, Kim, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2941 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2941, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Slom as managers on the part of the Senate at such conference.

S.B. No. 2948, 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. 2948, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Kokubun, co-chairs; Kanno, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2951, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2951, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Baker, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3018, 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. 3018, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Espero, Inouye, Slom as managers on the part of the Senate at such conference.

S.B. No. 3019, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3019, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kawamoto as managers on the part of the Senate at such conference.

S.B. No. 3049, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3049, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Taniguchi, co-chairs; Baker, Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3062, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3062, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Kawamoto, Taniguchi, co-chairs; Baker, Ige, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3085, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3085, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Menor, co-chairs; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3106, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3106, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Kawamoto, Taniguchi, co-chairs; Kokubun, Slom as managers on the part of the Senate at such conference.

S.B. No. 3113, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3113, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; English, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3148, S.D. 2 (H.D. 3):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3148, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Hanabusa, Taniguchi, co-chairs; Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3156, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3156, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Kokubun, co-chairs; Hooser, Taniguchi, Tsutsui, Hogue as managers on the part of the Senate at such conference.

S.B. No. 3170, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3170, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, Menor, Taniguchi, co-chairs; English, Espero as managers on the part of the Senate at such conference.

S.B. No. 3170, S.D. 2 (H.D. 2):

The President appointed Senator Trimble as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 3170, S.D. 2.

S.B. No. 3175, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3175, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Kawamoto, Taniguchi, co-chairs; Espero, Sakamoto, Slom as managers on the part of the Senate at such conference.

S.B. No. 3190, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3190, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3204 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3204, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Baker, Whalen as managers on the part of the Senate at such conference.

H.B. No. 189, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 189, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Hanabusa, co-chairs; Chun Oakland, Inouye as managers on the part of the Senate at such conference.

H.B. No. 403, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 403, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

H.B. No. 537, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 537, H.D. 1,

and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, Fukunaga as managers on the part of the Senate at such conference.

H.B. No. 1004, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1004, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; English, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1259, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1259, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Baker, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1261, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1261, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, English, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1335, H.D. 3 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1335, H.D. 3, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Sakamoto, Taniguchi, co-chairs; English, Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1374, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1374, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1774, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1774, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kawamoto, Kokubun, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1778, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1778, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kawamoto, Kokubun as managers on the part of the Senate at such conference.

H.B. No. 1780, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1780, H.D. 1, and the request for a conference on the subject matter thereof,

the President appointed Senators Kanno, Taniguchi, Sakamoto, co-chairs; Kokubun, Trimble as managers on the part of the Senate at such conference.

H.B. No. 1786, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1786, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1792, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1792, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Taniguchi, co-chairs; Kokubun, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1840, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1840, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, English, co-chairs; Hooser, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1980, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1980, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2005, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2005, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Baker, co-chairs; Chun Oakland, Espero, Slom as managers on the part of the Senate at such conference.

H.B. No. 2025, H.D. 3 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2025, H.D. 3, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Hanabusa, Taniguchi, co-chairs; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2092, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2092, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Menor, co-chairs; Chun Oakland, Inouye, Slom as managers on the part of the Senate at such conference.

H.B. No. 2137, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2137, H.D. 1,

and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Ige, Taniguchi, co-chairs; Sakamoto, Slom as managers on the part of the Senate at such conference.

H.B. No. 2143, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2143, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2170, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2170, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Kokubun, co-chairs; Chun Oakland, Taniguchi, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2254 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2254, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Kawamoto, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2292, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2292, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Taniguchi, co-chairs; Fukunaga, Kokubun, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2297, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2297, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Taniguchi, co-chairs; Fukunaga, Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2301, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2301, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Taniguchi, co-chairs; English, Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2320, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2320, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Chun Oakland, Hogue as managers on the part of the Senate at such conference.

The President appointed Senator Fukunaga as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2320, H.D. 1.

H.B. No. 2363, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2363, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Hanabusa, co-chairs; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2408, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2408, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Ige, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2411, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2411, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2667, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2667, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Hanabusa, Kanno, Taniguchi, co-chairs; Hogue as managers on the part of the Senate at such conference.

H.B. No. 2674, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2674, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, Menor, co-chairs; Chun Oakland, Espero, Slom as managers on the part of the Senate at such conference.

H.B. No. 2740, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2740, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Espero, Inouye, Kawamoto, Taniguchi as managers on the part of the Senate at such conference.

H.B. No. 2749 (S.D. 1):

The President appointed Senator Fukunaga as an additional member on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2749.

H.B. No. 2773, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2773, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2774, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2774, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Slom as managers on the part of the Senate at such conference.

H.B. No. 2786, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2786, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Hanabusa, co-chairs; Espero, Slom as managers on the part of the Senate at such conference.

H.B. No. 2871, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2871, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Sakamoto, co-chairs; Espero, Kokubun, Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 2883, H.D. 2 (S.D. 2):

The President appointed Senator Taniguchi as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2883, H.D. 2.

ADJOURNMENT

At 12:13 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 22, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FIFTY-SECOND DAY

Thursday, April 22, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Yoshiaki Fujitani, Bukkyo Dendo Kyokai Sudatta Society, after which the Roll was called showing all Senators present with the exception of Senators English, Kawamoto and Menor who were excused.

The President announced that he had read and approved the Journal of the Fifty-First Day.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 631 to 633) were read by the Clerk and were placed on file:

Hse. Com. No. 631, informing the Senate that the Speaker on April 21, 2004, made the following changes to the conferees on the following bills:

H.B. No. 1856, H.D. 1 (S.D. 1):

Appointed Representative Takamine as second co-chair.

S.B. No. 2405, S.D. 1 (H.D. 1):

Discharged Representative B. Oshiro as second co-chair.
Appointed Representative Hamakawa as second co-chair.

Hse. Com. No. 632, informing the Senate that the Speaker on April 21, 2004, made the following changes to the conferees on the following bills:

S.B. No. 2541, S.D. 1 (H.D. 1):

Appointed Representative M. Oshiro as first co-chair.

S.B. No. 2542, S.D. 1 (H.D. 1):

Appointed Representative M. Oshiro as first co-chair.

S.B. No. 2543, S.D. 1 (H.D. 1):

Appointed Representative M. Oshiro as first co-chair.

S.B. No. 2544, S.D. 1 (H.D. 1):

Appointed Representative M. Oshiro as first co-chair.

S.B. No. 2545, S.D. 1 (H.D. 1):

Appointed Representative M. Oshiro as first co-chair.

S.B. No. 2546, S.D. 1 (H.D. 1):

Appointed Representative M. Oshiro as first co-chair.

S.B. No. 2547, S.D. 1 (H.D. 1):

Appointed Representative M. Oshiro as first co-chair.

S.B. No. 2549, S.D. 1 (H.D. 1):

Appointed Representative M. Oshiro as first co-chair.

S.B. No. 2550 (H.D. 1):

Appointed Representative M. Oshiro as first co-chair.

S.B. No. 2551 (H.D. 1):

Appointed Representative M. Oshiro as first co-chair.

S.B. No. 2556 (H.D. 1):

Appointed Representative M. Oshiro as first co-chair.

S.B. No. 3052, S.D. 2 (H.D. 2):

Discharged Representative Nakasone as a manager.
Appointed Representative Waters as a manager.

S.B. No. 2718, S.D. 1 (H.D. 1):

Appointed Representative M. Oshiro as second co-chair.

Hse. Com. No. 633, informing the Senate that the House reconsidered its action taken on April 15, 2004, in disagreeing to the amendments proposed by the Senate to H.B. No. 1743, H.D. 2 (S.D. 2).

CONFERENCE COMMITTEE REPORT

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1840, H.D. 1, presented a report (Conf. Com. Rep. No. 12-04) recommending that H.B. No. 1840, 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. 12-04 and H.B. No. 1840, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3451) recommending that H.B. No. 1919, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3451 and H.B. No. 1919, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," was deferred until Friday, April 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3452) recommending that H.B. No. 2446 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3452 and H.B. No. 2446, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING INCREASES," was deferred until Friday, April 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3453) recommending that H.B. No. 2466 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3453 and H.B. No. 2466, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM," was deferred until Friday, April 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3454) recommending that H.B. No. 2293 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3454 and H.B. No. 2293, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE ADULT OFFENDER SUPERVISION," was deferred until Friday, April 23, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3455) recommending that H.B. No. 2294 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3455 and H.B. No. 2294, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ADMINISTRATIVE COSTS IN TRAFFIC CASES," was deferred until Friday, April 23, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3456) recommending that H.B. No. 2295, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3456 and H.B. No. 2295, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIONS ON DELINQUENT COURT-ORDERED PAYMENTS," was deferred until Friday, April 23, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3457) recommending that H.B. No. 2296, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3457 and H.B. No. 2296, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF CREDIT AND DEBIT CARDS," was deferred until Friday, April 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3458) recommending that H.B. No. 2354 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3458 and H.B. No. 2354, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO RISK MANAGEMENT," was deferred until Friday, April 23, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3459) recommending that H.B. No. 2439 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3459 and H.B. No. 2439, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE SIRENS," was deferred until Friday, April 23, 2004.

ORDER OF THE DAY

ADVISE AND CONSENT

MATTERS DEFERRED FROM MONDAY, APRIL 19, 2004

Stand. Com. Rep. No. 3438 (Gov. Msg. No. 156):

Senator Inouye moved that Stand. Com. Rep. No. 3438 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of KYONG-SU IM to the Land Use Commission, term to expire June 30, 2007, seconded by Senator Espero.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Kawamoto, Menor).

Stand. Com. Rep. No. 3439 (Gov. Msg. No. 167):

Senator Inouye moved that Stand. Com. Rep. No. 3439 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of JAMES A. FRAZIER to the Commission on Water Resource Management, term to expire June 30, 2007, seconded by Senator Espero.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Kawamoto, Menor).

Stand. Com. Rep. No. 3440 (Gov. Msg. No. 170):

Senator Inouye moved that Stand. Com. Rep. No. 3440 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of TEENA M. RASMUSSEN to the Board of Directors of the Agribusiness Development Corporation, term to expire June 30, 2005, seconded by Senator Espero.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Kawamoto, Menor).

Stand. Com. Rep. No. 3441 (Gov. Msg. No. 251):

Senator Inouye moved that Stand. Com. Rep. No. 3441 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of KEOKI A. LEONG to the Kaneohe Bay Regional Council, term to expire June 30, 2005, seconded by Senator Espero.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Kawamoto, Menor).

Stand. Com. Rep. No. 3442 (Gov. Msg. Nos. 340 and 341):

Senator Inouye moved that Stand. Com. Rep. No. 3442 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations to the Advisory Committee on Pesticides of the following:

JO-ANNA NAKATA, term to expire June 30, 2007 (Gov. Msg. No. 340); and

CYNTHIA K.L. REZENTES, term to expire June 30, 2007 (Gov. Msg. No. 341),

seconded by Senator Espero.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Kawamoto, Menor).

Stand. Com. Rep. No. 3443 (Gov. Msg. No. 375):

Senator Inouye moved that Stand. Com. Rep. No. 3443 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of ALAN H. GOTTLIEB to the Board of Agriculture, term to expire June 30, 2005, seconded by Senator Espero.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Kawamoto, Menor).

Stand. Com. Rep. No. 3444 (Gov. Msg. Nos. 401, 402 and 403):

Senator Inouye moved that Stand. Com. Rep. No. 3444 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations to the Natural Area Reserve System Commission of the following:

DALE B. BONAR, term to expire June 30, 2008 (Gov. Msg. No. 401);

RICHARD F. HUGHES PH.D., term to expire June 30, 2008 (Gov. Msg. No. 402); and

LLOYD LEE LOOPE, term to expire June 30, 2008 (Gov. Msg. No. 403),

seconded by Senator Espero.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Kawamoto, Menor).

Stand. Com. Rep. No. 3445 (Gov. Msg. No. 388):

Senator Baker moved that Stand. Com. Rep. No. 3445 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 JOAN DOBBS PH.D., C.N.S. to the Health Planning Council, Honolulu 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 (English, Kawamoto, Menor).

ADVISE AND CONSENT

Stand. Com. Rep. No. 3447 (Gov. Msg. No. 246):

Senator Ige moved that Stand. Com. Rep. No. 3447 be received and placed on file, seconded by Senator Aduja and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of JOYCE NAOMI CHINEN PHD to the Hawai'i Historic Places Review Board, term to expire June 30, 2007, 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 (English, Kawamoto, Menor).

Stand. Com. Rep. No. 3448 (Gov. Msg. Nos. 395, 396 and 397):

Senator Ige moved that Stand. Com. Rep. No. 3448 be received and placed on file, seconded by Senator Aduja and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Island Burial Council, Island of Kaua'i and Ni'ihau of the following:

DONNA A'ANA-NAKAHARA, term to expire June 30, 2007 (Gov. Msg. No. 395);

BARBARA J. SAY, term to expire June 30, 2007 (Gov. Msg. No. 396); and

HENRIETTA ESTHER KULAMANU THAXTON, term to expire June 30, 2007 (Gov. Msg. No. 397),

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 (English, Kawamoto, Menor).

Stand. Com. Rep. No. 3449 (Gov. Msg. No. 398):

Senator Ige moved that Stand. Com. Rep. No. 3449 be received and placed on file, seconded by Senator Aduja and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of MEI LEE WONG to the Island Burial

Council, Island of Maui and Lanai, term to expire June 30, 2007, 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 (English, Kawamoto, Menor).

Stand. Com. Rep. No. 3450 (Gov. Msg. Nos. 399 and 400):

Senator Ige moved that Stand. Com. Rep. No. 3450 be received and placed on file, seconded by Senator Aduja and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Island Burial Council, Island of Oahu of the following:

CY M. BRIDGES, term to expire June 30, 2007 (Gov. Msg. No. 399); and

KALEI S. KINI, term to expire June 30, 2007 (Gov. Msg. No. 400),

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 (English, Kawamoto, Menor).

FINAL READING

S.B. No. 1362, S.D. 3, H.D. 2:

On motion by Senator Baker, seconded by Senator Hanabusa and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1362, S.D. 3, and S.B. No. 1362, S.D. 3, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Kawamoto, Menor).

S.B. No. 2897, S.D. 2, H.D. 2:

On motion by Senator Baker, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2897, S.D. 2, and S.B. No. 2897, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DENTAL EXAMINATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Kawamoto, Menor).

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM WEDNESDAY, APRIL 21, 2004

Stand. Com. Rep. No. 3446 (S.R. No. 113, S.D. 2):

On motion by Senator Tsutsui, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 113, S.D. 2, entitled: "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A

MANAGEMENT AND EFFECTIVENESS AUDIT OF THE UNIVERSITY OF HAWAII'S EFFORTS TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII AND TO ESTABLISH A BASELINE FOR EVALUATION OF IMPROVEMENTS IN PROGRAMMING IN THE FUTURE, AND FURTHER REQUESTING THE CHANCELLORS OF THE UNIVERSITY OF HAWAII TO FORM TASK FORCES TO EVALUATE THE RESULTS OF THE AUDIT AND PLAN FOR THE IMPROVEMENT OF SERVICES TO RECRUIT AND RETAIN NATIVE HAWAIIAN AND HAWAIIAN STUDENTS," was adopted.

RE-REFERRAL OF GOVERNOR'S MESSAGE

The Chair re-referred the following governor's message that was received:

Governor's Message	Referred to:
No. 476	Committee on Water, Land, and Agriculture

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2009, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on March 30, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2009, S.D. 1, seconded by Senator Tsutsui and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2009, S.D. 1, seconded by Senator Tsutsui.

Senator Baker noted:

"Mr. President, this is a measure that had to do with telecommunications equipment in condominiums. The reason we're agreeing to the House amendment is there was one disagreement on one word. It was a technical change from a singular to a plural so we're agreeing with the House amendments."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2009, S.D. 1, and S.B. No. 2009, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was placed on the calendar for Final Reading on Friday, April 23, 2004.

S.C.R. No. 30 (H.D. 1):

Senator Fukunaga, moved that the Senate reconsider its action taken on April 19, 2004, in disagreeing to the amendments proposed by the House to S.C.R. No. 30, seconded by Senator Tsutsui and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 30, seconded by Senator Tsutsui.

Senator Fukunaga noted:

“Mr. President, this concurrent resolution is a companion to H.C.R. No. 21, H.D. 1, heard by the Committees on Economic Development and Transportation, Military Affairs, and Government Operations earlier this month. All testimony was in favor. In the interest of timeliness, the chairs of ECD and TMG have agreed to the amendments made by the House to the companion measure, S.C.R. No. 30, H.D. 1. Those amendments: Refer to supportive actions by the Maine State House of Representatives in endorsing this journey; Replace references to the North Korean Government with the Democratic People’s Republic of Korea; and Amend the title to reflect this change to read: ‘ENDORISING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA.’”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 30, and S.C.R. No. 30, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA,” was placed on the calendar for Final Adoption on Friday, April 23, 2004.

At 11:55 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o’clock p.m.

Senator Baker, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. Nos. 141 and 150.

Senator Baker noted:

“Mr. President, these resolutions are being scheduled in order to meet the crossover deadline on Monday.”

The Chair then granted the waiver.

Senator Hanabusa, Chair of the Committee on Judiciary and Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

H.C.R. No. 261;
H.C.R. No. 265; and
H.C.R. No. 267.

Senator Hanabusa noted:

“Mr. President, these resolutions are being scheduled in order to meet the crossover deadline on Monday.”

The Chair then granted the waiver.

At this time, the President made the following announcement:

“Members, since the 51st Day of the Session has passed and we haven’t received all of the expected nominations to the boards and commissions from the Governor, if there are no objections from the members, I am suspending Senate Rule 37(2) and informing the Governor that she will have until 10:00 a.m. on Friday, April 23 to submit her nominations for the Senate’s consideration.”

By unanimous consent, Senate Rule 37(2) was suspended.

Senator Sakamoto rose on a point of personal privilege as follows:

“Mr. President, I rise on a point of personal privilege.

“I’m happy to hear that you’re suspending that Rule because as far as the Education Committee is concerned, Board of Regents appointments are important. Last week I did send a letter up to the Governor asking if she could make her appointments. She did respond, although the response didn’t say she’d hastily send it down, I do hope so in light of the public interest. These are policy-making positions, and I believe we need to do our job, Mr. President, to hold a hearing, receive testimony – positive or not – and ideally confirm these people prior to them actually getting into the policy-making rules.

“So, I’m glad you’re doing what you’re doing and hopefully we get timely appointments sent down on the regents as well as many, many other positions.

“Thank you.”

APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 3193, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3193, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, Taniguchi, co-chairs; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1820, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1820, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2667, H.D. 2 (S.D. 1):

The President discharged Senator Kanno as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2667, H.D. 2.

H.B. No. 2840, H.D. 1 (S.D. 3):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2840, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, Inouye, Ige, Taniguchi, co-chairs; Kokubun, Sakamoto, Slom as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:12 o’clock p.m., on motion by Senator Tsutsui, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Friday, April 23, 2004.

FIFTY-THIRD DAY

Friday, April 23, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Deacon George Kagehiro, Our Lady of Sorrows Church, Wahiawa, after which the Roll was called showing all Senators present with the exception of Senator Sakamoto who was excused.

The President announced that he had read and approved the Journal of the Fifty-Second Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 481 to 489) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 481, informing the Senate that on April 22, 2004, she signed into law House Bill No. 2418 as Act 11, entitled: "RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES," was placed on file.

Gov. Msg. No. 482, informing the Senate that on April 22, 2004, she signed into law House Bill No. 2417 as Act 12, entitled: "RELATING TO REAL ESTATE LICENSING," was placed on file.

Gov. Msg. No. 483, informing the Senate that on April 22, 2004, she signed into law House Bill No. 2423 as Act 13, entitled: "RELATING TO COSMETOLOGY LICENSE RESTORATION," was placed on file.

Gov. Msg. No. 484, informing the Senate that on April 22, 2004, she signed into law House Bill No. 1737 as Act 14, entitled: "RELATING TO MORTGAGE BROKERS AND SOLICITORS," was placed on file.

Gov. Msg. No. 485, informing the Senate that on April 22, 2004, she signed into law House Bill No. 2139 as Act 15, entitled: "RELATING TO INSURANCE," was placed on file.

Gov. Msg. No. 486, advising the Senate of the withdrawal of the nominations of:

MARGARET TREVOR to the Policy Advisory Board for Elder Affairs, under Gov. Msg. No. 204, dated February 17, 2004;

BARBARA J. PENNIAL to the Health Planning Council, Windward Oahu Subarea, under Gov. Msg. No. 242, dated February 17, 2004;

ANDREW W. CHAR to the Health Planning Council, Honolulu Subarea, under Gov. Msg. No. 387, dated March 15, 2004; and

EDDIE KAMAE to the Hawai'i Television and Film Development Board, under Gov. Msg. No. 471, dated April 16, 2004.

In compliance with Gov. Msg. No. 486, the nominations listed under Gov. Msg. Nos. 204, 242, 387 and 471 were returned.

Gov. Msg. No. 487, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of GAIL Y. HARAGUCHI, term to expire June 30, 2008, was referred to the Committee on Tourism.

Gov. Msg. No. 488, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of KAWAIKAPUOKALANI K. HEWETT, term to expire June 30, 2006, was referred to the Committee on Tourism.

Gov. Msg. No. 489, submitting for consideration and confirmation to the University of Hawaii Board of Regents, the nomination of ANDRES ALBANO JR., term to expire June 30, 2008, was referred to the Committee on Education.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 634 and 635) were read by the Clerk and were placed on file:

Hse. Com. No. 634, informing the Senate that the Speaker on April 22, 2004, made the following changes to the conferees on the following bills:

S.B. No. 2968, S.D. 1 (H.D. 1):

Discharged Representative Kahikina as lead co-chair.
Appointed Representative Kanoho as lead co-chair.

S.B. No. 3156, S.D. 1 (H.D. 1):

Discharged Representative Meyer as a manager.
Appointed Representative Bukoski as a manager.

Hse. Com. No. 635, informing the Senate that the amendments proposed by the Senate to H.B. No. 1743, H.D. 2, were agreed to by the House, and H.B. No. 1743, H.D. 2, S.D. 2, passed Final Reading in the House of Representatives on April 22, 2002.

CONFERENCE COMMITTEE REPORTS

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. 1793, H.D. 2, presented a report (Conf. Com. Rep. No. 13-04) recommending that H.B. No. 1793, 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. 13-04 and H.B. No. 1793, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," 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. 3135, S.D. 1, presented a report (Conf. Com. Rep. No. 14-04) recommending that S.B. No. 3135, 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. 14-04 and S.B. No. 3135, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST.

FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3460) recommending that the Senate advise and consent to the nomination of MILTON K. PA to the Hawaiian Homes Commission, in accordance with Gov. Msg. No. 379.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3460 and Gov. Msg. No. 379 was deferred until Monday, April 26, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3461) recommending that the Senate advise and consent to the nomination of MAUREEN K. MURAOKA to the Board of Registration of the Island of Oahu, in accordance with Gov. Msg. No. 408.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3461 and Gov. Msg. No. 408 was deferred until Monday, April 26, 2004.

ORDER OF THE DAY

FINAL READING

S.B. No. 2009, 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. 2009, S.D. 1, and S.B. No. 2009, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

THIRD READING

Stand. Com. Rep. No. 3451 (H.B. No. 1919, H.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3451 be adopted and H.B. No. 1919, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose in opposition to the measure and said:

"Mr. President, I rise in opposition to this bill.

"This bill has a checkered past. It's been making its way through the Legislature each of the last several years and it has the distinction of being honored by Governor Cayetano who vetoed it and by Governor Lingle who has vetoed it.

"This bill is a bad bill. It takes away the choice of heads of departments and also tries to treat every employee the same even though they are similarly situated. We are talking about public employees that are exempt from civil service. They know they're exempt when they enter the service and they are treated on their own individual merits. They are not subject to one-size-fits-all collective bargaining or arbitration, and that means that they are allowed to and are rewarded by different pay scales and different wages.

"What this would do is make them all the same. There is no demonstrated problem here. As I said, it's crossed two

distinctive administrations, and I think it's a bad bill, a bad precedent, and it takes away choice of both the administrators, departments, and the public employees.

"I urge a 'no' vote. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3451 was adopted and H.B. No. 1919, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3452 (H.B. No. 2446):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3452 was adopted and H.B. No. 2446, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING INCREASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3453 (H.B. No. 2466):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3453 was adopted and H.B. No. 2466, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3454 (H.B. No. 2293):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3454 was adopted and H.B. No. 2293, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE ADULT OFFENDER SUPERVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3455 (H.B. No. 2294):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3455 was adopted and H.B. No. 2294, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ADMINISTRATIVE COSTS IN TRAFFIC CASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3456 (H.B. No. 2295, H.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3456 be adopted and H.B. No. 2295, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in opposition and said:

"Mr. President, I rise in opposition to H.B. No. 2295.

"The portion of the bill that bothers me is that we're authorizing the payment of 50 percent of the amount collected to licensed attorneys who serve as bill collectors. I think it's excessive.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3456 was adopted and H.B. No. 2295, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIONS ON DELINQUENT COURT-ORDERED PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3457 (H.B. No. 2296, H.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3457 be adopted and H.B. No. 2296, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose in opposition and stated:

"Mr. President, I rise in opposition to H.B. No. 2296, H.D. 1.

"On the surface this bill is a simple matter, hardly worthy of consideration by such an august body as this. But I ask that you take a second look, a fresh look at the underlying arguments to see if the average voter would see it in the same way. If not, then you should reconsider, lest the average voter find that we are all bereft of reason.

"The underlying argument is also of interest because it highlights how people that have too much power, people that have sufficient power to ignore free market forces, set prices, and present arguments to defend their actions.

"The argument is, at its core, that it would cost government, in the case of the judiciary, more if credit or debit cards are used for the payments of court imposed fees and fines.

"Nothing could be further from the truth. Use of debit and credit cards actually save money. It saves so much money that the judiciary should consider giving a discount to those that use debit and credit cards.

"Let me enumerate how this actually reduced total costs when it was done decades ago in competitive markets where competing firms strove to reduce costs.

"When you swipe a debit card or credit card through the machine, many wonderful things happen:

A receipt is automatically generated.

A computer entry is automatically made to your cash receipts journal.

Simultaneously, another entry updates your accounts receivable.

"When you give consumers choices as to the method of payment, you are more apt to be paid. Being paid means that you will have to refer fewer accounts to licensed attorneys for collection of outstanding balances as provided for in H.B. No. 2295, which we just considered.

"You can receive payment by phone – 24 hours a day, every day of the week.

"Please consider the time value of money. When you swipe the card through the machine, money can be deposited into your account the same day.

"And finally, people that handle credit and debit cards tend to be paid less because there are not the same risks involved with the mishandling of money. Fewer resources are needed to verify that there was no hanky panky with money. There was no loss of confidence in the judiciary when those mishandlings of money come to the light of day.

"If you take a look at the total cost picture and you assume that the judiciary can control their costs as ordinary businesses must do everyday, then you must begin to realize how important these savings could be.

"Let us look at the same transaction, only this time if it involves, instead, the use of money – coin and currency. Currency and coins have to be counted –not once, not twice, but on an average of four times. Then a receipt needs to be issued. The information manually entered into a computer. All of this done by hand takes time and costs money.

"People that handle currency, because of the responsibility involved, are paid more, if only to avoid the embarrassment and loss of respect when the inevitable malfeasance occurs.

"Money can only be received when the right person is behind the right window and only when government is open for business.

"There is a time lag between when the money is received and when it is credited to the proper account.

"Cash must be stored in a secure location and it must be securely transported to the bank for deposit. All this takes time and costs money.

"The first argument presented by the judiciary can only be true if they cannot control their costs.

"The second argument is draconian. It suggests that if one makes compliance less onerous, then we should charge more because you don't have to stand in such a long line. Few people enjoy going to court. We should not be making compliance more difficult than it absolutely must be.

"If the judiciary does not understand that their argument is fallacious and that acceptance of debit and credit cards will lower costs, not raise them, when you look at the entire cost structure, then they may continue to dispense justice, but they will not be considered just.

"If we as Legislators cannot see through these untruths, then the public will question our ability to make law. Please consider your vote on this very simple issue and what it will say in the context of the bigger picture.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3457 was adopted and H.B. No. 2296, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF CREDIT AND DEBIT CARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3458 (H.B. No. 2354):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3458 was adopted and H.B. No. 2354, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO RISK MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

Stand. Com. Rep. No. 3459 (H.B. No. 2439):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3459 was adopted and H.B. No. 2439, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE SIRENS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

FINAL ADOPTION

S.C.R. No. 30, H.D. 1:

Senator Fukunaga moved that S.C.R. No. 30, H.D. 1, be adopted, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and said:

"Mr. President, I rise in strong opposition to this resolution.

"First of all, I always have a problem when we're telling other countries what to do. We can't even take care of our own State. But that having been said, I wish now that I would have had Senator Trimble help me research this better. He could probably have presented a 45-minute argument against it. (Laughter.)

"While I certainly endorse and support the spirit of Hawaii goodwill, I don't think it extends to the communist People's Republic of North Korea, and that's what it is. I note that this resolution had been held a couple days ago because we systematically changed the name to the Democratic People's Republic of Korea . . . HA! What a joke! There's no democracy in the North Korean communist capital. We found that out yesterday with the accident, so-called, with the two trains and all of that.

"In addition, the resolution says that the communist People's Republic has quote, 'responded favorably and is awaiting further endorsement,' unquote. Who did they respond to? I never heard anything from the communist People's Republic of North Korea. Their own people don't have any free speech. They cut the telephone lines when anything happens there.

"So, we can extend goodwill, but to extend it to a communist nation – the one that has the worst record of human rights in the world, and that's saying an awful lot – I think does this Legislature and our responsibility, I think it does it harm.

"In addition to that, those who took time to read the resolution notes that the House wants to go further and make a cash appropriation of 15 percent of matching funds that somehow the State of Maine is making for the communist People's Republic of North Korea. But I say NO, Mr. President, let's take care of our own people here first.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 30, and S.C.R. No. 30, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA," was Finally Adopted on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Sakamoto).

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION

The Chair re-referred the following House concurrent resolution that was received:

House Concurrent Resolution	Referred to:
No. 73	Committee on Water, Land, and Agriculture

At 12:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:27 o'clock p.m.

Senator Ihara rose on a point of inquiry as follows:

"Mr. President, I have a point of inquiry.

"Mr. President, there are three bills that the Governor has not acted on – has not returned and has not signed the bills. These bills, today is the tenth day. I'm not counting the day that they were transmitted. And my question is, What is the time deadline that the Governor has to return these bills if she wanted to veto them?"

President Bunda stated:

"Senator Ihara, could you identify those bills for us."

Senator Ihara replied:

"They are H.B. No. 2689, H.B. No. 2378, and H.B. No. 2685."

President Bunda then said:

"I believe, Senator Ihara, it's our understanding that today is the tenth day, and from our reading, the deadline is midnight. Now, we have some different opinions as to the deadline, but we believe right now that the deadline is midnight. So, she has until midnight to give us those bills."

Senator Hanabusa rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, this is in line with the good Senator from Kapahulu's question. I disagree with that opinion, and as everyone is probably aware, I still have the Supreme Court to rule on the case of *Hanabusa v Cayetano*, which is exactly on how you count 10 days.

“It is my understanding that in the recent case of, I think, if I’m not mistaken, it may be *Laborers Intl Union Etal v Linda Lingle Etal*. It was an issue of the veto of the substitute teacher bill that the circuit court rendered a decision that 10 days were to be counted as 12:00 on that tenth day. I believe that the 10 days are 24 hours, or full days, and that’s how it should be counted. And it’s a practical issue, Mr. President, because if that’s the case, we’re required to stay open until 12:00 midnight to receive whatever transmittal that the Governor can give.

“It also is an issue of whether or not the Governor is getting more than 10 days, which is given in the constitution. Say a bill was transmitted at 1:00 in the morning, hypothetically, and she transmits it at midnight on the, quote, ‘tenth day.’ What you end up giving is, in essence, 10 days and 23 hours.

“So, Mr. President, just for the record, I would like to say that I disagree with that interpretation of how we count 10 days.

“Thank you.”

The President then stated:

“What we should also be doing is to be inquiring with the House as to the clock or the time that they clocked it to transmit to the Governor’s office. So, what we will do, both the Senate Clerk and I, is we’ll meet with the House to figure out exactly what time and perhaps we can come up with a different opinion than we have today. Nevertheless, it is midnight.”

APPOINTMENT OF CONFEREES

S.B. No. 1318, S.D. 1 (H.D. 2):

The President appointed Senator Taniguchi as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1318, S.D. 1.

S.B. No. 2264, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2264, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Ige, Taniguchi, co-chairs; Hooser, Kokubun, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1824 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1824, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Espero, Sakamoto, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2140, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2140, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Baker, Hogue as managers on the part of the Senate at such conference.

H.B. No. 2147, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2147, H.D. 1, and the request for a conference on the subject matter thereof,

the President appointed Senators Menor, chair; Baker, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2421 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2421, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Baker, Whalen as managers on the part of the Senate at such conference.

Senator Baker then rose on a point of inquiry as follows:

“Mr. President, point of inquiry.

“Then, are we intending to leave the Journal open until midnight tonight so we can receive those messages or transmittals from the Governor? Is there some mechanism that we’re going to use so that we’re sure that we get them?”

At 12:31 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:35 o’clock p.m.

The President then stated:

“Senator Baker, in answer to your question – it was a good question to ask – I don’t think the Legislature, especially the Senate, has ever had an opportunity during Session to override a veto, and traditionally we have not actually kept the Journal open for this kind of message. But nevertheless, I don’t think it would be out of the constitution, so I don’t think it’s necessary for us to keep the Journal open.”

ADJOURNMENT

At 12:36 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Monday, April 26, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FIFTY-FOURTH DAY

Monday, April 26, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:48 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Russell Takaezu, Calvary Chapel, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Third Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 490 to 493) were read by the Clerk and were placed on file:

Gov. Msg. No. 490, informing the Senate that on April 23, 2004, she signed into law House Bill No. 2378 as Act 16, entitled: "RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS."

Gov. Msg. No. 491, informing the Senate that on April 23, 2004, she signed into law House Bill No. 2685 as Act 17, entitled: "RELATING TO BAIL JUMPING."

Gov. Msg. No. 492, informing the Senate that on April 23, 2004, she signed into law House Bill No. 2689 as Act 18, entitled: "RELATING TO STALKING."

Gov. Msg. No. 493, informing the Senate that on April 26, 2004, she signed into law House Bill No. 2198 as Act 19, entitled: "RELATING TO SCHOOL HEALTH."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 636 to 643) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 636, returning S.C.R. No. 17, which was adopted by the House of Representatives on April 23, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 17, and requested a conference on the subject matter thereof.

Hse. Com. No. 637, returning S.C.R. No. 64, S.D. 1, which was adopted by the House of Representatives on April 23, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 64, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 638, returning S.C.R. No. 75, which was adopted by the House of Representatives on April 23, 2004, was placed on file.

Hse. Com. No. 639, 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. 1560, H.D. 1 (S.D. 1);
H.B. No. 2048, H.D. 1 (S.D. 1);
H.B. No. 2292, H.D. 1 (S.D. 1);
H.B. No. 2385, H.D. 1 (S.D. 1);
H.B. No. 2798, H.D. 1 (S.D. 2); and
H.B. No. 2859, H.D. 2 (S.D. 2),

was placed on file.

Hse. Com. No. 640, 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. 2789, H.D. 1 (S.D. 1), was placed on file.

Hse. Com. No. 641, informing the Senate that the amendments proposed by the Senate to H.C.R. No. 50, H.D. 1, were agreed to by the House and H.C.R. No. 50, H.D. 1, S.D. 1, was finally adopted in the House of Representatives on April 21, 2004, was placed on file.

Hse. Com. No. 642, informing the Senate that the Speaker on April 23, 2004, made the following change to the conferees on the following bill:

S.B. No. 3156, S.D. 1 (H.D. 1):

Appointed Representative Hamakawa as third co-chair,

was placed on file.

Hse. Com. No. 643, informing the Senate that the Speaker on April 23, 2004, made the following change to the conferees on the following bill:

S.B. No. 3156, S.D. 1 (H.D. 1):

Appointed Representative Arakaki as second co-chair,

was placed on file.

CONFERENCE COMMITTEE REPORTS

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2578, H.D. 1, presented a report (Conf. Com. Rep. No. 15-04) recommending that H.B. No. 2578, 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. 15-04 and H.B. No. 2578, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," 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. 2322, H.D. 1, presented a report (Conf. Com. Rep. No. 16-04) recommending that H.B. No. 2322, 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. 16-04 and H.B. No. 2322, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST

PROCESSING ENTERPRISES," 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. 1828, H.D. 1, presented a report (Conf. Com. Rep. No. 17-04) recommending that H.B. No. 1828, 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. 17-04 and H.B. No. 1828, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2022, H.D. 2, presented a report (Conf. Com. Rep. No. 18-04) recommending that H.B. No. 2022, 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. 18-04 and H.B. No. 2022, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," 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. 3207, S.D. 2, presented a report (Conf. Com. Rep. No. 19-04) recommending that S.B. No. 3207, 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. 19-04 and S.B. No. 3207, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3462) recommending that H.C.R. No. 141 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was adopted.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3463) recommending that H.C.R. No. 150 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING NATIONAL, STATE, AND LOCAL EFFORTS TO SECURE ACCESS AND REMOVE BARRIERS TO HEALTH CARE FOR MEN AND THEIR FAMILY MEMBERS," was adopted.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3464) recommending that H.C.R. No. 211 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES SEARCH FOR SURPLUS PROPERTY WITHIN THE STATE SYSTEM THAT COULD BE LEASED TO SUBSTANCE ABUSE TREATMENT PROGRAMS TO ASSIST IN THE TREATMENT OF RECOVERING ADDICTS AND THAT THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES LOOK FOR AVAILABLE FEDERAL MONIES AND OTHER GRANTS TO HELP DEVELOP HOUSING FACILITIES FOR THESE TREATMENT PROGRAMS," was adopted.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3465) recommending that H.C.R. No. 124, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 124, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A LEASE OF WATER RIGHTS FOR THE USE OF THE 'BLUE HOLE' DIVERSION AND PORTIONS OF A WATER TRANSMISSION SYSTEM LOCATED IN THE WAILUA SECTION OF THE LIHUE-KOLOA FOREST RESERVE FOR HYDROPOWER PRODUCTION PURPOSES," was adopted.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3466) recommending that H.C.R. No. 255, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 255, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND CITY & COUNTY OF HONOLULU TO ASSIST HOMEOWNERS IN PREVENTING FURTHER EROSION ALONG HEEIA, KEAAHALA/KEOLAA, KAWA, AND KANEOHE STREAMS ON OAHU," was adopted.

Senators Inouye and Fukunaga, for the Committee on Water, Land, and Agriculture and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3467) recommending that H.C.R. No. 260 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AGRIBUSINESS INCUBATOR IN WAIALUA," was adopted.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3468) recommending that H.C.R. No. 90, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 90, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS," was adopted.

Senators Menor, Fukunaga and Chun Oakland, for the Committee on Commerce, Consumer Protection and Housing, the Committee on Economic Development and the Committee on Human Services, presented a joint report (Stand. Com. Rep.

No. 3469) recommending that H.C.R. No. 123, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 123, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO MAKE FINANCING TOOLS AVAILABLE TO ASSIST PRIVATE DEVELOPERS IN PURCHASING RENTAL PROPERTIES," was adopted.

Senators Menor and Chun Oakland, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3470) recommending that H.C.R. No. 214 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO EXPLORE HOME OWNERSHIP OPTIONS AND STUDY THE FEASIBILITY OF IMPLEMENTING A HOUSING DEMONSTRATION PROJECT AT HAUIKI HOMES AND OTHER STATE-OWNED AND OPERATED HOUSING PROJECTS," was adopted.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3471) recommending that H.C.R. No. 103, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 103, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO EXAMINE THE FEDERAL INDEPENDENCE PLUS INITIATIVE TO DETERMINE IF HAWAII CAN BENEFIT FROM APPLYING FOR AND OBTAINING A WAIVER OR WAIVERS TO PROVIDE INDIVIDUALS WITH DISABILITIES WITH SERVICES IN THE COMMUNITY," was adopted.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3472) recommending that H.C.R. No. 152, H.D. 2, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 152, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON HOW MEDICAL MARIJUANA PLANTS AND PRODUCTS MAY BE PROCURED AND DISTRIBUTED TO PATIENTS REGISTERED WITH THE MEDICAL MARIJUANA PROGRAM," was adopted with Senators Hemmings and Whalen voting "No."

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3473) recommending that H.C.R. No. 154 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE

EXECUTIVE OFFICE ON AGING TO PROVIDE DATA ON HAWAII'S FAMILY CAREGIVERS AND THE OLDER ADULTS TO WHOM THEY PROVIDE ASSISTANCE," was adopted.

Senators Baker and Menor, for the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3474) recommending that H.C.R. No. 138, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 138, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE INSURANCE COMMISSIONER TO REVIEW REIMBURSEMENT LEVELS OF PROVIDERS FOR ALL MAMMOGRAPHY STUDIES AND FOLLOW UP DIAGNOSTIC TESTING DESIGNED TO IDENTIFY BREAST-RELATED CANCERS IN ORDER TO ASCERTAIN THE APPROPRIATENESS OF THOSE REIMBURSEMENT LEVELS," was adopted.

Senators English and Baker, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3475) recommending that H.C.R. No. 245, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 245, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO WORK WITH THE HAWAII FOOD INDUSTRY ASSOCIATION TO DETERMINE THE FEASIBILITY OF REQUIRING THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE 'BIG BOX' RETAILERS AND WHOLESALERS," was adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3476) recommending that H.C.R. No. 13 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF BREAKWATER PURPOSES," was adopted.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3477) recommending that H.C.R. No. 54, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 54, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO TRANSFER OWNERSHIP OF THE KANEOHE MEADOWLAND (HE'EIA WETLANDS) TO THE STATE OF HAWAII AS PUBLIC LANDS TO BE ADMINISTERED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR THE PROTECTION AND ENHANCEMENT OF THE NATURAL AND CULTURAL RESOURCES OF THE WETLANDS," was adopted.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3478) recommending that H.C.R. No. 73 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE GALBRAITH ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT POAMOHO CAMP UNTIL AT LEAST DECEMBER 2005, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was adopted.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3479) recommending that H.C.R. No. 63 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was adopted.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3480) recommending that H.C.R. No. 84 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was adopted.

Senators Sakamoto and Baker, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3481) recommending that H.C.R. No. 158 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING A COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was adopted.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3482) recommending that H.C.R. No. 49, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 49, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A REVIEW OF THE SAN FRANCISCO PRECAUTIONARY PRINCIPLE ORDINANCE," was adopted with Senators Hemmings, Slom and Whalen voting "No."

Senators English and Inouye, for the Committee on Energy and Environment and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3483) recommending that H.C.R. No. 118, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 118, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A WATER QUALITY MONITORING PROGRAM FOR MARINE WATERS THAT EMPHASIZES ENVIRONMENTAL PROTECTION," was adopted.

Senators Baker, Chun Oakland and Sakamoto, for the Committee on Health, the Committee on Human Services and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3484) recommending that H.C.R. No. 133 be adopted.

By unanimous consent, Stand. Com. Rep. No. 3484 and H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," were recommitted jointly to the Committee on Health, the Committee on Human Services and the Committee on Education.

Senators Baker, Chun Oakland and Kawamoto, for the Committee on Health, the Committee on Human Services and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3485) recommending that H.C.R. No. 153, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 153, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER ESTABLISHING IN HAWAII A CENTER FOR THE ADVANCEMENT OF GLOBAL HEALTH, WELFARE, EDUCATION, AND PEACE BY AND FOR CHILDREN, YOUTH, AND FAMILIES," was adopted with Senators Hemmings, Hogue, Slom and Whalen voting "No."

Senators Fukunaga and Kawamoto, for the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3486) recommending that H.C.R. No. 202 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE FEDERAL LEGISLATION TO PROVIDE ADDITIONAL RESOURCES TO EXPAND VISA PROCESSING CAPACITY IN THE CONSULAR SECTION OF THE UNITED STATES EMBASSY IN SEOUL IN THE REPUBLIC OF KOREA AND TO INCLUDE THE REPUBLIC OF KOREA IN THE VISA WAIVER PROGRAM," was adopted.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3487) recommending that H.C.R. No. 261, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted

and H.C.R. No. 261, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES AND STATE RULES THAT CRIMINALIZE NON-SERIOUS OFFENSES AND REQUESTING EACH COUNTY TO REVIEW, ANALYZE, AND CHANGE COUNTY ORDINANCES AND RULES THAT CRIMINALIZE NON-SERIOUS OFFENSES," was adopted.

Senators Hanabusa and Chun Oakland, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3488) recommending that H.C.R. No. 265, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 265, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE OFFICE OF YOUTH SERVICES TO DEVELOP A PLAN FOR CREATING AND IMPLEMENTING GENDER RESPONSIVE ENVIRONMENTS AT THE WOMEN'S COMMUNITY CORRECTIONAL CENTER AND AT THE HAWAII YOUTH CORRECTIONAL FACILITY," was adopted.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3489) recommending that H.C.R. No. 267, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 267, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REPORT TO THE LEGISLATURE ON PROGRESS MADE BY THE OFFICE OF THE ATTORNEY GENERAL AND THE PROSECUTING ATTORNEYS FROM THE COUNTIES OF THE STATE OF HAWAII IN USING CHAPTER 846E, HAWAII REVISED STATUTES, TO RESTORE PUBLIC ACCESS TO REGISTRATION INFORMATION REGARDING DANGEROUS PERSONS CONVICTED OF CERTAIN OFFENSES AGAINST CHILDREN AND CERTAIN SEXUAL OFFENSES," was adopted.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3490) recommending that H.C.R. No. 156, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 156, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EVALUATE AND RECOMMEND POSSIBLE STATUTORY AND OTHER CHANGES TO STREAMLINE AND EXPEDITE MENTAL HEALTH TREATMENT TO PERSONS COMMITTED TO STATE-OPERATED OR - CONTRACTED FACILITIES," was adopted.

Senators Ige and Inouye, for the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3491) recommending that H.C.R. No. 165, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 165, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION TO HOLD THE

DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was adopted.

Senators Ige and Inouye, for the Committee on Science, Arts, and Technology and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 3492) recommending that H.C.R. No. 181, H.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 181, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE CONSTRUCTION PROJECTS TO HAVE CULTURAL CONSULTANTS AND MONITORS," was adopted.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 3493) recommending that H.C.R. No. 238 be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO IMPLEMENT AN ONLINE 'FIXIT' SYSTEM ON THE STATE WEBSITE," was adopted.

Senators Ige and Kawamoto, for the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3494) recommending that H.C.R. No. 83, as amended in S.D. 1, be adopted.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 83, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT ON THE CURRENT USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT AND THE ADOPTION OF A STATE POLICY SUPPORTING USE OF OPEN SOURCE SOFTWARE IN STATE GOVERNMENT OPERATIONS," was adopted.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3460 (Gov. Msg. No. 379):

Senator Hanabusa moved that Stand. Com. Rep. No. 3460 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of MILTON K. PA to the Hawaiian Homes Commission, 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, 24. Noes, none. Excused, 1 (Inouye).

Stand. Com. Rep. No. 3461 (Gov. Msg. No. 408):

Senator Hanabusa moved that Stand. Com. Rep. No. 3461 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of MAUREEN K. MURAOKA to the Board of Registration of the Island of Oahu, 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, 24. Noes, none. Excused, 1 (Inouye).

FINAL READING

MATTERS DEFERRED FROM FRIDAY, APRIL 16, 2004

S.B. No. 2842, S.D. 1, H.D. 4:

By unanimous consent, action on, S.B. No. 2842, S.D. 1, H.D. 4, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," was deferred until Tuesday, April 27, 2004

S.B. No. 2843, S.D. 1, H.D. 2:

By unanimous consent, action on, S.B. No. 2843, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," was deferred until Tuesday, April 27, 2004

S.B. No. 2846, S.D. 1, H.D. 2:

By unanimous consent, action on, S.B. No. 2846, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 14, OF THE HAWAII CONSTITUTION," was deferred until Tuesday, April 27, 2004

FINAL READING

Conf. Com. Rep. No. 12-04 (H.B. No. 1840, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator English and carried, Conf. Com. Rep. No. 12-04 was adopted and H.B. No. 1840, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Inouye).

Conf. Com. Rep. No. 13-04 (H.B. No. 1793, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Aduja and carried, Conf. Com. Rep. No. 13-04 was adopted and H.B. No. 1793, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Inouye).

Conf. Com. Rep. No. 14-04 (S.B. No. 3135, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 14-04 was adopted and S.B. No. 3135, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Inouye).

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 17, S.D. 1, H.D. 1, C.D. 1:

Senator Sakamoto moved that the Senate reconsider its action taken on April 29, 2003, in adopting Conf. Com. Rep. No. 125 and passing S.B. No. 17, S.D. 1, H.D. 1, C.D. 1, on Final Reading, seconded by Senator Taniguchi.

Senator Sakamoto noted:

"Mr. President, S.B. No. 17 is the bill from 2003 that advances the cutoff age for kindergarten. The Senate passed the conference draft on Final Reading on April 29, 2003 and the House recommitted the bill on the same day. Your House and Senate conferees on this measure are working to resolve out differences on the bill and are asking for this measure to be recommitted to Conference Committee for that purpose."

The motion was put by the Chair and carried.

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 125 and S.B. No. 17, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were recommitted to the Committee on Conference.

APPOINTMENT OF CONFEREES

S.B. No. 2344, S.D. 1 (H.D. 2):

The President appointed Senator Hanabusa as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2344, S.D. 1.

H.B. No. 2703, H.D. 1 (S.D. 2):

The President appointed Senator Taniguchi as an additional co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2703, H.D. 1.

Senator Hemmings rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"I submitted to your office a formal letter addressing this issue this morning. It seems that at the start of the Session we made some calendar changes that at the time did not seem then problematic. Now that we're facing adjournment sine die next week, one of the changes does seem to be an issue that is worthy of the Majority Party's consideration, and that is that we have moved the recess day from Tuesday to Monday next week and a departure from business as usual even during this Session.

"As you well know, having a recess day on Monday allows us to spend the weekend digesting bills and of course caucusing

on them on Monday and being able to submit our list of bills that we would like to discuss in Session Tuesday. We can submit that list Monday night. It seems like a fair, equitable and efficient way to do it. It's the way that, as long as I can remember in the Senate, we have been doing it.

"For this year, for reasons we suspect don't have to do with efficiency, the recess day in the last week of the Legislature has been pushed to Tuesday and we have two recess days in a row and the workday is Monday. When you request that the pull list be submitted Saturday evening by 5:00, that's putting our staff and probably more importantly the public at a decided disadvantage of being able to have adequate time to digest and go over all of the bills that weigh such impact on the people of Hawaii.

"I think there is a simple solution, Mr. President, and that is consult with leadership in the House and reinstate Tuesday as the workday and Monday as the recess day. I sure hope that this change in the calendar was not done for the sole reason of considering vetoes that are due Monday. I'm hoping that the Majority Party will see fit to consider this request of the Floor to adjust the days to the more efficient and open way of doing things so that your Minority Party and more importantly, as I've said, the public will have adequate access to the legislation and time to adequately look at it to do whatever's needed to be done.

"So, Mr. President, I would appreciate your consideration."

The President then inquired:

"When did you submit your letter, Senator Hemmings?"

Senator Hemmings replied:

"I drafted the letter this morning and it was submitted to your staff approximately an hour ago."

The President then stated:

"We will digest that letter and we'll bring it up with the House."

Senator Hemmings then said:

"Thank you very much, Mr. President, I appreciate the courtesy."

ADJOURNMENT

At 12:02 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 27, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FIFTY-FIFTH DAY

Tuesday, April 27, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Chaplain Bonnie Holcombe, Women's Community Correctional Center, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Fourth Day.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 494 and 495) were read by the Clerk and were placed on file:

Gov. Msg. No. 494, dated March 23, 2004, transmitting a Report Requesting the Establishment of a Task Force on Graduated Parenting, prepared by the Department of Health, pursuant to S.C.R. No. 12 (2003).

Gov. Msg. No. 495, dated April 21, 2004, transmitting the Small Business Regulatory Review Board's Annual Report for Fiscal Year Ending June 30, 2003, prepared by the Department of Business, Economic Development and Tourism, Business Support Division, pursuant to Act 202, HRS 2002, codified as Chapter 201M, HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 644 to 676) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 644, returning S.C.R. No. 5, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 645, returning S.C.R. No. 7, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 646, returning S.C.R. No. 8, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 647, returning S.C.R. No. 12, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 648, returning S.C.R. No. 18, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 649, returning S.C.R. No. 20, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 650, returning S.C.R. No. 37, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 651, returning S.C.R. No. 81, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 652, returning S.C.R. No. 106, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 653, returning S.C.R. No. 115, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 654, returning S.C.R. No. 135, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 655, returning S.C.R. No. 149, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 656, returning S.C.R. No. 164, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 657, returning S.C.R. No. 169, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 658, returning S.C.R. No. 175, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 659, returning S.C.R. No. 185, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 660, returning S.C.R. No. 189, which was adopted by the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 661, returning S.C.R. No. 79, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 79, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 662, returning S.C.R. No. 101, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 101, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 663, returning S.C.R. No. 118, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 118, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 664, returning S.C.R. No. 119, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 119, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 665, returning S.C.R. No. 127, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 127, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 666, returning S.C.R. No. 129, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 129, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 667, returning S.C.R. No. 156, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 156, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 668, returning S.C.R. No. 180, S.D. 1, which was adopted by the House of Representatives on April 26, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 180, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 669, returning S.C.R. No. 199, which was adopted by the House of Representatives on April 26, 2004, in an amended form, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 199, and requested a conference on the subject matter thereof.

Hse. Com. No. 670, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 2789, H.D. 1, and H.B. No. 2789, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 26, 2004, was placed on file.

Hse. Com. No. 671, informing the Senate that the House has agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House on April 26, 2004:

H.B. No. 1560, H.D. 1, S.D. 1;
H.B. No. 2048, H.D. 1, S.D. 1;
H.B. No. 2292, H.D. 1, S.D. 1;
H.B. No. 2385, H.D. 1, S.D. 1;
H.B. No. 2798, H.D. 1, S.D. 2; and
H.B. No. 2859, H.D. 2, S.D. 2,

was placed on file.

Hse. Com. No. 672, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 19, 2004:

H.B. No. 1294, S.D. 1, C.D. 1; and
H.B. No. 2061, H.D. 2, S.D. 1, C.D. 1,

was placed on file.

Hse. Com. No. 673, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 26, 2004:

H.B. No. 1793, H.D. 2, S.D. 1, C.D. 1;
H.B. No. 1840, H.D. 1, S.D. 1, C.D. 1; and
S.B. No. 3135, S.D. 1, H.D. 1, C.D. 1,

was placed on file.

Hse. Com. No. 674, 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. 1944, H.D. 1, (S.D. 1);
H.B. No. 2250, H.D. 2, (S.D. 2);
H.B. No. 2297, H.D. 1, (S.D. 2); and
H.B. No. 2740, H.D. 1, (S.D. 1),

was placed on file.

Hse. Com. No. 675, 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. 2337, H.D. 1 (S.D. 1), was placed on file.

Hse. Com. No. 676, informing the Senate that the Speaker on April 27, 2004, appointed Representatives Takamine, chair, Karamatsu, Waters, Meyer as managers on the part of the House for the consideration of amendments proposed by the House to S.B. No. 2469, S.D. 2 (H.D. 1), was placed on file.

CONFERENCE COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1860, H.D. 1, presented a report (Conf. Com. Rep. No. 20-04) recommending that H.B. No. 1860, 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. 20-04 and H.B. No. 1860, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT," 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. 1774, H.D. 2, presented a report (Conf. Com. Rep. No. 21-04) recommending that H.B. No. 1774, 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. 21-04 and H.B. No. 1774, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," 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. 2741, H.D. 1, presented a report (Conf. Com. Rep. No. 22-04) recommending that H.B. No. 2741, 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. 22-04 and H.B. No. 2741, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 3495) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Tourism Authority of the following:

VERNON F.L. CHAR, in accordance with Gov. Msg. No. 163;

JOHN J. TONER, in accordance with Gov. Msg. No. 164; and

KYOKO Y. KIMURA, in accordance with Gov. Msg. No. 409.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3495 and Gov. Msg. Nos. 163, 164 and 409 was deferred until Wednesday, April 28, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3496) recommending that the Senate advise and consent to the nomination of MYRON N. DOBASHI (RET) to the Civil Defense Advisory Council, in accordance with Gov. Msg. No. 448.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3496 and Gov. Msg. No. 448 was deferred until Wednesday, April 28, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3497) recommending that H.C.R. No. 250 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3497 and H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT H.R. 677 EXTENDING VETERANS' BENEFITS TO FILIPINO VETERANS," was deferred until Wednesday, April 28, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3498) recommending that H.C.R. No. 36, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3498 and H.C.R. No. 36, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING AND REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES AND THE STATE OF RABAT-SALÉ-ZEMMOUR-ZAËR OF THE KINGDOM OF MOROCCO," was deferred until Wednesday, April 28, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3499) recommending that H.C.R. No. 171 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3499 and H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO STUDY THE ADVISABILITY OF TRANSFERRING THE VANPOOL PROGRAM TO THE COUNTIES," was deferred until Wednesday, April 28, 2004.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3500) recommending that H.C.R. No. 258 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3500 and H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was deferred until Wednesday, April 28, 2004.

ORDER OF THE DAY

FINAL READING

MATTERS DEFERRED FROM MONDAY, APRIL 26, 2004

S.B. No. 2842, S.D. 1, H.D. 4:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2842, S.D. 1, and S.B. No. 2842, S.D. 1, H.D. 4, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ihara).

S.B. No. 2843, S.D. 1, H.D. 2:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2843, S.D. 1, and S.B. No. 2843, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ihara).

S.B. No. 2846, S.D. 1, H.D. 2:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2846, S.D. 1, and S.B. No. 2846, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE I, SECTION 14, OF THE HAWAII CONSTITUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ihara).

**RE-REFERRAL OF
SENATE RESOLUTION**

The Chair re-referred the following Senate resolution that was offered:

Senate Resolution Referred to:
No. 40 Jointly to the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2899, S.D. 2 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 8, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2899, S.D. 2, seconded by Senator Menor and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2899, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Baker, Menor, Chun Oakland, Kim). Noes, none.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2899, S.D. 2, seconded by Senator Menor.

Senator Baker noted:

“Mr. President, there was a one word difference in this bill. The Senate used the very famous word ‘shall,’ and the House used ‘may.’ In the final analysis we agreed with the House to go with ‘may’ and give discretion to the board of nursing.

“Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2899, S.D. 2, and S.B. No. 2899, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NURSES,” was placed on the calendar for Final Reading on Wednesday, April 28, 2004.

S.C.R. No. 9, S.D. 1 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 21, 2004, in disagreeing to the amendments proposed by the House to S.C.R. No. 9, S.D. 1, seconded by Senator Espero and carried.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 9, S.D. 1, seconded by Senator Espero.

Senator Inouye noted:

“Mr. President, the House made the following amendments: (1) Incorporated the representations of DLNR and Maui Land and Pineapple; (2) Made the approval subject to the use restrictions and requiring the restrictions to be incorporate into exchange deed; (3) Provided that BLNR may amend or waive the use restrictions only if Maui Land and Pineapple pays the State the difference between the fair market value of the land based upon its restricted use the fair market value of the land with the restrictive conditions amended or waived; (4)

Requested DLNR to notify the Senate President and the Speaker of the House of Representatives of any request by Maui Land and Pineapple to amend or waive the restrictions and to provide pertinent details including appraisal values and payment adjustments; and (5) Provide for the transmittal of this measure to the BLNR and Maui Land and Pineapple.

“I initially had some concerns regarding this land exchange, but after speaking to the stakeholders, I believe the House resolved most of my issues. As a result, I believe the Senate should move to agree to the House language.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 9, S.D. 1, and S.C.R. No. 9, S.D. 1, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES,” was placed on the calendar for Final Adoption on Wednesday, April 28, 2004.

S.C.R. No. 17 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 26, 2004, in disagreeing to the amendments proposed by the House to S.C.R. No. 17, seconded by Senator Chun Oakland and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 17, seconded by Senator Chun Oakland.

Senator Baker noted:

“Mr. President, this measure has changed considerably since it left the Senate but it comes back to us in a form that really affirms a bill that we heard and passed out of the Senate Health Committee and that is to make the Capitol a smoke-free area to set the kind of example that would be exemplary to our children and to visitors to this unique structure and the hall of government in our state, and noting that secondhand smoke is as much a carcinogen to humans as firsthand smoke.

“So I believe that this would be good policy to have this considered and to have the current ban enforced. Thank you, Mr. President.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 17, and S.C.R. No. 17, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION URGING THE SETTING OF AN EXAMPLE TO OUR CHILDREN AND OUT-OF-STATE VISITORS BY DESIGNATING ALL AREAS OF THE STATE CAPITOL SMOKE-FREE,” was placed on the calendar for Final Adoption on Wednesday, April 28, 2004.

Senator Inouye, Chair of the Committee on Water, Land, and Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 21 for Gov. Msg. No. 468.

Senator Inouye noted:

“Mr. President, for the members’ information, this is the governor’s nominee to the Board of Land and Natural Resources.”

The Chair then granted the waiver.

At 11:58 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

ADJOURNMENT

The Senate reconvened at 12:07 o'clock p.m.

Senator Hanabusa, requested a waiver of the notice requirement pursuant to the 2004 Committee on Conference Procedures for S.B. No. 2748.

Senator Hanabusa noted:

“Mr. President, your Committee on Conference scheduled this bill for an initial conference meeting this afternoon at 5:00 p.m., and proper notice of at least 24 hours was given. Your conferees would like to reschedule this measure to 2:00 p.m. since we are meeting with the House on several other measures at that time.”

The Chair then granted the waiver.

APPOINTMENT OF CONFEREES

S.B. No. 1491, S.D. 1 (H.D. 1):

The President appointed Senator Taniguchi as an additional co-chair and Senators Kim and Tsutsui as additional managers on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1491, S.D. 1.

S.B. No. 1611 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1611, and the request for a conference on the subject matter thereof, the President appointed Senators English, Kokubun, co-chairs; Hooser, Kim, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 2355, S.D. 2 (H.D. 2):

The President appointed Senators Kawamoto, Kim and Tsutsui as additional managers on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2355, S.D. 2.

H.B. No. 2049, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2049, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators English, Ige, co-chairs; Espero, Menor, Slom as managers on the part of the Senate at such conference.

H.B. No. 2291, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2291, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Kim, Taniguchi, co-chairs; Whalen as managers on the part of the Senate at such conference.

H.B. No. 2645, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2645, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Taniguchi, co-chairs; Hooser, Hogue as managers on the part of the Senate at such conference.

At 12:08 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 28, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FIFTY-SIXTH DAY

Wednesday, April 28, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:12 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Sam Cox, Kailua Methodist Church and The Interfaith Open Table, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Fifth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 496 to 502) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 496, dated April 27, 2004, transmitting her statement of objections to House Bill No. 1797 which she has returned to the House of Representatives without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

April 27, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1797

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. 1797, entitled ‘A Bill for an Act Relating to Optometry.’

The purpose of this bill is to allow optometrists to use and prescribe therapeutic pharmaceutical agents, including steroidal agents, for all disorders of the human visual system, to administer injections for anaphylaxis, and to treat glaucoma. Since many serious systemic illnesses affect the eye, the bill would allow optometrists to prescribe a wide range of medication.

This bill is objectionable because it constitutes a significant relaxation of current restrictions and raises health and safety concerns. The training that optometrists receive is less than the rigorous instruction physicians are required to receive to gain prescriptive authority in the State of Hawaii. For example graduates of University of Hawaii’s John A. Burns School of Medicine, after four years of extensive medical training, are required to undergo an additional year of residency before they are allowed to independently prescribe medications.

Optometrists are required to complete a four-year degree program and to undergo additional instruction to use and prescribe a restricted class of medications. This bill would remove the restrictions on how optometrists use these medications for the treatment of serious eye diseases, such as corneal ulcers in children, or prolonged eye inflammations.

Time is of the essence in treating eye infections. If treated inappropriately or belatedly, the result could be severe complications, including blindness. According to the Hawaii

Ophthalmological Society (HOS), there are 33 states that do not allow optometrists to prescribe oral steroids, 31 states that prohibit optometrists from prescribing oral anti-fungal medications, 18 states that prohibit optometrists from prescribing oral antibiotics, 27 states that prohibit optometrists from prescribing oral anti-virals, and 22 states that prohibit optometrists from prescribing non-steroidal anti-inflammatory medications.

While more narrow modifications of current law with appropriate safeguards might be acceptable, this bill goes too far in deleting the restrictions that have been in place on the use of topical steroidal agents and anti-viral agents. I, therefore, urge ophthalmologists, optometrists, and their respective boards, and the John A. Burns School of Medicine to establish appropriate guidelines for future legislative consideration. Because of the serious health and safety concerns associated with the sweeping relaxation of restrictions proposed by this bill, its enactment would not be in the best interest of the people of Hawaii.

For the foregoing reasons, I am returning House Bill No. 1797 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii,”

was placed on file.

Gov. Msg. No. 497, dated April 27, 2004, transmitting her statement of objections to Senate Bill No. 2525, H.D. 1, C.D. 1, which she has returned to the Senate without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

April 27, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2525 HD1 CD1

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2525 HD1 CD1, entitled ‘Relating to State Funds.’

The purpose of this bill is to dramatically restructure the method of funding the Department of Commerce and Consumer Affairs (‘Department’) by repealing the Compliance Resolution Fund (‘CRF’). This bill requires the transfer of monies in the CRF account as of June 30, 2004 to the general fund, with the exception of \$4.2 million that would be used by the Department’s Professional and Vocational Licensing division (‘PVL’). The bill also imposes a 90% floor and a 110% ceiling on annual Department revenues in relation to Department expenses.

This bill is objectionable because it destroys a system under which the Department is successfully accomplishing its missions – protecting consumers, regulating various businesses,

and overseeing business registrations and filings. This bill compromises the ability of the Department to achieve these important public purposes. The bill takes approximately \$35 million from the State's businesses rather than return that money to these businesses. It is a money grab, first and foremost.

The current system of self-sufficiency allows the Department of Commerce and Consumer Affairs to operate with regulatory independence and objectivity. The Department regulates many different businesses and professions, including financial institutions, insurance companies, utilities, and many professions and vocations. It often has to make judgments that are not popular with those being regulated. Being self-sufficient insures the continuity of resources to carry out these important regulatory tasks. In addition, being self-sufficient allows the Department to avoid competing for funds and being underfunded as has happened in the past. This bill would irrefutably harm the Department's functioning by changing the system of funding.

On a practical level, the bill was introduced without warning, without sufficient discussion, and without evident thought. As a result, it is badly written.

For example, the bill is silent on whether the 90% floor and 110% ceiling created in Section 2 includes general fund appropriations or just special funds. The bill is also silent as to whether those calculations are to be made across the Department as a whole or on a division-by-division basis.

There are other aspects of this bill that are incongruous with its stated purpose or have unintended consequences. Although this bill purports to retain self-sufficiency for licensing activities, it places in the general fund those fees resulting from regulation of condominium property regimes by the Real Estate Commission.

Unintended consequences are further evidenced by the fact that the Medical Claims Conciliation Panel ('MCCP') is left unfunded. The Department will be unable to hear all of the cases brought to the MCCP and will not be able to make refunds to any parties to such cases.

Section 2 of the bill transfers the Compliance Resolution Fund balance to the general fund at the end of the fiscal year. These monies, however, were collected from thousands of businesses, professionals, and other licensees for the purpose of providing specific services. While this may be legally permissible, it is bad policy. There is already on-going litigation brought by the Hawaii Insurers Council over the 2002 transfer of \$2 million from the Insurance Regulation Fund (a fund now incorporated within the CRF) to the general fund (Act 178/2002). Hawaii Insurers Council alleges that such transfers violate specific statutes as well as the state and federal constitutions insofar as 'it would result in the transformation of the assessments dictated and imposed by the Insurance Commissioner on insurance companies into an illegal and unconstitutional tax.' This bill may very well spawn more such litigation.

Ultimately, there is no justification for this bill. Legislators contended that the bill would advance 'accountability' and 'transparency', and would ensure against the Department's accumulation of what the Legislators characterized as 'excess funds', which, allegedly, were the consequences of Department fees that are too high. These are clearly opportunistic arguments, with no basis in fact as related to this Department.

Accountability and transparency are already guaranteed by the budgetary process that the Department and the CRF undergo

each year. Unlike other special funds, the CRF is thoroughly analyzed by both the Administration and the Legislature, with spending ceilings approved by the Legislature as part of each budget. If the Legislature were truly interested in accountability and transparency or the reduction of 'excess' reserves, it could have adopted the Department's offer to place a reserve ceiling and reporting requirements in the law without repealing the CRF. Further, the Legislature could have passed the bills submitted by the Department that would have allowed the Department to further cut its fees.

For the foregoing reasons, I am returning Senate Bill No. 2525 HD1 CD 1 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii,"

was placed on file.

At this time, the President made the following announcement:

"The Senate will review the Governor's statements of objections to said bills and we will consider any appropriate actions."

Gov. Msg. No. 498, informing the Senate that on April 28, 2004, she signed into law Senate Bill No. 2815 as Act 20, entitled: "RELATING TO MILK CONTROL," was placed on file.

Gov. Msg. No. 499, informing the Senate that on April 28, 2004, she signed into law House Bill No. 1926 as Act 21, entitled: "RELATING TO EDUCATION," was placed on file.

Gov. Msg. No. 500, informing the Senate that on April 28, 2004, she signed into law Senate Bill No. 2005 as Act 22, entitled: "RELATING TO MEDICAL RECORDS," was placed on file.

Gov. Msg. No. 501, informing the Senate that on April 28, 2004, she signed into law House Bill No. 2142 as Act 23, entitled: "RELATING TO BUSINESS PRACTICES," was placed on file.

Gov. Msg. No. 502, advising the Senate of the withdrawal of the nomination of ROBERT T. OKUDA to the Cable Advisory Committee, under Gov. Msg. No. 445, dated April 16, 2004, was placed on file.

In compliance with Gov. Msg. No. 502, the nomination listed under Gov. Msg. No. 445 was returned.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 677 to 690) were read by the Clerk and were placed on file:

Hse. Com. No. 677, returning S.C.R. No. 51, which was adopted by the House of Representatives on April 27, 2004.

Hse. Com. No. 678, returning S.C.R. No. 52, which was adopted by the House of Representatives on April 27, 2004.

Hse. Com. No. 679, returning S.C.R. No. 68, S.D. 1, which was adopted by the House of Representatives on April 27, 2004.

Hse. Com. No. 680, returning S.C.R. No. 97, which was adopted by the House of Representatives on April 27, 2004.

Hse. Com. No. 681, returning S.C.R. No. 126, which was adopted by the House of Representatives on April 27, 2004.

Hse. Com. No. 682, returning S.C.R. No. 181, S.D. 1, which was adopted by the House of Representatives on April 27, 2004.

Hse. Com. No. 683, returning S.C.R. No. 203, which was adopted by the House of Representatives on April 27, 2004.

Hse. Com. No. 684, returning S.C.R. No. 209, S.D. 1, which was adopted by the House of Representatives on April 27, 2004.

Hse. Com. No. 685, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House concurrent resolutions:

H.C.R. No. 49, H.D. 1, S.D. 1;
H.C.R. No. 54, H.D. 1, S.D. 1;
H.C.R. No. 83, S.D. 1;
H.C.R. No. 138, H.D. 1, S.D. 1;
H.C.R. No. 165, S.D. 1;
H.C.R. No. 245, H.D. 1, S.D. 1; and
H.C.R. No. 261, H.D. 1, S.D. 1.

Hse. Com. No. 686, informing the Senate that the House has agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House on April 27, 2004:

H.B. No. 1944, H.D. 1, S.D. 1;
H.B. No. 2250, H.D. 2, S.D. 2;
H.B. No. 2297, H.D. 1, S.D. 2; and
H.B. No. 2740, H.D. 1, S.D. 1.

Hse. Com. No. 687, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 2337, H.D. 1, and H.B. No. 2337, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 27, 2004.

Hse. Com. No. 688, informing the Senate that the House reconsidered its actions taken on April 8, 2004, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 1991, H.D. 1, (S.D. 1); and
H.B. No. 2223 (S.D. 1).

Hse. Com. No. 689, informing the Senate that the House reconsidered its actions taken on April 2, 2004, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 1824 (S.D. 1);
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. 690, 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. 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); and
H.B. No. 2871, H.D. 2, (S.D. 1).

CONFERENCE COMMITTEE REPORTS

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. 2586, S.D. 2, presented a report (Conf. Com. Rep. No. 23-04) recommending that S.B. No. 2586, 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. 23-04 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," 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. 2948, S.D. 2, presented a report (Conf. Com. Rep. No. 24-04) recommending that S.B. No. 2948, 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. 24-04 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," 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. 2608, S.D. 1, presented a report (Conf. Com. Rep. No. 25-04) recommending that S.B. No. 2608, 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. 25-04 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," 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. 2929, S.D. 1, presented a report (Conf. Com. Rep. No. 26-04) recommending that S.B. No. 2929, 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. 26-04 and S.B. No. 2929, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENT," 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. 1259, H.D. 1, presented a report (Conf. Com. Rep. No. 27-04) recommending that H.B. No. 1259, 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. 27-04 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," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2020, H.D. 1, presented a report (Conf. Com. Rep. No. 28-04) recommending that H.B. No. 2020, 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. 28-04 and H.B. No. 2020, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2013, presented a report (Conf. Com. Rep. No. 29-04) recommending that H.B. No. 2013, 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. 29-04 and H.B. No. 2013, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS," 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. 2748, S.D. 1, presented a report (Conf. Com. Rep. No. 30-04) recommending that S.B. No. 2748, 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. 30-04 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," 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. 2840, S.D. 2, presented a report (Conf. Com. Rep. No. 31-04) recommending that S.B. No. 2840, 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. 31-04 and S.B. No. 2840, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," 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. 2861, S.D. 1, presented a report (Conf. Com. Rep. No. 32-04) recommending that S.B. No. 2861, 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. 32-04 and S.B. No. 2861, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," 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. 3113, S.D. 1, presented a report (Conf. Com. Rep. No. 33-04) recommending that S.B. No. 3113, 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. 33-04 and S.B. No. 3113, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," 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. 1765, H.D. 1, presented a report (Conf.

Com. Rep. No. 34-04) recommending that H.B. No. 1765, 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. 34-04 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," 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. 2254, presented a report (Conf. Com. Rep. No. 35-04) recommending that H.B. No. 2254, 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. 35-04 and H.B. No. 2254, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 707, HAWAII REVISED STATUTES," 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. 2683, presented a report (Conf. Com. Rep. No. 36-04) recommending that H.B. No. 2683, 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. 36-04 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," 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. 3025, presented a report (Conf. Com. Rep. No. 37-04) recommending that S.B. No. 3025, 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. 37-04 and S.B. No. 3025, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORT

Senators Sakamoto and Nakata, for the Committee on Education and the Committee on Labor, presented a joint report (Stand. Com. Rep. No. 3501) recommending that H.C.R. No. 203 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3501 and H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY AND IMPLEMENT PARITY BETWEEN OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, AND SPEECH THERAPISTS WITHIN THE DEPARTMENT OF EDUCATION," was deferred until Thursday, April 29, 2004.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3495 (Gov. Msg. Nos. 163, 164 and 409):

Senator Kim moved that Stand. Com. Rep. No. 3495 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Kim then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Tourism Authority of the following:

VERNON F.L. CHAR, term to expire June 30, 2006 (Gov. Msg. No. 163);

JOHN J. TONER, term to expire June 30, 2006 (Gov. Msg. No. 164); and

KYOKO Y. KIMURA, term to expire June 30, 2008 (Gov. Msg. No. 409),

seconded by Senator Tsutsui.

Senator Kim rose to speak in favor of the nominees and said:

"Mr. President, Gov. Msg. No. 163 is for the appointment of Vernon Char to the Hawaii Tourism Authority, Gov. Msg. No. 164 is for the appointment of John Toner, and Gov. Msg. No. 409 is for the appointment of Kyoko Kimura all to the Hawaii Tourism Authority.

"The first two messages are actually appointments. These two individuals have been serving as interim directors. Gov. Msg. No. 409, Ms. Kimura is a reappointment.

"You all have their vision statements on your desks. This is a practice of the Tourism Committee, and I ask that you support the nominations.

"Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3496 (Gov. Msg. No. 448):

Senator Kawamoto moved that Stand. Com. Rep. No. 3496 be received and placed on file, seconded by Senator Espero and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of MYRON N. DOBASHI (RET) to the Civil Defense Advisory Council, term to expire June 30, 2008, seconded by Senator Espero.

Senator Kawamoto rose to speak in support of the nominee and said:

"Mr. President, Gov. Msg. No. 448 is the appointment of Myron Dobashi, a retired General from the Air National Guard. I just want to let you know that he's been involved with the civil defense and various commissions since he was in the military and we find him highly qualified. Therefore, I urge all my colleagues to vote 'aye.'

"Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

S.B. No. 2899, S.D. 2, H.D. 1:

On motion by Senator Baker, seconded by Senator Menor and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2899, S.D. 2, and S.B. No. 2899, S.D. 2, H.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, 25. Noes, none.

Conf. Com. Rep. No. 15-04 (H.B. No. 2578, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 15-04 was adopted and H.B. No. 2578, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 16-04 (H.B. No. 2322, H.D. 1, S.D. 2, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 16-04 be adopted and H.B. No. 2322, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Espero rose to speak in support of the measure and said:

"Mr. President, I'd like to rise in support of this measure.

"This measure would assist Aloun Farms, one of the more successful farmers in our state which has many acres in West Oahu, to build a brand new state-of-the-art agricultural plant in Ewa. This is a measure which is strong for economic development. It's assisting our agricultural community and our diversified farmers.

"I urge and thank my colleagues for their support on this measure. Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 16-04 was adopted and H.B. No. 2322, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 17-04 (H.B. No. 1828, H.D. 1, S.D. 1, C.D. 1):

Senator Hanabusa moved that Conf. Com. Rep. No. 17-04 be adopted and H.B. No. 1828, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Trimble rose with reservations and said:

“Mr. President, I rise with reservations.

“Senate district 12 extends along the coast from Waikiki to Kalihi. This bill only designates one particular area of my district. I’m curious why.

“If any of you have the opportunity, like I did 15 years ago, to frequent the Ala Wai Yacht Harbor, it was a fairly common occurrence between 10 and 11 in the morning to see a visitor come out of the Ilikai, walk down through the harbor, walk to the end of the pier and urinate. So obviously, this bill is not designed to take care of that problem because it doesn’t include Waikiki.

“The second thing I find reasonably curious is that the person must intentionally . . . have any of you ever experienced unintentional, you know, when you’ve got to go, you’ve got to go. Is it going to be a defense that can be presented to the judge that it was indeed unintentional? (Laughter.)

“The third thing that I find kind of curious is, a couple of weeks ago we dealt with vexatious requestors, what about the person that intentionally comes to the State Capitol lawn to express his dissatisfaction with state government? Is this not an expression of speech, an expression of action telling you what he thinks?

“Anyway, perhaps this measure is worthy of a little bit more discussion before we unanimously adopt it. Thank you, Mr. President.”

Senator Ihara also rose with reservations and said:

“Mr. President, could you note my reservations on this bill for only a few of the points made by the previous speaker. (Laughter.)

“Thank you.”

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 17-04 was adopted and H.B. No. 1828, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC ORDER,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 18-04 (H.B. No. 2022, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 18-04 was adopted and H.B. No. 2022, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 19-04 (S.B. No. 3207, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 19-04 was adopted and S.B. No. 3207, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

At 12:25 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:29 o’clock p.m.

FINAL ADOPTION

S.C.R. No. 9, S.D. 1, H.D. 1:

Senator Inouye moved that S.C.R. No. 9, S.D. 1, H.D. 1, be Finally Adopted, seconded by Senator Espero.

Senator Ihara rose and said:

“Mr. President, please note my reservations in support of this resolution.”

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.C.R. No. 9, S.D. 1, and S.C.R. No. 9, S.D. 1, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES,” was Finally Adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

S.C.R. No. 17 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. 17, and S.C.R. No. 17, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION URGING THE SETTING OF AN EXAMPLE TO OUR CHILDREN AND OUT-OF-STATE VISITORS BY DESIGNATING ALL AREAS OF THE STATE CAPITOL SMOKE-FREE,” was Finally Adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 27, 2004

Stand. Com. Rep. No. 3497 (H.C.R. No. 250):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 250, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT H.R. 677 EXTENDING VETERANS’ BENEFITS TO FILIPINO VETERANS,” was adopted.

Stand. Com. Rep. No. 3498 (H.C.R. No. 36, H.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 36, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION AUTHORIZING AND REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES AND THE STATE OF RABAT-SALÉ-ZEMMOUR-ZAËR OF THE KINGDOM OF

MOROCCO,” was adopted, with Senator Baker voting “Aye, with reservations.”

Stand. Com. Rep. No. 3499 (H.C.R. No. 171):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 171, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO STUDY THE ADVISABILITY OF TRANSFERRING THE VANPOOL PROGRAM TO THE COUNTIES,” was adopted.

Stand. Com. Rep. No. 3500 (H.C.R. No. 258):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 258, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II,” was adopted.

At 12:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:06 o'clock p.m.

APPOINTMENT OF CONFEREES

S.B. No. 2995, S.D. 2 (H.D. 1):

The President appointed Senator Taniguchi as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2995, S.D. 2.

S.C.R. No. 118, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 118, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Taniguchi, co-chairs; Kim, Kokubun, Tsutsui, Whalen as managers on the part of the Senate at such conference.

S.C.R. No. 127, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 127, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Taniguchi, Slom as managers on the part of the Senate at such conference.

Senator Hemmings rose on a point of personal privilege and said:

“Mr. President, I rise on a point of personal privilege.

“I just want the record to note it was a good thing.”

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. In consequence thereof, and subsequent to its recessing at 1:08 o'clock p.m., the Senate took the following actions:

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. 1770, H.D. 1, presented a report (Conf. Com. Rep. No. 38-04) recommending that H.B. No. 1770, 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. 38-04 and H.B. No. 1770, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLES,” was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2023, H.D. 2, presented a report (Conf. Com. Rep. No. 39-04) recommending that H.B. No. 2023, 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. 39-04 and H.B. No. 2023, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ADMINISTRATIVE APPEALS,” 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. 2674, H.D. 1, presented a report (Conf. Com. Rep. No. 40-04) recommending that H.B. No. 2674, 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. 40-04 and H.B. No. 2674, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO IDENTITY THEFT,” 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. 2739, H.D. 1, presented a report (Conf. Com. Rep. No. 41-04) recommending that H.B. No. 2739, 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. 41-04 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,” 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. 2908, S.D. 1, presented a report (Conf. Com. Rep. No. 42-04) recommending that S.B. No. 2908, 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. 42-04 and S.B. No. 2908, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION,” 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. 2377, S.D. 1, presented a report (Conf. Com. Rep. No. 43-04) recommending that S.B. No. 2377, 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. 43-04 and S.B. No. 2377, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL

FOR AN ACT RELATING TO PRIVACY,” 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. 2380, S.D. 1, presented a report (Conf. Com. Rep. No. 44-04) recommending that S.B. No. 2380, 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. 44-04 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,” 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. 3156, S.D. 1, presented a report (Conf. Com. Rep. No. 45-04) recommending that S.B. No. 3156, 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. 45-04 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,” 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. 3085, S.D. 2, presented a report (Conf. Com. Rep. No. 46-04) recommending that S.B. No. 3085, 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. 46-04 and S.B. No. 3085, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NURSES,” 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. 2782, S.D. 1, presented a report (Conf. Com. Rep. No. 47-04) recommending that S.B. No. 2782, 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. 47-04 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,” was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2814, H.D. 2, presented a report (Conf. Com. Rep. No. 48-04) recommending that H.B. No. 2814, 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. 48-04 and H.B. No. 2814, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO KALAUPAPA SETTLEMENT,” was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2472, H.D. 2, presented a report (Conf. Com. Rep. No. 49-04) recommending that H.B. No. 2472, 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. 49-04 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,” 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. 1980, H.D. 1, presented a report (Conf. Com. Rep. No. 50-04) recommending that H.B. No. 1980, 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. 50-04 and H.B. No. 1980, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FAMILY COURT,” was deferred for a period of 48 hours.

ADJOURNMENT

At 6:30 o'clock p.m., the Senate adjourned until 6:30 o'clock p.m., Thursday, April 29, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

FIFTY-SEVENTH DAY

Thursday, April 29, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 6:51 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable J. Kalani English, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senator Hogue who was excused.

The President announced that he had read and approved the Journal of the Fifty-Sixth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 503 to 519) were read by the Clerk and were placed on file:

Gov. Msg. No. 503, informing the Senate that on April 29, 2004, she signed into law Senate Bill No. 2647 as Act 24, entitled: "RELATING TO CORRECTIONS."

Gov. Msg. No. 504, informing the Senate that on April 29, 2004, she signed into law Senate Bill No. 2820 as Act 25, entitled: "RELATING TO AGRICULTURAL LANDS."

Gov. Msg. No. 505, informing the Senate that on April 29, 2004, she signed into law Senate Bill No. 2905 as Act 26, entitled: "RELATING TO MEDICAL BOARD DISCIPLINARY ACTION."

Gov. Msg. No. 506, informing the Senate that on April 29, 2004, she signed into law Senate Bill No. 2589 as Act 27, entitled: "RELATING TO HEALTH INSURANCE."

Gov. Msg. No. 507, informing the Senate that on April 29, 2004, she signed into law Senate Bill No. 2950 as Act 28, entitled: "RELATING TO GENERIC SUBSTITUTION OF PRESCRIPTION DRUG PRODUCTS."

Gov. Msg. No. 508, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2341 as Act 29, entitled: "RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION."

Gov. Msg. No. 509, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2414 as Act 30, entitled: "RELATING TO DENTAL INSURANCE."

Gov. Msg. No. 510, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2426 as Act 31, entitled: "RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS."

Gov. Msg. No. 511, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2498 as Act 32, entitled: "RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES."

Gov. Msg. No. 512, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2539 as Act 33, entitled: "RELATING TO HOSPITALS."

Gov. Msg. No. 513, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2558 as Act 34, entitled: "RELATING TO PENSION PLANS."

Gov. Msg. No. 514, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2630 as Act 35, entitled: "RELATING TO MOTOR VEHICLE RENTAL INDUSTRY."

Gov. Msg. No. 515, informing the Senate that on April 29, 2004, she signed into law House Bill No. 1819 as Act 36, entitled: "RELATING TO MOTOR VEHICLE INSURANCE."

Gov. Msg. No. 516, informing the Senate that on April 29, 2004, she signed into law House Bill No. 1898 as Act 37, entitled: "RELATING TO FINANCIAL LITERACY FOR YOUTH MONTH."

Gov. Msg. No. 517, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2300 as Act 38, entitled: "RELATING TO THE JUDICIARY."

Gov. Msg. No. 518, informing the Senate that on April 29, 2004, she signed into law House Bill No. 2466 as Act 39, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM."

Gov. Msg. No. 519, dated April 29, 2004, transmitting her statement of objections to Senate Bill Nos. 3238 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 29, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3238

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3238 entitled 'A Bill for an Act Relating to Education.'

This bill has been referred to as the 'Reinventing Education Act of 2004.'

After listening to the advice of people throughout the community and considering all the pros and cons, it became clear that I could not in good conscience place my stamp of approval on the 'Reinventing Education Act of 2004.' This bill contains too many flaws in its present form. While not wanting to paint the bill with too broad a brush, it does not reinvent education, it mainly protects the status quo, and in one case it makes matters much worse by increasing bureaucracy and reducing accountability.

Fortunately there is time to correct the most serious flaws in Senate Bill No. 3238.

I am, therefore, exercising what I call a 'soft veto.' I am asking the Legislature to develop new language that would create legislation we can all take pride in and regard as a step forward.

I realize we have to identify a vehicle for this new education bill. There are many to choose from, including possibly **House Bill No. 1176** which has been in conference since April 2003. I propose that we rename our joint effort the '**Bipartisan Education Reform Act of 2004.**'

Because we still have one week left in the regular session of 2004, the executive and legislative branches have time to come together to craft an education bill that will bring about meaningful education reform.

I am recommending in this statement of objections that the Legislature enact five changes to Senate Bill No. 3238 using the vehicle of House Bill No. 1176. They are simple to make, yet would result in significant improvements at our schools. These changes are:

- Give principals control over 70 percent of their operating budgets initially, but phase-in a plan that would allow them eventually to control 90 percent of funds. At first glance it may not appear there is much difference between giving principals 70 percent versus 90 percent of the money. But it will mean a world of difference in the classroom. That is because at 70 percent most of the spending is already predetermined since it goes to salaries and related items over which the principal has little or no control. It is only when principals are given authority for 90 percent or more of the funds at their schools that they truly gain the financial flexibility they need to make meaningful improvements.
- Empower principals, set standards for their performance, and hold them accountable. In business, in education, and in every social organization, leadership makes the difference. Individual teachers also make a difference. But it is the principals who can inspire, motivate, and lead their schools by example.
- Give charter schools their fair share of funding, for facilities as well as operations, so they can provide instruction that is culturally appropriate for their communities. Charter schools have demonstrated that they can produce successful, self-confident students, even in the face of tremendous obstacles created by the Department of Education. Such schools are especially important for Hawaiian students, who suffer greatly under the Department of Education's one-size-fits-all system. It is time to give charter schools the resources and the support to excel.
- Instead of launching the 'weighted student formula' in the 2006-07 school year, start this sensible funding plan a year earlier. Under this formula, money would be allocated based on the needs of individual students. There are successful models we can use from school systems elsewhere. Let us get on with the task now.
- Make the school community councils advisory in nature. That way, councils can offer their recommendations to principals without complicating the decision-making process or confusing who the public should hold accountable.

These five changes are incorporated in a proposed House Bill No. 1176 attached to this statement of objections.

It is important to note that I did not mention local school boards among my proposed changes. That does not mean I have abandoned this critical concept, for I have not.

I will continue to do everything possible to give the people an opportunity to vote on the issue of nonpartisan, locally elected school boards in the 2006 general election.

Education reform is not about us – it is about the children. The people of Hawaii know that and they want to see significant progress this session. If the Legislature makes the 'five easy fixes' listed above, we will have a much better bill that will really advance the cause of student achievement through education reform.

Together, we have one last opportunity before the session ends to do what the people brought us here to do.

The education bill before me today does not really help our children in a systemic way. To let Senate Bill No. 3238 become law as is would mean we have squandered a chance to act in a bipartisan way to achieve real reform. And far worse, we would have deprived our children of the quality education they deserve.

I am recommending these five revisions on behalf of people all across our State who have watched many previous attempts to fix our schools and who should not settle for less than real education reform this time. While far from perfect, this modified legislation would move us ahead.

Someone once asked Thomas Edison if he got discouraged when an invention did not turn out as planned. 'I am not discouraged,' he said, 'because every wrong attempt discarded is another step forward.' Let us discard what is wrong with Senate Bill No. 3238 and pass a law that truly moves us forward.

For the foregoing reasons, I am returning Senate Bill No. 3238 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

At this time, the President made the following observation:

"The Senate will review the Governor's statement of objections to S.B. No. 3238, C.D. 1, and consider any appropriate action."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 691 to 697) were read by the Clerk and were placed on file:

Hse. Com. No. 691, returning S.C.R. No. 99, which was adopted by the House of Representatives on April 28, 2004.

Hse. Com. No. 692, returning S.C.R. No. 146, S.D. 1, which was adopted by the House of Representatives on April 28, 2004.

Hse. Com. No. 693, returning S.C.R. No. 167, which was adopted by the House of Representatives on April 28, 2004.

Hse. Com. No. 694, informing the Senate that the House reconsidered its action taken on April 8, 2004, in disagreeing to the amendments proposed by the Senate to H.B. No. 2098, H.D. 1 (S.D. 2).

Hse. Com. No. 695, informing the Senate that the House reconsidered its actions taken on April 15, 2004, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 1839, H.D. 2, (S.D. 2); and
H.B. No. 2749 (S.D. 1).

Hse. Com. No. 696, informing the Senate that the House reconsidered its action taken on April 29, 2003, in agreeing to the amendments proposed by the Senate to H.B. No. 851, H.D. 1 (S.D. 1).

Hse. Com. No. 697, informing the Senate that the Speaker on April 28, 2004, appointed Representatives M. Oshiro, chair, Caldwell, Blundell as managers on the part of the House for the consideration of amendments proposed by the House to S.C.R. No. 127, S.D. 1 (H.D. 1).

CONFERENCE COMMITTEE REPORTS

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2704, presented a report (Conf. Com. Rep. No. 51-04) recommending that S.B. No. 2704, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51-04 and S.B. No. 2704, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2909, S.D. 1, presented a report (Conf. Com. Rep. No. 52-04) recommending that S.B. No. 2909, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52-04 and S.B. No. 2909, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2951, S.D. 1, presented a report (Conf. Com. Rep. No. 53-04) recommending that S.B. No. 2951, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53-04 and S.B. No. 2951, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2786, H.D. 1, presented a report (Conf. Com. Rep. No. 54-04) recommending that H.B. No. 2786, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54-04 and H.B. No. 2786, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2834, S.D. 2, presented a report (Conf.

Com. Rep. No. 55-04) recommending that S.B. No. 2834, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55-04 and S.B. No. 2834, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3185, S.D. 1, presented a report (Conf. Com. Rep. No. 56-04) recommending that S.B. No. 3185, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56-04 and S.B. No. 3185, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2077, S.D. 2, presented a report (Conf. Com. Rep. No. 57-04) recommending that S.B. No. 2077, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57-04 and S.B. No. 2077, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2926, S.D. 1, presented a report (Conf. Com. Rep. No. 58-04) recommending that S.B. No. 2926, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58-04 and S.B. No. 2926, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2928, presented a report (Conf. Com. Rep. No. 59-04) recommending that S.B. No. 2928, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59-04 and S.B. No. 2928, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3502) recommending that the Senate advise and consent to the nominations to the State Boxing Commission of Hawai'i of the following:

HERBERT B. MINN, in accordance with Gov. Msg. No. 439; and

HENRY SASAKI, in accordance with Gov. Msg. No. 440.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3502 and Gov. Msg. Nos. 439 and 440 was deferred until Friday, April 30, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3503) recommending that the Senate advise and consent to the nominations to the Real Estate Commission of the following:

CAROL MAE A. BALL, in accordance with Gov. Msg. No. 469; and

MICHELLE SUNAHARA LOUDERMILK, in accordance with Gov. Msg. No. 470.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3503 and Gov. Msg. Nos. 469 and 470 was deferred until Friday, April 30, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3504) recommending that the Senate advise and consent to the nominations to the Board of Certification of Public Water System Operators of the following:

STEPHEN C. GREEN, in accordance with Gov. Msg. No. 472; and

ANN T. ZANE, in accordance with Gov. Msg. No. 473.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3504 and Gov. Msg. Nos. 472 and 473 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3505) recommending that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

WILLIAM A. BURWELL, in accordance with Gov. Msg. No. 449;

MARTHA GUINAN, in accordance with Gov. Msg. No. 450;

PATRICIA L. HEU MD, MPH, in accordance with Gov. Msg. No. 451;

MARY F. JOSSEM, in accordance with Gov. Msg. No. 452;

ELROY K.M. MALO, in accordance with Gov. Msg. No. 453;

EVAN A.R. MURAKAMI, in accordance with Gov. Msg. No. 454;

SHERYL NELSON, in accordance with Gov. Msg. No. 455;

MARK F. ROMOSER, in accordance with Gov. Msg. No. 456; and

BETSY R. WHITNEY, in accordance with Gov. Msg. No. 457; and

MARK YASUO YABUI, in accordance with Gov. Msg. No. 458.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3505 and Gov. Msg. Nos. 449, 450, 451, 452, 453, 454, 455, 456, 457 and 458 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3506) recommending that the Senate advise and consent to the nomination of GLENN E. SPARKS BSN, MHA to the Health Planning Council, Hawai'i County Subarea, in accordance with Gov. Msg. No. 459.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3506 and Gov. Msg. No. 459 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3507) recommending that the Senate advise and consent to the nomination of ZACHARY J. OCTAVIO to the Health Planning Council, Kaua'i County Subarea, in accordance with Gov. Msg. No. 460.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3507 and Gov. Msg. No. 460 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3508) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Maui County Subarea of the following:

JULIE A. CLARK-MCGEE MN, RN, in accordance with Gov. Msg. No. 461; and

DENISE L. COHEN, in accordance with Gov. Msg. No. 462.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3508 and Gov. Msg. Nos. 461 and 462 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3509) recommending that the Senate advise and consent to the nomination of DAVID J.W. CHANG to the Health Planning Council, West Oahu Subarea, in accordance with Gov. Msg. No. 463.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3509 and Gov. Msg. No. 463 was deferred until Friday, April 30, 2004.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3510) recommending that the Senate advise and consent to the nomination of CHRISTOPHER P. SIBLEY to the Health Planning Council, Windward Oahu Subarea, in accordance with Gov. Msg. No. 464.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3510 and Gov. Msg. No. 464 was deferred until Friday, April 30, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3511) recommending that the Senate advise and consent to the nomination of MARK D. HUNSAKER to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 168.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3511 and Gov. Msg. No. 168 was deferred until Friday, April 30, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3512) recommending that the Senate advise and consent to the nominations to the Cable Advisory Committee of the following:

SAM AIONA, in accordance with Gov. Msg. No. 441;

D. MELE CARROLL, in accordance with Gov. Msg. No. 442;

JENNY FUJITA, in accordance with Gov. Msg. Nos. 443 and 444; and

GERRY SILVA, in accordance with Gov. Msg. Nos. 446 and 447.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3512 and Gov. Msg. Nos. 441, 442, 443, 444, 446 and 447 was deferred until Friday, April 30, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3513) recommending that the Senate advise and consent to the nominations to the Kaho`olawe Island Reserve Commission of the following:

CHARLES P.M.K. BURROWS EDD, in accordance with Gov. Msg. No. 465; and

ROBERT J. LU`UWAI, in accordance with Gov. Msg. No. 466.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3513 and Gov. Msg. Nos. 465 and 466 was deferred until Friday, April 30, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3514) recommending that the Senate advise and consent to the nomination of JOHN M. MORGAN to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 467.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3514 and Gov. Msg. No. 467 was deferred until Friday, April 30, 2004.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3515) recommending that the Senate advise and consent to the nomination of WARREN F. WEGESEND, JR. to the Hawai`i Community Development Authority (HCDA), in accordance with Gov. Msg. No. 476.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3515 and Gov. Msg. No. 476 was deferred until Friday, April 30, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3516) recommending that H.C.R. No. 60 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3516 and H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ('DREAM') ACT," was deferred until Friday, April 30, 2004.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3517) recommending that H.C.R. No. 117 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3517 and H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO SUPPORT FULL FUNDING FOR THE CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT," was deferred until Friday, April 30, 2004.

Senators Kim and Fukunaga, for the Committee on Tourism and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 3518) recommending that H.C.R. No. 161 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3518 and H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE HALEIWA TOWN AS THE SURFING CAPITAL OF THE WORLD," was deferred until Friday, April 30, 2004.

Senators Hanabusa, Inouye and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs, the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3519) recommending that H.C.R. No. 199 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3519 and H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE OFFICE OF HAWAIIAN AFFAIRS TO CEASE ISSUING ANY EASEMENTS TO THE CITY AND COUNTY OF HONOLULU FOR ACCESS TO HAIKU VALLEY AND TO 'HAIKU STAIRS,'" was deferred until Friday, April 30, 2004.

ORDER OF THE DAY

FINAL READING

Conf. Com. Rep. No. 20-04 (H.B. No. 1860, H.D. 1, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 20-04 be adopted and H.B. No. 1860, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Trimble rose to speak in opposition to the measure and said:

"Mr. President, I again rise to ask my colleagues to vote in opposition to S.B. No. 1860.

"It is a worthy cause, perhaps few are more worthy than this. However, I think that this is bad policy to every year discuss one or two more items to be elicited to our check off form on our income taxes. The direction we should be going in, colleagues, is to make it a one-page form with ten lines instead of trying to add another line and additional costs and confusion to that of the taxpayer.

"I believe that one of the daily newspapers also wrote an editorial that commented that it may also be bad public policy for a series of additional reasons. I wish that you would consider those also before you cast your vote.

"Thank you."

Senator Chun Oakland rose to speak in support of the measure and said:

"Mr. President, I speak in support of this measure.

"I'm very thankful for the Legislature considering this measure, which came out of the Keiki Caucus which is a bipartisan effort. This is one way that the community had suggested being able to raise funds for child abuse and spouse abuse prevention efforts, as well as treatment. We really would like to extend our congratulations to the community for this effort and to the Legislature for really supporting it.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 20-04 was adopted and H.B. No. 1860, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Hogue).

Conf. Com. Rep. No. 21-04 (H.B. No. 1774, H.D. 2, S.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 21-04 be adopted and H.B. No. 1774, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak in opposition to the measure and said:

"Mr. President, I rise in opposition to this bill.

"The purpose of the bill is to, quote, 'encourage eligible claimants of unemployment insurance to seek gainful employment.' That's a worthy objective. The point of the matter is the bill will do exactly the opposite because it takes the limitations off the terms of outside income or other income that can be used, giving the unemployment compensation benefits basically as a subsidy to continue people working on part-time or small types of employment rather than seeking fulltime gainful employment.

"In addition, the bill says that it allows the federal Reed Act funds to be used to offset anticipated increases and unemployment compensation claims. It's good that the bill does that, however, my reading of the federal Reed Act indicates that in fact the Reed Act funds cannot be used for this purpose and I think that we're going to have a legal challenge down the road.

"In any event, it does not help people get more employed. It is going to be more costly. I remind my colleagues that only employers pay unemployment compensation tax. There's no unemployment insurance. There's unemployment compensation tax. No employee pays into that fund.

"Thank you, I urge a 'no' vote."

Senator Kanno rose to speak in support of the measure and said:

"Mr. President, I rise in support of this legislation.

"Mr. President, as the bill states, the current law serves as a disincentive for persons seeking additional employment because the statute imposes a greater restriction on individuals seeking to maximize work opportunities and penalizes individuals as multiple employers.

"Probably when the statute was drafted, I don't think the Legislators at that time foresaw the number of part-time jobs that Hawaii's employees today need to have in order to survive. So the bill is specifically set up to address an individual who had a number of part-time jobs who got displaced from one of them and, unlike what the previous speaker implied, that it removes the cap that provides for some sort of limitless funding. The bill only provides that somebody will continue to receive the unemployment benefits until their compensation reaches the benefit amount, at which time the unemployment benefits would end. So, there is a cap involved.

"Thank you."

Senator Sakamoto rose to speak in opposition to the measure as follows:

"Mr. President, I rise I rise in opposition to this measure.

"Many times worthy goals certainly are good. But in this case, people are very smart. I know a person who works in an unemployment office and periodically when we chat isn't it amazing that the day before their benefits expire they find a job. Unfortunately, there are many good people who need every penny of their unemployment benefits that diligently try to find a job and perhaps can't. But the fear with a provision such as this with no tiering like if you earn half the amount perhaps you can get half the benefits, if you earn very little perhaps you'd get the whole benefit, this measure provides too much of an opportunity for people who want to work the system to get around the system and unfairly receive benefits that people who truly need unemployment benefits should have. As the speaker from Hawaii Kai said, many of our small businesses are struggling. This type of measure would put a leaky hole into some of our worthy unemployment programs.

"I urge my colleagues to vote 'no.'

Senator Kim rose to speak in opposition to the measure and said:

"Mr. President, I rise to speak in opposition of this measure.

"Mr. President, I hoped that this measure would have put in some safeguards because I think there is a lot of room for abuse. While I can understand the issue of part-time employment and unless I'm reading this wrong, there's nothing in the bill that speaks of part-time employment. So, I think the bill needs to be more specific.

"I also think that perhaps a percentage of the pay should be looked at, but at this rate, one could make one dollar less than what their getting as far as benefits and still get the full amount. So, I think there is some concern here and at this point I'm not satisfied with the way the bill is.

"Thank you."

Senators Ihara, Tsutsui, Fukunaga, Hooser, Baker and English requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 21-04 was adopted and H.B. No. 1774, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Aduja, Hemmings, Ige, Kim, Sakamoto, Slom, Trimble, Whalen). Excused, 1 (Hogue).

Conf. Com. Rep. No. 22-04 (H.B. No. 2741, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 22-04 be adopted and H.B. No. 2741, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure and said:

"Mr. President, I rise in opposition to this measure.

"Quite simply, what this measure does is interfere with the management of executive branches by providing the deputy director and special assistant positions of executive departments not belonging to the Department of Education or the University of Hawaii are subject to position justification requirements and legislative review. Clearly the accountability and the responsibility for these deputies must lie with the executive, with the departments, and also with the head of those departments.

"This is an abrogation of what we've always done before and I think clearly is an interference with the executive branch of government.

"Thank you."

Senator Trimble rose in opposition to the measure and said:

"Mr. President, I rise in opposition to this measure.

"Only yesterday we were talking about S.B. No. 1828 and we were concerned about what people did and how they acted and we decided we wanted to make the Capitol a . . . what is it . . . a defecation-free zone. And there are members of the public, when they view what we do here today, that will say that the Legislature has a different set of standards for its own actions.

"There are some that will say that this bill is petty and partisan, that will say that when the people elected Governor Lingle they wanted to give her a clear opportunity for a new beginning, and that when the Legislature resorts to measures such as this that they are not competing with the Governor for the minds and hearts of the people but rather playing politics, the political game in an unfair manner just to insure that she might not succeed.

"So, for this reason, I urge my colleagues to take the higher ground and to vote against this measure. Thank you, Mr. President."

Senator Espero rose to speak in support of the measure and said:

"Mr. President, I'd like to rise in support of this measure.

"This measure is simply a matter of checks and balances. It asks the executive branch to provide justification for many of their high salaried employees. An example happened this year with the tourism liaison. My understanding is this high salaried individual was paid for by other positions. So, it would be nice for us to know where those positions came from, who they were, and can have that information if there's going to be someone within the executive branch making 70, 80, 90 thousand dollars a year.

"So, I think just some good checks and balances with the legislative branch reviewing the executive branch is more than appropriate.

"Thank you, Mr. President."

Senator Hemmings rose to speak against the measure and stated:

"Mr. President, I rise to speak against H.B. No. 2741 and its permeation with all its drafts.

"Mr. President, I would like to think that, in reflection of the previous speaker's utterances, that this did have some semblance of check and balances in it. But this is clearly an abuse of legislative power against the executive branch of government. I would ask the Majority Party if this was such a brilliant idea, why wasn't it done five, ten, fifteen, twenty years ago when the Majority Party controlled the executive branch of government? Why is it being done now?

"I'd also like to note for the record that if this was a sincere attempt to hold deputies and people employed in different departments to some sort of accountability for what they're paid and compensated, why does it exempt two of the biggest departments that have the most highly paid executives, the DOE and the UH? It seems like a point of contradiction. Is this really fiscal responsibility on the part of the Legislature or is this just plain old petty politics, as the newspaper editors have pointed out.

"In closing, I would like to remind everybody that this is one of the most famous erosion bills – a bill designed by the Majority Party to erode power from the executive branch and hold her feet to the fire just for the sake of politics. It is indeed petty, and I would suggest that the people we serve know it.

"Thank you, Mr. President."

Senator Sakamoto rose and said:

"Mr. President, just some clarifying remarks to the previous comments about the Department of Education and the University of Hawaii. This is a reminder that the University of Hawaii has a board of regents that has oversight over salaries and positions and the Department of Education has the board of education oversight over them, elected officials that do have oversight over that department, Mr. President."

Senator Slom rose and said:

"Mr. President, just another brief point of clarification, since we certainly need clarity at 7:15.

"For the good Senator from Ewa Beach, while he's driving back tonight he should recall that when he's talking about those high salaries that that was the whole issue about having an executive salary commission since the salaries have been unchanged in 14 years.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 22-04 was adopted and H.B. No. 2741, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXECUTIVE DEPARTMENTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Hogue).

ADOPTION OF RESOLUTION

MATTERS DEFERRED FROM WEDNESDAY, APRIL 28, 2004

Stand. Com. Rep. No. 3501 (H.C.R. No. 203):

On motion by Senator Kawamoto, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.C.R. No. 203, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY AND IMPLEMENT PARITY BETWEEN OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, AND SPEECH THERAPISTS WITHIN THE DEPARTMENT OF EDUCATION,” was adopted.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 469 (H.D. 1):

Senator Kanno moved that the Senate reconsider its action taken on April 13, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 469, seconded by Senator Hanabusa and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 469, on the following showing of Ayes and Noes:

Ayes, 4 (Kanno, Hanabusa, Taniguchi, Whalen). Noes, none. Excused, 1 (Kawamoto).

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.B. No. 469, seconded by Senator Hanabusa.

Senator Kanno noted:

“Mr. President, the bill, as amended, would prohibit an employer or labor organization from penalizing an employee who uses accrued or available sick leave.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 469, and S.B. No. 469, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 2021, S.D. 1 (H.D. 2):

Senator Kawamoto moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2021, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2021, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Kawamoto, Aduja, Espero). Noes, none. Excused, 1 (Whalen).

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2021, S.D. 1, seconded by Senator Espero.

Senator Kawamoto noted:

“Mr. President, the House made some technical nonsubstantive corrections on this bill.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2021, S.D. 1, and S.B. No. 2021, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STREET ROD VEHICLES,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 2246, S.D. 1 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2246, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2246, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Inouye, Espero, Whalen). Noes, none. Excused, 1 (Aduja).

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2246, S.D. 1, seconded by Senator Espero.

Senator Inouye noted:

“Mr. President, the purpose of this bill is to exempt agricultural leases, utility easements and access easements from the prohibition of private restrictions on agricultural uses and activities within state agricultural districts.

“The House amendments address having language that specifies that agricultural leases are exempt from the prohibition of private restrictions on ag leases and activities within state ag leases. It’s also adding a definition of agricultural leases and made some technical amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2246, S.D. 1, and S.B. No. 2246, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 2869, S.D. 2 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments

proposed by the House to S.B. No. 2869, S.D. 2, seconded by Senator Fukunaga and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2869, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 6 (Inouye, Fukunaga, Taniguchi, Espero, Kokubun, Trimble). Noes, none. Excused, 1 (Kanno).

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2869, S.D. 2, seconded by Senator Fukunaga.

Senator Inouye noted:

“Mr. President, this bill calls for an act relating to the maintenance of properties within the Kalaeloa community development district.

“There were just some minor technical and nonsubstantive amendments for clarity, consistency and style made by the House.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2869, S.D. 2, and S.B. No. 2869, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 3190, S.D. 1 (H.D. 1):

Senator Menor moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 3190, S.D. 1, seconded by Senator Baker.

At 7:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:18 o'clock p.m.

The motion was put by the Chair and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 3190, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Menor, Espero). Noes, none. Excused, 1 (Whalen).

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 3190, S.D. 1, seconded by Senator Baker.

Senator Menor noted:

“Mr. President, the purpose of this measure is to require the Public Utilities Commission to revoke the certificate or permit of a motor carrier that engages in the services of a driver who is not licensed as a commercial driver.

“The House made an amendment to delete the reference to a misdemeanor offense. Your Committee felt that this amendment was reasonable and appropriate and accordingly we would ask for the approval of these amendments.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3190, S.D. 1, and S.B. No. 3190, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 2882, S.D. 1 (H.D. 1):

Senator Menor moved that the Senate reconsider its action taken on April 8, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2882, S.D. 1, seconded by Senator Baker and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2882, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Menor, Baker, Ige). Noes, none. Excused, 1 (Whalen).

Senator Menor moved that the Senate agree to the amendments proposed by the House to S.B. No. 2882, S.D. 1, seconded by Senator Baker.

Senator Menor noted:

“Mr. President, the purpose of this measure is to enact a new insurance code article to establish Hawaii as a point of entry for alien insurers.

“The House made some technical amendments to this measure and I believe that those amendments are appropriate.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2882, S.D. 1, and S.B. No. 2882, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ALIEN INSURERS,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 2994, S.D. 1 (H.D. 2):

Senator Hanabusa moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2994, S.D. 1, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2994, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Hanabusa, Taniguchi, Chun Oakland). Noes, none. Excused, 2 (Kokubun, Hogue).

Senator Hanabusa moved that the Senate agree to the amendments proposed by the House to S.B. No. 2994, S.D. 1, seconded by Senator Taniguchi.

Senator Hanabusa noted:

“Mr. President, S.B. No. 2994 is the amendment to the use tax. This was a result of the *Baker and Taylor v. Kawafuchi* case, which the Supreme Court decided in January of this year.

“The amendments by the House merely expands the definition of ‘use’ under use tax and includes entities that are licensed in the HRS 237.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2994, S.D. 1, and S.B. No. 2994, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE USE TAX,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.B. No. 3044 (H.D. 1):

Senator Inouye moved that the Senate reconsider its action taken on April 15, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 3044, seconded by Senator Kawamoto and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 3044, on the following showing of Ayes and Noes:

Ayes, 5 (Inouye, Kawamoto, Hanabusa, Hooser, Trimble).
Noes, none.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 3044, seconded by Senator Kawamoto.

Senator Inouye noted:

“Mr. President, the purpose of this bill is to create a misdemeanor offense for obstructing public access to the sea, the shoreline, and any inlet recreational area or any public right of ways, transit ways, or public transit corridors.

“The House amendments created the misdemeanor offense for obstructing access to public property as well as providing examples of physical and impediments that cannot be installed to prevent the public from a public right of way. It also establishes minimal fines on second and subsequent convictions for this offense.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3044, and S.B. No. 3044, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY,” was placed on the calendar for Final Reading on Friday, April 30, 2004.

S.C.R. No. 79, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 27, 2004, in disagreeing to the amendments proposed by the House to S.C.R. No. 79, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 79, S.D. 1, seconded by Senator Chun Oakland.

Senator Baker noted:

“Mr. President, your Committees on Health and Human Services made an attempt to cover all of the points requested by the DD Council in the Senate version and the House perfected our attempts and these are the amendments that the council requested for their taskforce to move forward.

“I urge my colleagues to adopt.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 79, S.D. 1, and S.C.R. No. 79, S.D. 1, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING,” was placed on the calendar for Final Adoption on Friday, April 30, 2004.

S.C.R. No. 101, S.D. 1 (H.D. 1):

Senator Fukunaga moved that the Senate reconsider its action taken on April 27, 2004, in disagreeing to the amendments proposed by the House to S.C.R. No. 101, S.D. 1, seconded by Senator Kawamoto and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 101, S.D. 1, seconded by Senator Kawamoto.

Senator Fukunaga noted:

“Mr. President, the House has amended this resolution in its entirety and used the contents of the resolution to request the United States Congress to provide for the compensation of awards to the fullest extent as determined by the Marshall Islands nuclear claims tribunal.

“Since the State of Hawaii has borne many of the costs of medical and other services for these immigrants to Hawaii, we agreed with the amendments since we hope that they will help our State.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 101, S.D. 1, and S.C.R. No. 101, S.D. 1, H.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROVIDE FOR THE COMPENSATION OF AWARDS, TO THE FULLEST EXTENT, AS DETERMINED BY THE MARSHALL ISLANDS NUCLEAR CLAIMS TRIBUNAL,” was placed on the calendar for Final Adoption on Friday, April 30, 2004.

S.C.R. No. 180, S.D. 1 (H.D. 1):

Senator English moved that the Senate reconsider its action taken on April 27, 2004, in disagreeing to the amendments proposed by the House to S.C.R. No. 180, S.D. 1, seconded by Senator Baker and carried.

Senator English moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 180, S.D. 1, seconded by Senator Baker.

Senator English noted:

“Mr. President, the House replaced the contents of this SCR entirely and is asking the Public Utilities Commission to explore how to implement the concept of intra-governmental wheeling to facilitate government wheeling of electricity and other regulatory measures to support the development of renewable energy systems by federal, state, and county agencies.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 180, S.D. 1, and S.C.R. No. 180, S.D. 1, H.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION THE PUBLIC UTILITIES COMMISSION IS REQUESTED TO EXPLORE HOW TO IMPLEMENT THE CONCEPT OF INTRA-GOVERNMENTAL WHEELING TO FACILITATE GOVERNMENT WHEELING OF ELECTRICITY," was placed on the calendar for Final Adoption on Friday, April 30, 2004.

Senator Kanno, requested a waiver of the notice requirement pursuant to the 2004 Committee on Conference Procedures for S.C.R. No. 127, and the Chair granted the waiver.

Senator Taniguchi, requested a waiver of the notice requirement pursuant to the 2004 Committee on Conference Procedures for S.B. No. 3182, and the Chair granted the waiver.

Senator Taniguchi, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 2181, and the Chair granted the waiver.

DISCHARGE OF CONFEREE

S.B. No. 1491, S.D. 1 (H.D. 1):

The President discharged Senator Kokubun as a co-chair and appointed him as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1491, S.D. 1.

CONFERENCE COMMITTEE REPORTS

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 7:30 o'clock p.m., the Senate took the following actions:

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 473, S.D. 1, presented a report (Conf. Com. Rep. No. 60-04) recommending that S.B. No. 473, S.D. 1, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60-04 and S.B. No. 473, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2887, S.D. 2, presented a report (Conf. Com. Rep. No. 61-04) recommending that S.B. No. 2887, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61-04 and S.B. No. 2887, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2839, S.D. 2, presented a report (Conf. Com. Rep. No. 62-04) recommending that S.B. No. 2839, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62-04

and S.B. No. 2839, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2606, S.D. 1, presented a report (Conf. Com. Rep. No. 63-04) recommending that S.B. No. 2606, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63-04 and S.B. No. 2606, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3170, S.D. 2, presented a report (Conf. Com. Rep. No. 64-04) recommending that S.B. No. 3170, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64-04 and S.B. No. 3170, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1238, S.D. 2, presented a report (Conf. Com. Rep. No. 65-04) recommending that S.B. No. 1238, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65-04 and S.B. No. 1238, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2056, S.D. 1, presented a report (Conf. Com. Rep. No. 66-04) recommending that S.B. No. 2056, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 66-04 and S.B. No. 2056, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2200, presented a report (Conf. Com. Rep. No. 67-04) recommending that S.B. No. 2200, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 67-04 and S.B. No. 2200, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2425, S.D. 1, presented a report (Conf. Com. Rep. No. 68-04) recommending that S.B. No. 2425, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 68-04 and S.B. No. 2425, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2716, S.D. 1, presented a report (Conf. Com. Rep. No. 69-04) recommending that S.B. No. 2716, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 69-04 and S.B. No. 2716, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2538, S.D. 1, presented a report (Conf. Com. Rep. No. 70-04) recommending that S.B. No. 2538, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70-04 and S.B. No. 2538, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2671, S.D. 1, presented a report (Conf. Com. Rep. No. 71-04) recommending that S.B. No. 2671, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 71-04 and S.B. No. 2671, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2790, S.D. 1, presented a report (Conf. Com. Rep. No. 72-04) recommending that S.B. No. 2790, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 72-04 and S.B. No. 2790, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2791, S.D. 1, presented a report (Conf. Com. Rep. No. 73-04) recommending that S.B. No. 2791, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 73-04 and S.B. No. 2791, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR

MONTESSORI SCHOOL OF MAUI, INC.," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3086, presented a report (Conf. Com. Rep. No. 74-04) recommending that S.B. No. 3086, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74-04 and S.B. No. 3086, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2968, S.D. 1, presented a report (Conf. Com. Rep. No. 75-04) recommending that S.B. No. 2968, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75-04 and S.B. No. 2968, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2063, S.D. 2, presented a report (Conf. Com. Rep. No. 76-04) recommending that S.B. No. 2063, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76-04 and S.B. No. 2063, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2358, S.D. 2, presented a report (Conf. Com. Rep. No. 77-04) recommending that S.B. No. 2358, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77-04 and S.B. No. 2358, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION CLAIMS," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3092, S.D. 1, presented a report (Conf. Com. Rep. No. 78-04) recommending that S.B. No. 3092, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78-04 and S.B. No. 3092, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1756, H.D. 2, presented a report (Conf. Com. Rep. No. 79-04) recommending that H.B. No. 1756, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79-04 and H.B. No. 1756, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1710, H.D. 2, presented a report (Conf. Com. Rep. No. 80-04) recommending that H.B. No. 1710, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 80-04 and H.B. No. 1710, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1786, H.D. 1, presented a report (Conf. Com. Rep. No. 81-04) recommending that H.B. No. 1786, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81-04 and H.B. No. 1786, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2911, H.D. 2, presented a report (Conf. Com. Rep. No. 82-04) recommending that H.B. No. 2911, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82-04 and H.B. No. 2911, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1929, H.D. 1, presented a report (Conf. Com. Rep. No. 83-04) recommending that H.B. No. 1929, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83-04 and H.B. No. 1929, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2049, H.D. 1, presented a report (Conf. Com. Rep. No. 84-04) recommending that H.B. No. 2049, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84-04 and H.B. No. 2049, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1820, H.D. 1, presented a report (Conf.

Com. Rep. No. 85-04) recommending that H.B. No. 1820, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85-04 and H.B. No. 1820, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2143, H.D. 2, presented a report (Conf. Com. Rep. No. 86-04) recommending that H.B. No. 2143, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86-04 and H.B. No. 2143, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2773, H.D. 1, presented a report (Conf. Com. Rep. No. 87-04) recommending that H.B. No. 2773, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 87-04 and H.B. No. 2773, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2774, H.D. 1, presented a report (Conf. Com. Rep. No. 88-04) recommending that H.B. No. 2774, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 88-04 and H.B. No. 2774, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBDIVISIONS," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2074, H.D. 1, presented a report (Conf. Com. Rep. No. 89-04) recommending that H.B. No. 2074, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 89-04 and H.B. No. 2074, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS," was deferred for a period of 48 hours.

ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 6:30 o'clock p.m., Friday, April 30, 2004.

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 Kahlulu 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 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 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.

FIFTY-NINTH DAY

Monday, May 3, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 10:17 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Cal Takara, Kaimuki Christian Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Eighth Day.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 720 to 728) were read by the Clerk and were placed on file:

Hse. Com. No. 720, informing the Senate that the House has reconsidered H.B. No. 1797, heretofore vetoed as set forth in a Governor's Message dated April 27, 2004, and approved said bill by an affirmative vote of two-thirds of all members of which the House of Representatives of the Twenty-Second Legislature of the State of Hawaii is entitled.

Hse. Com. No. 721, informing the Senate that the House has reconsidered H.B. No. 2003, H.D. 1, S.D. 1, heretofore vetoed as set forth in a Governor's Message dated April 30, 2004, and approved said bill by an affirmative vote of two-thirds of all members of which the House of Representatives of the Twenty-Second Legislature of the State of Hawaii is entitled.

Hse. Com. No. 722, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 30, 2004:

H.B. No. 1259, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1765, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1770, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1980, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2013, S.D. 2, C.D. 1;
 H.B. No. 2020, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 2023, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 2254, S.D. 1, C.D. 1;
 H.B. No. 2472, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 2674, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2683, S.D. 1, C.D. 1;
 H.B. No. 2739, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 2814, H.D. 2, S.D. 1, C.D. 1;
 S.B. No. 2377, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2380, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2586, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2608, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2748, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2782, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2840, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2861, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2908, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2929, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2948, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 3025, H.D. 1, C.D. 1;
 S.B. No. 3085, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 3113, S.D. 1, H.D. 1, C.D. 1; and
 S.B. No. 3156, S.D. 1, H.D. 1, C.D. 1.

Hse. Com. No. 723, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No.

2397, H.D. 1, and H.B. No. 2397, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 30, 2004.

Hse. Com. No. 724, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 2375, H.D. 1, and H.B. No. 2375, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 30, 2004.

Hse. Com. No. 725, 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. 2170, H.D. 1 (S.D. 1); and
 H.B. No. 2286, H.D. 1 (S.D. 1).

Hse. Com. No. 726, informing the Senate that the House has agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House on April 30, 2004:

H.B. No. 2301, H.D. 1, S.D. 1;
 H.B. No. 2645, H.D. 2, S.D. 1; and
 H.B. No. 2748, S.D. 1.

Hse. Com. No. 727, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 2206, H.D. 1, and H.B. No. 2206, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 30, 2004.

Hse. Com. No. 728, informing the Senate that the House reconsidered its actions taken in disagreeing to the amendments proposed by the Senate to the following House concurrent resolutions and the amendments proposed by the Senate were agreed to by the House and said concurrent resolutions were finally adopted in the House of Representatives on April 30, 2004:

H.C.R. No. 49, H.D. 1, S.D. 1;
 H.C.R. No. 54, H.D. 1, S.D. 1;
 H.C.R. No. 83, S.D. 1;
 H.C.R. No. 138, H.D. 1, S.D. 1;
 H.C.R. No. 165, S.D. 1;
 H.C.R. No. 245, H.D. 1, S.D. 1; and
 H.C.R. No. 261, H.D. 1, S.D. 1.

STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3531) recommending that the Senate advise and consent to the nomination of CAROL ANN BURDICK to the Board of Taxation Review, 2nd Taxation District (Maui), in accordance with Gov. Msg. No. 295.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3531 and Gov. Msg. No. 295 was deferred until Thursday, May 6, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3532) recommending that the Senate advise and consent to the nomination of DICK ISOO OSHIMA to the Board of Taxation Review, 1st Taxation District (Oahu), in accordance with Gov. Msg. No. 294.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3532 and Gov. Msg. No. 294 was deferred until Thursday, May 6, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3533) recommending that the Senate advise and consent to the nomination of WILLIAM FRANCIS DAILEY to the Board of Taxation Review, 2nd Taxation District (Maui), in accordance with Gov. Msg. No. 296.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3533 and Gov. Msg. No. 296 was deferred until Thursday, May 6, 2004.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3534) recommending that the Senate advise and consent to the nomination of ROBERTA M. RICHARDS to the Western Interstate Commission for Higher Education (WICHE), in accordance with Gov. Msg. No. 309.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3534 and Gov. Msg. No. 309 was deferred until Thursday, May 6, 2004.

Senators Chun Oakland and Hanabusa, for the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3535) recommending that S.R. No. 40, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3535 and S.R. No. 40, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON HUMAN SERVICES TO CONVENE INTERIM HEARINGS ON THE MISUSE OF LEGAL INTERVENTIONS AVAILABLE TO THE FAMILY COURT," was deferred until Thursday, May 6, 2004.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 3536) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Tourism Authority of the following:

GAIL Y. HARAGUCHI, in accordance with Gov. Msg. No. 487; and

KAWAIKAPUOKALANI K. HEWETT, in accordance with Gov. Msg. No. 488.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3536 and Gov. Msg. Nos. 487 and 488 was deferred until Thursday, May 6, 2004.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3526 (Gov. Msg. No. 410):

Senator English moved that Stand. Com. Rep. No. 3526 be received and placed on file, seconded by Senator Kokubun and carried.

Senator English then moved 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, term to expire June 30, 2008, seconded by Senator Kokubun.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 3527 (Gov. Msg. No. 468):

Senator Inouye moved that Stand. Com. Rep. No. 3527 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of RON AGOR to the Board of Land and Natural Resources, term to expire June 30, 2008, seconded by Senator Espero.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 3529 (Gov. Msg. Nos. 165 and 166):

Senator Sakamoto moved that Stand. Com. Rep. No. 3529 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Board of Regents of the University of Hawai'i of the following:

JAMES J.C. HAYNES II, term to expire June 30, 2006 (Gov. Msg. No. 165); and

JANE B. TATIBOUET, term to expire June 30, 2007 (Gov. Msg. No. 166),

seconded by Senator Hooser.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 3530 (Gov. Msg. No. 489):

Senator Sakamoto moved that Stand. Com. Rep. No. 3530 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of ANDRES ALBANO JR. to the University of Hawaii Board of Regents, term to expire June 30, 2008, seconded by Senator Hooser.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

At 10:23 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:43 o'clock a.m.

FINAL READING

Conf. Com. Rep. No. 51-04 (S.B. No. 2704, H.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 51-04 was adopted and S.B. No. 2704, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hogue).

Conf. Com. Rep. No. 52-04 (S.B. No. 2909, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Espero and carried, Conf. Com. Rep. No. 52-04 was adopted and S.B. No. 2909, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hogue).

Conf. Com. Rep. No. 53-04 (S.B. No. 2951, S.D. 1, H.D. 1, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 53-04 be adopted and S.B. No. 2951, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Trimble rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition to S.B. No. 2951.

"This bill provides for a fine of \$2,000 a day, each day being a separate offense for a violation of law or rules. A rule might be that they have to post the sign of their license. So, if we had an earthquake or if they moved offices or somehow their license fell behind a filing cabinet, they could be fined \$2,000 a day. This seems rather onerous. I suggest that it is inappropriate.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 53-04 was adopted and S.B. No. 2951, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Hogue).

Conf. Com. Rep. No. 54-04 (H.B. No. 2786, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 54-04 was adopted and H.B. No. 2786, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hogue).

Conf. Com. Rep. No. 55-04 (S.B. No. 2834, S.D. 2, H.D. 2, C.D. 1):

Senator Hanabusa moved that Conf. Com. Rep. No. 55-04 be adopted and S.B. No. 2834, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak in support of the measure with reservations and said:

"Mr. President, I rise in support of the bill with reservations.

"In the past I have voted against this annual bill. We watch as we go through this Session, it goes from six million to ten million to thirteen million where it is right now. And I think the problem is that we always see the State as deep pockets. We don't have a situation where we have true tort reform and everybody comes to the State or they attach the State in lawsuits where there's supposed to be individual responsibility. And basically we are paying nuisance fees to make the suits go away. And the fact that these people take smaller amounts again indicates that they have no case, they have no claim, but because of the deep pockets they're able to do this.

"So, I'll vote with reservations, but again, I urge that the State provide legislation to make it more difficult for people to sue the State when they don't have legitimate claims.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 55-04 was adopted and S.B. No. 2834, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hogue).

Conf. Com. Rep. No. 56-04 (S.B. No. 3185, S.D. 1, H.D. 1, C.D. 1):

Senator Hanabusa moved that Conf. Com. Rep. No. 56-04 be adopted and S.B. No. 3185, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Trimble rose to speak in opposition as follows:

"Mr. President, I rise in opposition to this measure.

"In fact, I think several other people were about to rise also. Sometimes the good Lord gives us a second chance. We have a second chance. Is the Senator from Hawaii Kai upset because his microphone is again not working today?"

"You know, it is bad law to pass a law because of one or two or three individuals. It is a worse law if we pass that law because somebody managed to push our buttons so well that we got incensed. It is bad law when we start to become arrogant and forget that we are not special people that have the power to legislate as it appeals to us, but we are ordinary people tasked with a very special responsibility – and that is to act for the good of society.

"There are three bills that we have considered this year that dealt with the Office of Information Practices. They were all bad. The problem with this bill is that it was trying to correct the problem the wrong way. It is also wrong to give the Office of Information Practices, which is housed in the executive branch of the administration, the power or the potential opportunity to pollute with other branches in the executive branch to deny people information and access to that information.

"I urge my colleagues to use the second chance that you were given to vote against this measure.

"Thank you, Mr. President."

Senator Ihara rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this measure.

“With all due respect to the supporters of S.B. No. 3185, Mr. President, I believe this bill is unnecessary, and overkill, and a misuse of Hawaii’s freedom of information laws for the purpose of stopping unlawful acts of harassment against state employees.

“I fully believe that any citizen who takes vexatious or harassing action of any kind, not only in requesting government records, should be stopped and be subject to penalty. This is precisely what just happened last Thursday to a vexer, someone who was the inspiration of this bill. Actually, ‘the person’ who is the inspiration of this bill. This person pled guilty to four counts of harassment last week Thursday. He submitted a letter of apology to 35 state agencies, public officials and staff and is now prohibited from calling, faxing or e-mailing these entities for six months. His apology states in part, ‘please accept this letter as an apology to anyone that considered my actions as being harassing.’

“So, Mr. President, there are ways to stop vexatious behavior against public agencies and officials, but this bill should not be one of them.

“Mr. President, this bill fails to accomplish what its proponents want. This bill only allows an agency to ignore requests from a person who’s been labeled a vexatious requester. This bill will not stop harassment of our state employees. This bill will not stop those types of vexatious actions. This bill is dangerous because it takes away a person’s freedom of information rights for up to two years, based on vague and overbroad criteria and deny their rights for actions that may be entirely legitimate.

“I fully respect the Office of Information Practices and its able director. And for the most part, I trust their judgment on freedom of information matters. However, I do not think citizens should trust any agency for denying their rights based on overly broad criteria without a hearing and a situation where OIP itself is a party of vexatious requester proceedings because of a conflict of interest.

“This bill would give a state agency the power to deprive citizens their right to access government records without a reasonable basis, without adequate criteria, without any requirement of proof, and without a hearing. This agency could even take away citizen rights for actions that are entirely legitimate. And to appeal a decision, a citizen would have to go to court. I think it should be the other way around. I think that government should have to go to court to take away citizens’ rights.

“S.B. No. 3185 says, and I’ll quote, ‘The Office of Information Practices may declare that a person is a vexatious requester if it determines that the person has established a pattern of conduct that excessively interferes with the agency’s legitimate responsibilities under this chapter,’ end quote. I’ll continue quoting, but what it basically says is that ‘OIP may declare someone a vexatious requester if that person . . .’ actually, I’m repeating. This is very good language to illustrate what we are about to do today. We’re about to pass a law, and I hope we don’t, that basically gives the Office of Information Practices powers. All lawmaking powers in the state rest with the Legislature, and we are giving this office the power to declare someone a vexatious requester if that person has established a pattern of conduct that excessively interferes with an agency’s legitimate responsibilities.

“It’s amazing what the Legislature can do with such simple words to take away people’s rights. But there must be criteria, there must be a reasonable and rational basis for taking away someone’s rights. Probably none of us will be affected, nor the media, nor anyone important. It’s the rights of the nobodies I’m concerned about. Say it ain’t so, please.

“But as much as I trust OIP, I’m sorry to report that the criteria in this bill are an abomination an unwarranted attack on citizens’ rights. I know they’re harsh words, but wait. For OIP to determine – that’s the word used, ‘determine’ – a vexatious pattern of conduct, all it would have to do is to determine that someone has at least two of what’s called factors. Two factors and a pattern, and you’re out.

“I’m going to read and I’ll paraphrase a little to make it easier to understand, but it’s accurate so you don’t have to believe me. You can pull out the bill, its on page 2, and read it for yourself. Among the criteria, a minimum of two required for denying someone’s right to see a government document includes . . . and there is actually seven criteria and I’m giving one away. One of the seven is – repetitive requests of the same request given repetitively when an agency has already responded. I’ll give that one. That shouldn’t happen, and they could do it nicely so it’s not harassing, but the other six, I question. And remember, all you need is two.

1. The person has submitted a large quantity of requests.
2. The person has split requests to minimize cost.
3. The person has abandoned requests when the fee is not waived. You can ask for a waiver and if it’s declined and you abandon it, watch out.
4. The person has appealed the request without reasonable basis. So, if you lose, watch out.
5. The person’s request only marginally promotes the public interest.
6. The person has submitted requests for purposes other than obtaining access to records.

“I happen to work with many citizen watchdogs, Mr. President. In fact, I’m trying to help support the new Hawaii Citizens Watchdog Network. I believe our state needs more citizen watchdogs. But, this bill would have a chilling effect on them.

“I’m going to go over those six factors here. Bear with me. Actually, I’m competing with the Senator from Moanalua.

1. Citizen watchdogs tend to submit large quantities of documented requests, as it is their right, but not under this bill if we pass it.
2. Watchdogs and researchers often seek ways to minimize copy costs by splitting large research into affordable segments. And I believe it should be permitted. And that’s the second factor that could be declared a vexatious requester.
3. I know some watchdogs seek copy fee waivers on the basis that they plan to distribute their research, but they might have to abandon their request if the fees are too high. You make a request and you ask for a waiver because you are going to publish something or you’re going to give it to the media or serve your watchdog function, and so you may abandon your request because you just don’t have enough funds. And because of this, someone could be more vulnerable of becoming a vexatious requester. I believe the other three factors provide an inappropriate basis for denying citizens their right to access public records.
4. If a person’s document request is denied by an agency, they may submit an appeal to OIP precisely because

they believe they have a reasonable case. But if they lose and OIP says that they are wrong and have no reasonable basis for making an appeal . . . This is an appeal – you make a request to an agency, the agency says ‘no’ or does not respond, which is often the case, believe it or not, and you make an appeal and for some reason at the judgment of OIP they say that you, in fact, in their belief, do not have reasonable basis, you can become a vexatious requester. If OIP thinks that no reasonable basis is required to submit an appeal, wouldn’t it be better to require a reasonable basis rather than threatening to take away someone’s rights if they don’t have one?

5. Hawaii’s open record laws do not require citizens to review their identity, nor does it require citizens to give a reason for making a records request. This is as it should be. But, to avoid becoming a vexatious requester under this bill, citizens may need to reveal and prove how their records request promotes the public interest, because if it only marginally does this, if you make a request that is only marginally promoting the public request, your right to make future requests may be in jeopardy. How sad this would be.
6. And finally, with no hearing, OIP could decide that a citizen has been making requests for purposes other than obtaining access to records. A citizen could become a vexatious requester. No proof is required; no review by anyone else is required, and the person deemed a vexatious requester can only get their day in court in an actual courtroom. You have to go find a lawyer, you have to file the papers, file the filing fees to get back your rights to request public documents. How very unfair that would be.

“Mr. President, I believe this bill sets a dangerously low threshold for denying people’s rights. This bill will have a chilling effect on the people, I believe, we need most – government watchdogs, researchers and people whose mission it is to keep an eye out on public agencies. And I count myself among this group. I believe this bill gives OIP too much power, too much leeway, and it’s too much of a threat to legitimate watchdogs of our public agencies. This bill does not relieve agency staff from harassment and I urge Senators to defeat this bill today.

“Thank you.”

Senator Aduja rose to speak in opposition as follows:

“Mr. President, I rise in opposition to this measure.

“Mr. President, S.B. No. 3185 would allow the State Office of Information Practices to declare someone a vexatious requester if in the opinion of the Office of Information Practices the person has a pattern of abusing the state’s open records laws. The definition of a vexatious requester is so broad and subjective it would apply to people who have a legitimate interest in government accountability and performance. As written, the measure could be adopted to apply to nearly anyone.

“Under this measure, a government agency must show the Office of Information Practices that an individual has a pattern of abusing the request process by using a set of criteria, and the individual would be given a chance to respond. These factors or set of criteria are vague and subjective, as indicated by Senator Ihara so I won’t go through that again.

“If the office finds someone has met only two of these factors, it may declare that person is a vexatious requester and restrict such person’s exercise to his or her rights to government

records under Chapter 92 for two years. A vexatious requester may ask the state ombudsman to review the offices action and the person may appeal in the State Circuit Court. But, Mr. President, do we really want to flood our already overburden court system with such appeals in circuit court just to obtain government records.

“Mr. President, citizens are free to be vexatious requesters. It is our constitutional right. In fact, our Governor upon winning her election said, and I quote, ‘The whole idea is openness, opening the government up. I want a government that all people feel that they have access to.’ However, Mr. President, this bill introduced by several Majority and Minority Senators is practically identical to a measure included in Governor Linda Lingle’s administrative package of proposals.

“Over the past three years the public’s right to know has been diminished due to governments ability to withhold information under the broad claim of tourism and national security. S.B. No. 3185 represents an even greater threat to public access in Hawaii. If enacted, S.B. No. 3185 will have a permanent negative impact on the rights of our citizens and set a dangerous precedent for the future.

“The State’s Office of Information Practices, an agency under the Lieutenant Governor’s Office, is charged with issuing advisory opinions on open records law and mediating disputes between the public and government agencies over the release of government records. The OIP exists because in the past, government agencies abused their authority and unlawfully denied or impeded the public’s access to information. However, some state agencies are currently operating outside of the rules of the Uniform Information Practices Act, the law which allows access to governmental records.

“Through the Uniform Information Practices Act a citizen has ability to uncover numerous illegal acts of waste, fraud and abuse within our government agencies. However, to accomplish this, a private citizen may encounter and endure delays, denials, fragmenting of requests and even the destruction of records by government agencies. The OIP is charged with administering the Uniform Information Practices Act and not creating roadblocks that impede the public’s right to information. By definition, citizens and watchdog organizations could easily be deemed vexatious. Any attempt to hold government entities accountable could easily be considered annoying and vexatious.

“Leslie Kondo, director of OIP, cites only one example where an individual repeatedly faxed an agency requesting such agency to time stamp and return faxed copies. That one individual tied up fax machines with hundreds and hundreds of pages. Supposedly, this measure was introduced to address this type of request.

“However, this measure is overly broad and far reaching. As written, it enables the Office of Information Practices and government agencies to obstruct and deprive the public of its right to public records. The passage of this measure would therefore set a dangerous precedent and invite abuse of power. In addition, this measure has been estimated to directly affect only two to three people at this point in time. Why is it then that we as Legislators lend ourselves to punishing three people at the expense of the public’s right to access public records? Why doesn’t the OIP deal with these individuals outright instead of triggering the Legislative action? This proposed law is akin to using dynamite to kill a mosquito.

“Mr. President, as you well know, there are many individuals of organizations who have utilized the Uniform Information Practices Act to obtain insight into government policy,

programs and unlawful behavior. A number of agencies do produce their records in a timely manner. However, such records may be sanitized by removing or withholding a portion of the file often without notifying the requester that documents were withheld, thereby hindering or eliminating the requester's right to appeal. Other agencies have delayed or denied production of records by claiming they are not familiar with the Uniform Information Practices Act.

"Government agencies are already allowed to determine the public's access by charging arbitrary excessive fees. The agencies have been given the authority to charge up to \$5 for 15 minutes of research, plus up to 50 cents per page. If an agency is poor at record keeping, as we have learned through many reports by Marion Higa, the State Auditor, the cost of research and production of public records can be very high, thus presenting another impediment to public access.

"Further, agencies are inconsistent in the fees that they charge. For example, a division of the Department of Planning and Permitting for the City and County of Honolulu charges \$5 for the first 10 minutes of research time, 50 cents for the first page, and 25 cents for each page thereafter. The Division of Treasury charges up to \$4.50 for the first 10 minutes, and 50 cents per page. Some agencies, after receiving a request for information, simply pass the request to the Deputy Attorney General and then afterwards fail to inform the requester of their decision. The requester will only learn of such agency's decision if the requester inquires about such delay. When the requester learns that his or her request has been denied, a complaint with the Office of Information Practices must then be filed.

"The Office of Information Practices has a very large backlog of issuing opinions on appeals by requesters. The OIP also has significant complaints from requesters relating to abusive authority by agencies. Yet the OIP failed to introduce legislation to take any actions to address the government's improper treatment of OIP requests.

"Robin Loomis, President of Hawaii's Pro-Democracy Initiative believes that it is dangerous to go down this path. 'Unless this bill is more narrowly restrictive,' she says, 'I think it would limit people's right to open government. If they narrow it down, perhaps it would be good. But why are we doing this? There may be a few people who are abusing the process, but I can't imagine that there are tons of people doing this.'

"This bill could easily apply to individuals interested in government accountability and government performance,' said Beverly Keever, a University of Hawaii journalist and professor. 'It's a very subjective thing and I don't think it's worth worrying about if the agencies perform as they're supposed to be doing, and many of them are not.' Professor Keever continued by saying, 'I think it's frivolous on the part of the Legislature to get so involved. And it's frivolous on the part of OIP to push this when their fundamental purpose is spelled out to provide access and to protect citizens' rights. This is a bill that's written for the bureaucrats not written for the citizens.'

"I agree that there are some instances where requests for public records may cause damage to an agency such as information pertinent to ongoing legal proceedings or information that could damage defense security or international relations of the State or the economic interest or financial welfare of the State. However, this measure does not include such specific reasons for refusal. Neither does this measure provide for a very important and broad public override. If a record shows evidence of a breach of the law or serious public

safety or environmental risk, this should be an exception to this measure.

"The sponsors of S.B. No. 3185 suggest that the vexatious requester they have in mind is an unpleasant individual who makes himself or herself a pest to state offices tying up staff time and attention. But, Mr. President, this is an age-old problem for anyone who deals with the public and there are existing public nuisance laws to rely on.

"We have a Governor who promised she would bring a new government and clean up the old, along with waste, fraud, and abuse. We must ask ourselves, are we working for the public good? An inconvenient request for information may now result in a complete denial of public records under this measure, as only a few individuals would have the time or resources to fight for the constitutional right to public information in our courts.

"For the above reasons, Mr. President, I oppose this measure and I respectfully request that my colleagues also do the same.

"Thank you."

Senator Hanabusa rose to speak in favor of the measure and said:

"Mr. President, I rise in favor of the measure.

"Mr. President, I've heard the concerns about the fact that this bill would have a chilling effect. I've heard concerns about the definition of what a person may deem is a vexatious requester and whether this bill is necessary.

"We received testimony on not only S.B. No. 3185, but also on another measure as well. Let me read you one of the testimonies that we received from our Senate Majority Attorney who said, 'I appreciate the opportunity to testify in support of S.B. No. 3185. I'm submitting this testimony on behalf of the Senate staff, members, and agencies who've told me of how their offices have been prevented from doing their work due to the actions of vexatious requesters. I have found that all of the staff who contacted me, whether Democratic, Republican, or nonpartisan, share a sincere desire to serve the public and respond to their legitimate requests. No one has expressed a desire to deny access to records under the UIPA for these people. The UIPA law, Chapter 92F, is a good law that contains many provisions protecting the public's right to these records. Unfortunately, the UIPA law did not contemplate how abusively the process might be used against a government agency and thus did not put forth protections for agencies from abuse of process.'

"Mr. President, that's the sentiment which is behind S.B. No. 3185. We hear the concern about the chilling effect. And Mr. President, it's a legitimate concern. But let me tell you, I believe that there is no more chilling effect than putting someone through a criminal proceeding. What we have here is people being charged criminally under harassment. Some may find that they desire it. Some may find that's the way we should go. But Mr. President, if we've got a problem, let's handle it and let's address it in a way that is less punitive than to have someone have to make a decision as to whether they are going to plead guilty or accept the DAG or a DAG plea, instead of going through a whole criminal proceeding and potentially end up with a criminal record for being a harasser versus a vexatious requester.

"This bill, which came out of Conference, requires a person's pattern of conduct to include the following factors, and they list the seven factors. But no one factor alone shall be sufficient to

find excessive interference with an agency's responsibility – no one factor.

“Also, Mr. President, the Office of Information Practices must give notice. In addition, there's a duration. In other words, it can only go for two years. The individual also has the opportunity to request of the Ombudsman a review of what OIP may or may not have done.

“And finally, that requester has the right to challenge this in a civil court. Mr. President, I contend that a civil proceeding is a lot less onerous than to be charged criminally and to have the Attorney General's Office or the Prosecutor's Office come after you as a harasser.

“We must also not forget that what we're dealing with here is the fact that when one person becomes a vexatious requester, that person is taking away the rights of others. So, we must also bear in mind that there are other people out there who may want access, who can't get access because someone has chosen to tie-up whether its fax lines or fill-up someone's e-mail or whatever it is that the other people, our other constituents, are not able to have access to. What about their rights?

“Again, Mr. President, harassment whether its one count, four counts, ten counts, whatever it is, it's still a criminal proceeding. You've talked about a chilling effect, if someone goes before a criminal court and is looking at a criminal charge, it's a lot different than looking at potentially appealing a decision by the OIP.

“For that reason, Mr. President, if we are going to be concerned about everyone's rights and we are trying to balance this issue regarding someone who may be abusing it, a vexatious requester, and the rights of other constituents, let's do it in a way that is less onerous. Let's address the problem because we have the problem as set forth by our Senate Majority Office, who has had the complaints from both sides of the aisle on this problem. Let's do it where they can feel free to challenge it and not have hanging over their heads a criminal proceeding.

“Thank you, Mr. President.”

Senator Hemmings rose to speak in favor of the measure as follows:

“Mr. President, I rise to speak in favor of S.B. No. 3185.

“I'm rising because I think that the good Senator from Honolulu's efforts to kill this bill in a filibuster have to be addressed.

“First of all, the implication in that dissertation was that somehow this bill is problematic because it received bipartisan support. I seem to think that that's probably the halcyon thing this bill has. It has people of both sides of the aisle recognizing that people's rights are being taken away by vexers or vexators, whatever you wish to call them.

“I'd like to underscore that point because one person tying up the system does cost the taxpayers a tremendous amount of money in the amount of time of work Legislators, public employees have to deal with vexers. This also, as pointed out by the good Senator from Waianae, denies access to other people – people that have legitimate concerns and want legitimate information oftentimes do not get it or don't get it in a timely manner because one or two people can tie the whole system up.

“This effort is really an effort to curb abuse, not by a couple of mosquitoes but by a couple of very selfish people. It was pointed out that an apology was offered by the person that was practicing this. Nevertheless, the damage was done and it should not be an additional cost to the taxpayers to have to file a criminal lawsuit to implement common sense.

“This bill does have adequate criteria to protect the general public's interest to access to public information and it does have safeguards, appeals, and other ways that someone who has been put on the list as a vexer can appeal the process.

“All things considered, this is a balanced bill that really helps the public and helps public access and not the opposite. I urge my colleagues to support it.”

Senator Inouye rose to speak in opposition as follows:

“Mr. President, I speak in opposition of this bill.

“Mr. President, will you direct the Clerk to enter into the Journal the words of the Senator from Kaimuki/Kapahulu as if they were my own.

“Thank you.”

The Chair so ordered.

Senator Trimble rose to speak in rebuttal and stated:

“Mr. President, I rise in brief rebuttal.

“Colleagues, how do you want history to remember this day? Do you want history to remember that government was brought to its knees by the actions of one individual? Do we pass law to take care of one individual? The Senator from Kaimuki laid out very clearly that when an individual crosses the line, there are other statutes to deal with the issue. I suggest that there is no need to pass this law.

“Thank you.”

Senator Ihara rose to speak in rebuttal and said:

“Mr. President, a brief rebuttal.

“Mr. President, we are dealing with a problem and this problem is behavior that is criminal conduct. Be certain that a vexatious requester's actions are criminal actions. I challenge anyone to name me or explain to me an action that is of a vexatious requester that is not criminal. It is the harassment, it is the nastiness, it is all of that that is criminal against public officials that should be stopped. But this bill does nothing – this bill does nothing – to stop harassing, vexatious, mean spirited, vindictive actions by citizens who need to calm down sometimes, lost it sometimes. Not only does it attempt to deal with the problem, but it doesn't address the problem at all. Instead, it takes away people's rights.

“I won't repeat my speech, but it seems that the debate will go on. If this bill passes we'll continue to debate because I think this issue and this policy that we're setting and the vague and subjective parameters for determining a vexatious requester, I think it will be a healthy and vigorous debate if this bill passes.

“I again urge my colleagues to vote 'no' on this bill. Thank you.”

Senator Sakamoto rose in support of the measure and said:

"Mr. President, I rise in support of this bill.

"Mr. President, I rise in support of this bill and I rise in support of government workers. I believe if we're saying that we don't trust our agencies and the Office of Information Practices from doing the right thing – from the ability to determine, well, this is just because they want to have less photo copy costs or is it just because perhaps they're trying to be efficient, therefore we're going to task them and call them a vexatious requester – I believe not. I believe we're asking our government workers at the front counters, at the copy machines of many places to do a good job, to do more with less.

"I believe this measure will help them do more with what they have without having to be distracted with whether it's one wasp, one yellow jacket, one bumble bee, or a whole beehive. And I believe and I trust that our government workers and the Office of Information Practices will be fair and use this appropriately."

Senator Hogue rose to speak in support of the measure and stated:

"Mr. President, I rise in support.

"I would say that the good Senator from Kaimuki laid out some great arguments, but in one area I do believe he's wrong. In this day of technology with the advancements in computers, it is possible for a requester to be vexatious without ever making any personal contact whatsoever to offices. They could have their computers now do all of their work for them and tie up government offices needlessly. This bill will address that problem.

"The harassment charges aren't addressed, okay, because these people would never even contact, they would contact just from e-mail and the computers would do everything. So, this bill handles the advancements in technology, which could tie up our government offices for a long, long time. So this bill is much needed.

"It is the right kind of bill and I trust the director of OIP, who is also up in the audience.

"Thank you very much, Mr. President."

The President then made the following announcement:

"The Chair feels we're going to have a lot of debate, but the Chair wants to limit the debate. It's been a good debate but we will limit the debate to one more speaker."

Senator Hooser rose to speak in opposition to the measure and stated:

"Mr. President, I'll keep mine brief. I rise in opposition.

"I would like the words of the Senator from Kaimuki reflected in the Journal as if they were my own.

"Thank you."

The Chair so ordered.

Senator Menor rose and said:

"Mr. President, I just want to have the Clerk note for the record that I will be voting in favor with reservations."

The Chair so ordered.

Senator Aduja rose and said:

"Mr. President, I would like request a Roll Call."

Senators Baker and Menor requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 56-04 was adopted and S.B. No. 3185, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," having been read throughout, and Roll Call vote having been requested, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Aduja, Chun Oakland, Espero, Fukunaga, Hooser, Ige, Ihara, Inouye, Trimble).

Conf. Com. Rep. No. 57-04 (S.B. No. 2077, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 57-04 was adopted and S.B. No. 2077, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 58-04 (S.B. No. 2926, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 58-04 was adopted and S.B. No. 2926, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 59-04 (S.B. No. 2928, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 59-04 and S.B. No. 2928, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 60-04 (S.B. No. 473, S.D. 1, H.D. 3, C.D. 1):

Senator Hanabusa moved that Conf. Com. Rep. No. 60-04 be adopted and S.B. No. 473, S.D. 1, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Slom rose to speak in support of the measure as follows:

"Mr. President, I rise in support of this bill.

"I just wanted to point out that this bill, unlike the ice bill that was vetoed the other day and overridden the other night, has a provision in it about halfway houses and this is how you do the bill right. This has a provision for zoning and permit requirements and everything else. And one of the major objections we had to the ice bill was that it did exactly the opposite. It forced those rehabilitation drug houses into neighborhoods that necessarily had no opportunity to discuss them or do anything about them.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 60-04 was adopted and S.B. No. 473, S.D. 1, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HALFWAY HOUSES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61-04 (S.B. No. 2887, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 61-04 was adopted and S.B. No. 2887, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 62-04 (S.B. No. 2839, S.D. 2, H.D. 2, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 62-04 be adopted and S.B. No. 2839, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Slom rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this bill.

“This bill has a good intent but it has two undesirable features. One is that it increases fees from \$50 to \$250. The second is that it produces a new special fund.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 62-04 was adopted and S.B. No. 2839, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Conf. Com. Rep. No. 63-04 (S.B. No. 2606, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Menor and carried, Conf. Com. Rep. No. 63-04 was adopted and S.B. No. 2606, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BREWPUB LICENSES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 64-04 (S.B. No. 3170, S.D. 2, H.D. 2, C.D. 1):

Senator Fukunaga moved that Conf. Com. Rep. No. 64-04 be adopted and S.B. No. 3170, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Menor.

Senator Hemmings rose to speak against the measure as follows:

“Mr. President, I rise to speak against S.B. No. 3170.

“Mr. President, this bill is so we can feel good for the environmentalists, but in fact it would be harmful for the environment for a number of reasons.

“Number one is that it will sustain the growth of a crop that has a tremendous impact on the environment most especially in the ever increasing shortage of water. As we all know, sugar is an incredibly thirsty crop.

“Secondly, the costs are against the environment also. The cost and the impact on the environment of harvesting and collecting this product for energy does not make sense, so much so that the normally astute observations of what many consider a rather liberal magazine, *Harper’s Magazine*, says the ratio amount of energy generated by one gallon of ethanol to the amount of energy required to produce it is 1.09, which means it costs us about as much energy to produce ethanol as the ethanol we get. So, the bottom line is that we’re at no net gain energy wise and environmentally.

“Thirdly, it does something much more egregious to the environment. It extends the life of fossil fuels. If we were taking this energy and this work and the incentive is to really get behind future technologies, such as hydrogen and renewable energies like geothermal in the Hawaiian Islands, we’d be going a long way to making ourselves energy independent from fossil fuels.

“What this bill really does is by adding an expensive ethanol addition to gasoline it extends the life and our dependency on fossil fuels and the geopolitical problems that are related to oil. So, for many reasons, and most especially environmentally, this bill should not pass. I urge my colleagues to consider the environment, consider the cost implications, and vote ‘no.’”

Senator English rose in support of the measure and said:

“Mr. President, I rise in support of the measure.

“Just so that our colleagues and people out there understand what this does, it mandates up to a 10 percent blend of ethanol in our gas. Many of the people that talk about this compare it to North America. The problem with that is the ethanol from North America is made from corn. In Hawaii we’re talking about making the ethanol from sugarcane and the cane products – the cane juice, the gas and the molasses that comes from that.

“You know, in an island state such as ours, we have to try everything possible to reduce our dependency on fossil fuels, and by reducing at least 10 percent of the import, it will help us to bring down that dependency. But there are other reasons to support asking for a blend in our gasoline.

“Just to be clear, members, this bill is tied to three other bills that will be coming up. So, the previous speaker addressed it universally, but didn’t take it up in each bill. I’ll take up each point as we come to the bills, but for this particular one, it’s good for our energy policy. It will help us to reach our renewable portfolio standard goals and will help us to create local jobs and to keep many of our green fields green.

“So, this is a win, win, win in three different areas for Hawaii. I ask that you support this particular bill and again this one mandates an up to 10 percent blend of ethanol in our fuel.

“Thank you.”

Senator Hooser rose to speak in support of the measure and stated:

"Mr. President, I rise in support.

"Just to speak briefly, this is an important bill, Mr. President. I urge my colleagues to support it. It's important especially in my district, Kauai and Niihau, District 7. It's important to preserving agriculture, preserving sugar. It creates jobs. It's good for economic development. It increases our energy independence and our energy security. It has been a part of our state's policy for the last 10 years, and it's time that we move forward with this policy.

"I urge my colleagues to vote in support. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 64-04 was adopted and S.B. No. 3170, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Conf. Com. Rep. No. 65-04 (S.B. No. 1238, S.D. 2, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 65-04 be adopted and S.B. No. 1238, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in opposition as follows:

"Mr. President, I rise in opposition to this measure.

"If you read the bill, what concerns me is a person's right to revoke who he has decided to be his guardian. If you look on page 10, it says that a person who has capacity at the time they revoke or change guardianship. I contend that there are many people at times when they do not have capacity, know the difference between who can act in their interest and who cannot. And so, I do not think it is appropriate for a person to forfeit that right under this bill.

"Thank you."

Senator Baker rose to speak in support of the measure as follows:

"Mr. President, I rise in support of this measure.

"Mr. President, with all due respect, I believe the Senator from Waikiki has misread this bill. This is a pro-consumer bill. It ensures that the advance directives, mental health directives of an individual when they are capable are paramount, and it references notifying the agent or somebody who has got to fulfill their advance directives as well as the healthcare provider. A guardianship is a court proceeding and this bill makes sure that the individual's agent must follow those directives even if there is a guardianship, unless there is a court ruling that overturns it.

"I think that this is a pro-consumer bill. It was certainly supported by all the advocacy groups. It's a measure that's long overdue, and I urge all my colleagues to vote in favor of this measure.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 65-04 was adopted and S.B. No. 1238, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Conf. Com. Rep. No. 66-04 (S.B. No. 2056, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Baker and carried, Conf. Com. Rep. No. 66-04 was adopted and S.B. No. 2056, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 67-04 (S.B. No. 2200, H.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 67-04 be adopted and S.B. No. 2200, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Trimble rose to oppose the measure and said:

"Mr. President, I rise in opposition to this measure.

"It would provide an exclusion for the Department of Education at the University of Hawaii for rule making in this regard. I think that is inappropriate.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 67-04 was adopted and S.B. No. 2200, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Slom).

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

Conf. Com. Rep. No. 68-04 (S.B. No. 2425, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 68-04 and S.B. No. 2425, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 69-04 (S.B. No. 2716, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 69-04 was adopted and S.B. No. 2716, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Inouye).

Conf. Com. Rep. No. 70-04 (S.B. No. 2538, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 70-04 was adopted and S.B. No. 2538, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hooser, Tsutsui). Excused, 2 (Ihara, Inouye).

Conf. Com. Rep. No. 71-04 (S.B. No. 2671, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 71-04 was adopted and S.B. No. 2671, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Baker, Hooser, Tsutsui). Excused, 2 (Ihara, Inouye).

Conf. Com. Rep. No. 72-04 (S.B. No. 2790, S.D. 1, H.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 72-04 be adopted and S.B. No. 2790, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator English rose to speak in support of the measure as follows:

"Mr. President, I rise in support.

"You know, members, I really have to say 'thank you' for supporting me on this. As you know, I fought vigorously against the constitutional amendment that allowed for this type of SPRBs to go through. (Laughter.) However, being a good statesman, I also understand that the schools in my district need to use the tools that are available to them, and since it was passed and the voters have approved it, I introduced a bill for them.

"So, I'm asking for your support for the Haleakala Waldorf School special purpose revenue bond, even though I'm fundamentally opposed to the mechanism that allowed for them to use it. (Laughter.)

"You know, that's what statesmen do, right? So, anyway, I just have to explain this, and Mr. President, I will be standing up to speak on the next SPRB as well.

"Thank you."

Senator Slom rose on a point of information and said:

"Yes, point of information, Mr. President.

"I'm just wondering if this was a continuation of our discussion on Friday night about the fundamental philosophical differences between the Majority Party and the Minority Party and whether this is really statesmanship or political partisanship?"

Senator English rose and said:

"You know, I have to point out that most of the residents of the area is trending in the other party's favor in that district, so if it is partisanship, it's me helping the other party. But you know, a good statesman is also a good politician. (Laughter.) That's what's been missing in the entire debate. That is what has been missing in this whole thing about statesman versus politician. The reality is it's statesman and politician and the mix of that makes us effective.

"So, in response to that quip, we have to understand that partisanship aside, it is our duty to take care of the needs of all of our people no matter what their political persuasion is and to take the best interest of our population into account. And that's what I have done here.

"Thank you, Mr. President."

Senator Tsutsui rose and said:

"Mr. President, I've been somewhat persuaded by my colleague from Maui and therefore I would like to have the Clerk to register a soft 'no.'" (Laughter.)

The motion was put by the Chair and carried, Conf. Com. Rep. No. 72-04 was adopted and S.B. No. 2790, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Baker, Hooser, Tsutsui). Excused, 1 (Ihara).

Conf. Com. Rep. No. 73-04 (S.B. No. 2791, S.D. 1, H.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 73-04 be adopted and S.B. No. 2791, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator English rose to speak in support of the measure as follows:

"Mr. President, I rise in support.

"I'd like to just simply say that the exact same situation for the last bill applies to this one. Montessori School is in my district. I introduced the bill for them and I ask for your support.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 73-04 was adopted and S.B. No. 2791, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC.," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Baker, Hooser, Tsutsui).

Conf. Com. Rep. No. 74-04 (S.B. No. 3086, H.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 74-04 was adopted and S.B. No. 3086, H.D. 1, C.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Baker, Hooser, Tsutsui).

Conf. Com. Rep. No. 75-04 (S.B. No. 2968, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 75-04 was adopted and S.B. No. 2968, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 76-04 (S.B. No. 2063, S.D. 2, H.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 76-04 be adopted and S.B. No. 2063, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to inquire as follows:

"Mr. President, my inclination is to vote for this bill, but I have an informational question for the Chair of the Education Committee. I noticed that within this bill there's a new term that's called 'special account' and I want to make sure that it doesn't bear any resemblance to special fund. So therefore, I'd like a definitional explanation between special account and special fund.

"Thank you, Mr. Chairman."

Senator Sakamoto rose in response and stated:

"It wasn't the intention from my part for it to rise to the level of a special fund depending on the department to keep track of the funds so that they can account for it as opposed to setting it aside in a different pot."

Senator Slom rose and stated:

"Yes, just for further clarification. Does the Department of Education understand the difference when you say that you're relying on them to just keep it apart and not rise to the evilness of a special fund?"

Senator Sakamoto rose to respond and said:

"I would hope so, sir. But, if you'd like, we can follow-up with a request that they do so if that's something you would like to pursue."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 76-04 was adopted and S.B. No. 2063, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 77-04 (S.B. No. 2358, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 77-04 was adopted and S.B. No. 2358, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION CLAIMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 78-04 (S.B. No. 3092, S.D. 1, H.D. 1, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 78-04 be adopted and S.B. No. 3092, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in favor of the measure with reservations and stated:

"Mr. President, I rise with reservations on this measure.

"It seems like we could best call this legitimizing bounty hunting. It may be effective in the short run in terms of reducing waste, but I think the long term social costs of promoting this type of enforcement is undesirable.

"Second, if bounty hunting were so effective, we'd already be using it in a lot of other areas. When the Department of Health reports back to us the cost of dissention among those that are trying to collect the rewards and how much it is costing them, maybe we'll reconsider the desirable nature of this bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 78-04 was adopted and S.B. No. 3092, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 79-04 (H.B. No. 1756, H.D. 2, S.D. 1, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 79-04 be adopted and H.B. No. 1756, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Espero rose to speak in support of the measure and stated:

"Mr. President, I'd like to rise in support of this measure.

"This measure may bring the high technology industry to the Ewa Plain to Kalaeloa, formerly Barber's Point. The company is looking at building unmanned aerial systems to help with the defense of our nation and our homeland security. I urge my colleagues to support this bill.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 79-04 was adopted and H.B. No. 1756, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL

ENTERPRISES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 80-04 (H.B. No. 1710, H.D. 2, S.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 80-04 be adopted and H.B. No. 1710, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this bill.

“This bill is very clear, it does in fact establish a new special fund for student scholarship and assistance special fund. Thank you.”

Senator Trimble rose on a point of information and said:

“Mr. President, I have a point of information.

“It seems that the intent of this bill is to . . . it’s more or less like an accounting change, instead of having tuition waivers we’ll call them scholarships and then go out and look for matching money. The bill had \$20 million in it and I was just curious if this was new money and where it came from?”

Senator Sakamoto rose to respond and stated:

“This isn’t money that we’re providing from the general fund. Part of the intention or the financial assistance globally, most schools don’t give waivers, they give financial assistance. The money goes back. They may give someone \$3,200 and the \$3,200 comes right back as they pay their tuition. So, part of this is the mechanics to change to that type of system.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 80-04 was adopted and H.B. No. 1710, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 81-04 (H.B. No. 1786, H.D. 1, S.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 81-04 be adopted and H.B. No. 1786, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Trimble rose to speak in opposition to the measure as follows:

“Mr. President, I rise in opposition to H.B. No. 1786.

“This appears to be a back door in terms of granting people civil service stature without having to go through the process that every other civil service employee had to do. I think it’s bad policy and we should oppose it every time it comes up.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 81-04 was adopted and H.B. No. 1786, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Conf. Com. Rep. No. 82-04 (H.B. No. 2911, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 82-04 was adopted and H.B. No. 2911, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 83-04 (H.B. No. 1929, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 83-04 was adopted and H.B. No. 1929, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 84-04 (H.B. No. 2049, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Ige and carried, Conf. Com. Rep. No. 84-04 was adopted and H.B. No. 2049, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENERGY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 85-04 (H.B. No. 1820, H.D. 1, S.D. 1, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 85-04 be adopted and H.B. No. 1820, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

Senator Kanno rose to speak in support of the measure as follows:

“Mr. President, I rise in support of the measure.

“I just wanted to take a minute to commend the Chair for his work on this measure. He was in a very difficult position taking a measure into Conference and representing a Senate position that was not in the Senate draft of the bill. He also had the difficulty of negotiating with the House, where the House at all times during the negotiation could walk away because they could always agree to the Senate version of the bill, which really was the position they were advocating for.

“So, the Chair of our Consumer Protection Committee had an almost impossible task and he prevailed, and I wanted to thank him for that.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 85-04 was adopted and H.B. No. 1820, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 86-04 (H.B. No. 2143, H.D. 2, S.D. 1, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 86-04 be adopted and H.B. No. 2143, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

Senator Tsutsui rose to speak in opposition to the measure and stated:

“Mr. President, I rise in opposition to this measure.

“Just real briefly, I just want to say that I think it takes away from the small business’s ability to create their own gift certificate policy. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 86-04 was adopted and H.B. No. 2143, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BUSINESS REGULATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Tsutsui).

Conf. Com. Rep. No. 87-04 (H.B. No. 2773, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Espero and carried, Conf. Com. Rep. No. 87-04 was adopted and H.B. No. 2773, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 88-04 (H.B. No. 2774, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Espero and carried, Conf. Com. Rep. No. 88-04 was adopted and H.B. No. 2774, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SUBDIVISIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 89-04 (H.B. No. 2074, H.D. 1, S.D. 1, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 89-04 be adopted and H.B. No. 2074, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator English rose in support of the measure and said:

“Mr. President, I rise in support.

“Members, this bill went through protracted negotiations because, well, let me say what it does. First of all, it says that the ability of small business to apply for a waiver reduction of penalties if they violate certain laws designed to protect the environmental cultural resources will not be granted. And it also carves out specific sections of Chapter 200, which relates to our boaters to help the commercial boating industry.

“You know on its surface it seems that this is maybe harmful to small business. But in reality, it is a bill that will help all of us. And here’s what it does – it says that we as a society had placed the environmental protections above all else and we will not allow big business, small business, any kind of business to get away with destroying our environment. We will not allow them to apply for an administrative waiver of reduction of fees if they violate these certain areas.

“Now, we came to Chapter 200, and we had to be, the term I would use is ‘surgical’ with it because the dilemma that we had was that the small boating division was maybe the worst offender – the division itself – and they were passing on this bad habit to a lot of the boaters. So, the boaters were telling us, look . . . and by the way, not one of the boaters have ever used the waiver reduction. It’s never been used by that community. But yet they had the perception of wanting to use this and said, ‘We need protection. We want to protect the environment but we need protections from the small boating division of DLNR. We’re going to be good to the environment. We’re going to make sure that we take care of the environment, but the small boating division is making us do all sorts of things under the threat of great penalty.’

“At first, I was a bit skeptical, but after looking into it and understanding, I believe, that three out of four harbor masters are under indictment and there’s all sorts of other things going on, I realize that there are indeed problems there. So, we went in.

“I want to thank Senator Fukunaga for working diligently on this. We carved out sections of Chapter 200 that will protect the boaters from the small boating division of DLNR and at the same time not allow them to get waivers if and should they violate the environmental laws.

“So in the end, what we’ve achieved here is something that will benefit the environmental sector and the boating sector and both sides are pleased with the end result of this. So, I ask for the member’s support of this measure. It supports our strong belief that the environment must be protected and that those that go out and harm the environment must pay the consequences for that.

“Thank you.”

Senator Slom rose to speak in opposition to the measure as follows:

“Mr. President, I rise to speak in opposition to this bill.

“I’m always interested when people get up to say that things are good for small business and they don’t have any small business background. And also, let’s make a differentiation between the environment and environmental special interest organizations, because that’s who supported this measure.

“It does do harm to small businesses. And when somebody says it lumps small businesses together with people that have been indicted and says that we’re not going to let them get away with ‘destroying our environment,’ unquote, they don’t have a

very good view or realistic view of small businesses. And what small business has to contend with is a continuing barrage of new laws, new actions which puts them in violation not for destroying anything, but for not dotting the 'I's or crossing the 'T's. Previously, small businesses under the original act were subject to or allowable for specific waivers if they could show harm or non-cause for environmental and safety requirements. This bill has gone farther than that and now has environmental, health, and cultural preservation laws.

"Small businesses don't have lawyers on retainers. Small businesses generally are trying to run their business and occasionally may run afoul of a particular bureaucratic regulation. But, what we're doing is lumping them together with all big businesses and, as the gentleman from Maui said, with those people that have been under indictment and we're putting the same onus on them without giving them any opportunity to differentiate themselves. And there is a difference between small business and big business. And there is a difference between honest small businesses and indicted harbor workers.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 89-04 was adopted and H.B. No. 2074, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hogue, Slom, Whalen).

Conf. Com. Rep. No. 90-04 (S.B. No. 2976, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 90-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 91-04 (H.B. No. 680, H.D. 2, S.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 91-04 be adopted and H.B. No. 680, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak in opposition as follows:

"Mr. President, I rise in opposition to this bill.

"We've discussed this bill before. I think this is a vexatious bill. I think that it is totally unwarranted as I said before. People in public office, just like people in business, people in other areas, should know the differences between right and wrong. We have agencies and we have penalties for them.

"The only thing I can figure out is that because the Majority has had so much experience in this area that they feel that they need more training and they want us to have training as well. I don't think that we need the training. Let the public judge us by our actions in and out of the Legislature.

"Thank you."

Senator Espero rose in support of the measure and said:

"Mr. President, I would like to rise in support of this bill.

"I think only a vexatious speaker may think that this is a vexatious bill. However, what we're talking about is just good government, Mr. President. This is a bill which will provide ethics training for Legislators, for members of the Board of Education, members of OHA, or high appointees in the administration. It will give us the tools, the knowledge, the understanding of our complicated ethics laws. It will provide us good training and education so that the people can see that we are making an attempt to restore ourselves and bring back good government.

"Many people have made mistakes. Right now the administration is under investigation as far as the Care Education Reform Committee which was in the Governor's Office, which probably if this bill had been in effect the administration would have known that maybe that's not the best thing to do at this time.

"So, I urge all of us to support this bill and I hope that those who are in opposition will consider it. Thank you."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against this bill.

"I wish we could have addressed this issue without partisanship. I wish the previous speaker had not tried to skewer the administration for allegations that have not borne any fruit, for allegations that are at best just allegations.

"Tying ethics training and a need for it to the Governor's Office is petty partisanship. But since the previous speaker chose to do so, I wish to enter into the record why ethics training may be necessary for the Majority Party. The roll call of people that should have had ethics training from the Majority Party, includes: Nathan Suzuki, tax fraud; Rene Mansho, two counts of theft; John . . ."

President Bunda interjected:

"Can we have a short recess please."

At 12:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:16 o'clock p.m.

Senator Hemmings continued:

"Mr. President, in the interest of the bipartisan cooperation, I'll gladly withdraw my reading of this list if the previous speaker will withdraw his remarks trying to tie ethics training not to the convictions or indictments but just to the accusations regarding the Governor's Office."

The President called on Senator Espero, and Senator Espero said:

"So be it."

Senator Trimble rose to speak in favor of the measure and said:

"Mr. President, I rise in favor of this measure.

"It appears that we almost had a good discussion, and there appeared to be two sides to the issue, not necessarily political parties, but two sides, two conflicting values. On one hand you had honor and on the other hand you had shame. Perhaps Ted Hung, when he characterized the culture of fear, was referring to shame. Will Rogers, I think, once said that the petty crooks are in jail but the really big thieves are in Washington. Perhaps we're somewhere in the middle.

"The value of ethics training at the very least is not that it makes us more honest. It has the same value as sending people to jail who come out better crooks. These two hours of ethics training ought to teach most people how to avoid the most common mistakes that other people make and at least be more subtle. I don't think it's going to change the nature of the individual at all. But, it might save this institution some embarrassment and two hours worth of training is a small price to pay.

"Thank you."

Senator Hooser rose to speak in support of the measure and stated:

"Mr. President, I rise in support.

"I'd just like to say briefly for the record, Mr. President, that I don't believe that ethics training, integrity or morality is party specific. I believe it's party blind, it's color blind, and it's gender blind and that we all, each of us, look ourselves in the mirror everyday and each of us do the very best that we can. Sometimes we make mistakes and certainly we can all be better at this. And I believe it should be our goal to all be better at this. I believe this ethics training will help us all make better decisions in the future.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 91-04 was adopted and H.B. No. 680, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Whalen). Excused, 1 (Hogue).

Conf. Com. Rep. No. 92-04 (S.B. No. 1611, H.D. 2, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 92-04 be adopted and S.B. No. 1611, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise in strong opposition to this bill.

"This bill is not an environmental bill, this bill is a tax. I hope my colleagues had an opportunity to read Lowell Kalapa's column yesterday. In any event, we've been arguing about this bill for over a year. Some of the salient points – it was sold to the public as a way of helping our landfills and yet it would only affect 2 percent of the materials that go into the landfill. We've all been paying a tax already in terms of setting up the administration for this super structure. There's going to be more public employees hired to operate it. Yet at this point we still don't know how it's going to operate, particularly the little sticky point about we pay the money and we're suppose to get the money back. We're suppose pay 5 cents plus 1 to 1½ cents

and we're supposed to get the 5 cents back. But there's no mechanism to return the 5 cents.

"There are still the problems as was brought to all of our colleagues' attention by the various retailers large and small – the problem of storage; the problem of health; the problem of not being able to market their other products; and putting them in charge and putting them responsible for not only the handling of the materials, but also for the collecting of money and the remitting of money.

"It is a bad bill. But besides that, the people in the industry are willing to work it out. They asked for time to consider some of their objections and they were derided for raising issues that are very real issues. There have been no answers. All there is a rush to increase this tax.

"Thank you."

Senator English rose to speak in support of the measure as follows:

"Mr. President, I rise in support.

"Mr. President, this particular measure incorporates many of the concerns of the bottlers and the retailers. In fact that's what it does, it's a fixed bill for them. You know, just so people understand, if this measure doesn't go, the original bottle bill stands. This fixes parts, amends parts of that and makes it better. And it does things like makes it easier for businesses to comply with the redemption center requirements. It also delays the implementation for retailers to act as redemption centers until July 1, 2005.

"Many people think that all of their retail stores have to become redemption centers. That's not true. In fact, within a 2 miles radius you have to have one redemption center. And there are probably only two places on Oahu that don't need this. One is Manoa, and I understand that the University of Hawaii is looking at becoming the redemption center because they see a revenue enhancement opportunity in this.

"I also have to point out some of the tactics used by the bottle companies, bottlers here to provide this information. It was a very, very good strategy and it actually worked. I actually asked them to give me the databases. They have all of the mom and pop stores in my district, and my district is East Maui, Molokai, and Lanai. They had a lot of them and took them letters and said, please send this letter to Senator English and the other Senators and ask them to repeal the bottle bill law because its going to make us, the store owners, become redemption centers and take in all of the bottles, and many of the arguments laid out by the previous speaker. One little point though, the original bottle bill exempts the rural and remote areas from this.

"So it gave me an opportunity to talk to my constituents in my district that own these mom and pop stores. And I said, 'Do you realize that you were manipulated and used by the bottlers? By Anheuser-Busch, by Coca-Cola, by all of these companies?' And they were appalled. They said, 'they wouldn't lie to us, now, would they?' So, I showed them the law and I said here's what the law says. You don't have to become a redemption center. You don't have to take these bottles. You may want to in the future and we're leaving that up to the market. We're leaving that choice to the free market. Because if a customer comes in and says, 'I bought a six pack of beer bottles that I'd like to redeem and I may pick up another six pack of beer or something else, but you don't have redemption center. Well, I'm going to go somewhere to redeem it and while I'm there I'll

pick up something else.' But really it's truly up to the market to decide that.

"The redemption centers will be in place and we've heard many of the issues around it. And we said let them have it delayed for six months so that they can have time to build the infrastructure that's needed, obtain the needed permits, etc.

"Now, onto this issue of 'is it a tax or is it not a tax?' Well, this is what I can say to that – there is a responsibility between the consumers, retailers, and government for the disposition of the trash created. On average, each man, woman, child in Hawaii produces two to three containers a day. That's what we throw out. It's a huge number. And if we can recycle that and bring down the amount of consumables we throw away, it will help our environment. It will help us to spend less in tax revenues in creating new landfills, in processing the discarded containers into the landfill. You know, either way you end up paying. People of Hawaii ends up paying.

"If we deal with it as simply throwing it away and putting it into the waste stream, then we end up paying because we have to pay for the pickup, the hauling, the processing of the rubbish and putting it into the landfills. If we do it this way, there's a small fee, yes, one cent. But it helps people to develop a recycling conservation ethic, first. Secondly, it does provide for, in a small way, a transference of wealth, in a very small way, because you'll see many people out there picking up containers now. Cans, many organizations are using these as fundraisers. So, in a small way it helps to transfer some wealth to some of the least fortunate people in our society.

"I ask that you support this measure because it helps us to make it easier for the retailers, for the bottlers, and for those on the implementing side to move this bottle bill, move the implementation of it forward. And just as a side point, we've done two things in here to help make it a lot easier – we've adopted administrative rules in the statutes and we said that these rules will be repealed by March 31, 2005 to give the administration time to promulgate rules on their own. That's been a sticking point. The bottlers have said we cannot go ahead because we don't have rules. The administration has said we can't go ahead with rules because it's onerous for us to do it. So, what we've done is adopted it. We've worked with the Department of Health. We've come up with a series of administrative rules. It's in place. The bottlers know what's expected. Everyone knows what's expected, and if the Department of Health so chooses, they can go ahead and promulgate new rules to supersede these.

"I think we have addressed many of the concerns of the retailers and the bottlers in this particular measure. I ask for your support of it and also point out that if this measure does not move, then the existing bill will be effectuated, which is much more onerous for the bottlers and for the retailers.

"Thank you."

Senator Hemmings rose to speak on a point of personal privilege and said:

"Mr. President, I rise in a point of personal privilege.

"I want the record to reflect that the mistake of identifying the good Senator from Hana, Maui for myself is indeed a compliment to him and to myself. (Laughter.)

"Thank you."

Senator English rose on a point of personal privilege and stated:

"Mr. President, point of personal privilege.

"You know, early on the Senator from Kailua said you should be my hanai son, and I said, you know, in the modern day and age, if you leave half to me, I'll accept that title. Thank you."

Senator Kanno rose to speak against the measure as follows:

"Mr. President, I rise to speak against this measure.

"Mr. President, I am concerned about litter in our community, and I am concerned about our landfills, and I do care about our environment. I am concerned, however, that this bill will hurt people. Who will this bill hurt? It will hurt all people who don't recycle their cans, bottles and containers.

"So, who will recycle?

"Possibly, middle income families. Maybe individuals buying for a large group – for example, those involved with a youth sports team. And I do believe a portion of low-income families will be recycling.

"Who won't recycle? Or rather, who will be hurt by this bill?

"I believe that the largest group of people who won't recycle are the people who can least afford it? I'm speaking out for those people who will not have the wherewithal to recycle their beverage containers.

"How big an impact is it? If you look just at the 5 cents deposit, a regular case of soda which may cost \$8 would now be \$9.20. That's a 15 percent increase. That seems like a lot. A case of soda that's on sale, however, which would cost \$3.98 would now cost \$5.18. So, from \$3.98 to \$5.18 that is a 30 percent price increase.

"Members of the public may believe that this bill won't cost them anything because they'll get their nickel back on every can, bottle or container. But, unfortunately, they are wrong. They may not see the 1/2 cent container fee because it's paid directly by the beverage distributor. This fee will be passed on to the consumer.

"Let's go back to that case of soda on sale. That would amount to an additional 36 cents for the 1/2 cent container fee. For those who recycle who will get their nickel back, that's still a 9 percent increase in price that they won't ever get back. The case, which used to cost \$3.98 will now cost \$5.54, which means a whopping 39 percent increase in price for a case of soda.

"Some may fault those individuals who won't recycle their beverage containers. If you do that, would you also fault those who buy soda when it's not on sale? Would you also fault those who pay full price for a movie ticket when discount ticket options are available? I would not. When I shop at the supermarket it frustrates me that the only prices that seem reasonable are when items are on sale. It works when consumers are able to wait until an item goes on sale and then buy in bulk. That's in an ideal world. In the real world, moms and dads need to buy diapers and baby formula and pay full price. Clipping coupons, waiting for sales, and recycling cans takes time.

"There are people who work two or three jobs who are struggling to make ends meet and who have it hard enough setting aside quality time for their children. Families may not

have the time to recycle their cans. Should they be hurt financially because recycling is not their family's top priority? These are the individuals and families that this bill hurts.

"What this bill does is create a mandated financial imposition to get the public to recycle. However, since not everyone will have the time or the ability or the wherewithal to recycle, it is an unfair mandated financial burden.

"I support curbside recycling and I believe that families would find it a lot easier to collect their cans and leave it at the curbside. I think by imposing something that's difficult like this, in a process that's uncertain where we're going to be taking our cans and how difficult it will be, in all likelihood not at the stores that we shop at, we are actually creating a bad impression for people about recycling by forcing them to enter into a system which is going to be inconvenient, difficult and cost them money. I think we should be looking at recycling options that are going to be convenient as easy as going to your curbside.

"My concern is that redemption centers will not be convenient. Years ago when I started work at the boys and girls club, one of my jobs was restocking the soda machine. And so, it was my bright idea to collect cans as a way to raise more money for the boys and girls club. I will tell you that it was probably one of the worst undertakings of my life. We set up bins. We collected cans. I will tell you that it was the most foul mess on our property. It was sticky. It was stink. There were bees and other creatures. And it was incredibly time consuming. And after months of trying to make this work, we had to give it up because the bees that were attracted to the cans were not safe for the children.

"I do hope that the implementation of this bill will be smooth and seamless for the public. It is unfortunate that for a measure that was passed two years ago in 2002, at this point the administration still had not had the rules approved. And that's why the Legislators had to stick the rules into this legislation to put something in effect to help the law take effect at the end of this year. It's just troubling to me that it takes so long to get rules published and I just hope that this isn't a precedent for every other piece of legislation that we pass – that we're going to have to be sticking rules into other bills to have rules be implemented.

"When the collection of the deposit begins, \$40 million is the projected revenue from the 5 cents deposit. The proponents are targeting 80 percent of the containers to be recycled, which means that \$32 million of that will be going back out to the public. Under this projection \$8 million stays with the State. If the program has to be implemented, the program should be run from this money that stays with the State. Instead, a container fee of 1½ cents per container will charge the public an additional \$12 million to run this program. If the redemption rate does not hit 70 percent, the container fee would be 1 cent instead of the 1½ cents. This will be a 7.7 percent reduction in the amount collected on each can, bottle, or container. Would this mean that in order to keep the program from running a deficit the 5 cents deposit would later need to be raised to a 10 cents deposit per container like one of the states on the mainland.

"Another set of figures show that \$56 million in total will be collected based on an 80 percent reduction rate. Of that \$56 million, \$32 million will go back to the consumers. \$56 million minus \$32 million means that \$24 million does not go back to the consumer. \$24 million, that's what the public is funding into this program to make this program work. Of that, \$13 million will be going to redemption centers and \$6 million will be going to administer the program. There's a missing \$5

million in there somewhere. But basically, if you think about it, the \$24 million is funded by the working class families who can't make recycling their top priority because of possibly having two to three jobs, who have it hard enough time setting aside quality time for their children.

"Mr. President, is it fair to charge a 39 percent increase for a case of soda to the families in our state that are already struggling to make ends meet? I urge my colleagues to vote 'no' on this measure.

"Thank you."

Senator Slom rose to speak in rebuttal and said:

"Mr. President, I appreciate the last speaker's use of figures and rash testimony. However, I have to go back to the previous speaker, the good Senator from Maui. I'm still a little confused. I don't know if he's the son of one of our colleagues here or if he knows the difference between a tax and non-tax. He's trying to tell us that a tax is not a tax. This is a tax.

"He's also trying to tell us and to infer that the businesses are so much better off with this piece of legislation than the existing legislation and that they even embrace it. Then something must be wrong because there is a full-page ad that they took out yesterday asking that this bill not be passed and talking not about tactics, but the \$20 million – more than \$20 million – that the consumers are going to pay.

"My good colleague said that he answered the questions, but he didn't answer the questions. He didn't answer about the recycling centers. He didn't answer about how we get the refunds. He didn't answer about all of the money. And deriding the 1 cent or 1½ cents, which he forgot to tell us was per container.

"Every time we've had any kind of tax or fee, we notice that it doesn't stand at 1 cent or 1½ cents. All we have to do is look at gasoline or tobacco to be our most prominent guides. The main thing is here again we are trying to talk about the issue that was raised two years ago – landfills, and these particular products take between 2 to 3 percent of the landfill. They are not going to solve that problem. They are not going to solve other problems, but they're going to create problems at tremendous costs not only for businesses, which will be passed on to the extent that can to consumers, but to the consumers also.

"And as the previous speaker said, we are giving false hopes and expectations to the consumers. This is not an environmental bill. This is a tax bill."

Senator English rose to speak in rebuttal and stated:

"Mr. President, in rebuttal.

"I wasn't under the impression that I was answering anyone's questions. I was laying out the arguments why I think we should be doing this. So, the previous speaker was terribly mistaken in his assumption.

"But let me just take on one thing here and that's this – no matter how you look at it, the bottle bill will go into effect. So, what's before us is will it go into effect as it stands or will it go into effect as we have changed it here? That's what is before us.

"Two speakers ago tried to lay out an argument that this would put it in place, but the problem with that is that it's already in place. This makes it easier. So, laying out those

arguments while interesting, kind of interesting premise as well, doesn't really address what this bill does.

"I just have to point out this as well, that even though there's a little bit of money being collected now, the Governor proposed to raid those funds in a March 12th Governor's message to us. If you remember, part of her proposal is to raid funds, and understand that it does not need legislative approval, it's simply telling us that she will be taking these moneys to use. Let's take \$5 million out of the fund for the redemption of these bottles. The problem with that is that there is only \$3 million in the fund. How can you take more than is actually there? I guess it was a projection that by the time they get around to taking that money to raiding this fund, there will be \$5 million there.

"So what we've done in here is we put in some language asking that the auditor who under the previous version of the bill, the bill that was passed, certify that any excess moneys, if there are excess moneys, certify it, and saying that okay this is excess. The way that the bill was constructed, by my assumptions and by my calculations, there should be very little or nothing in excess. But it requires the auditor in her audits of this fund, every year for the first two years and then every other year after that, to certify if there's excess funds and only that would be allowed to be raided by either the executive or the legislative branch. So we built in some protections for the 5 cents that is held in trust in this deposit, in this fund for every bottle and container out there.

"Be very clear what this is. It's a bill that makes it easier for the retailers. You know, they put a wonderful full-page ad, which I haven't seen, saying that this should die. But you know, what they want and all of us want is for this whole bill to die completely and want a repeal of it. So, like they did with my small mom and pop stores, they told them something that wasn't true and asked them to communicate with me based on that non-truth and it gave me an opportunity to talk to them and to explain to them what the truth is. I think that their ad is wonderful for the newspapers. They make some money. It's wonderful I think for the debate on this. But, understand that their propaganda is simply that – propaganda. They want to see the bottle bill repealed. And make no mistake about it; this will go into effect – this will go into effect – with or without these amendments here.

"I ask you to support this measure. Thank you."

Senator Kanno rose in rebuttal and said:

"Mr. President, a rebuttal.

"I just wanted to add in opposition to the bill that one of the things that the bill does is take the burden off of many retailers to say that redemption center only has to be within a 2 mile radius. What that does, in effect, is make it harder for everyone to redeem their cans.

"I also wanted to mention that I really truly do hope that when this program is implemented that it is a smooth and seamless transition. And to me, there were so many possible things to go wrong, so many possible frustrations for the community, so much potential anger for government, retailers, the bottlers, everyone to deal with. I just ask everyone involved with this to do all they can to make the public aware of what is happening and when. I think it's very frustrating for the public, if they understand it, that they've already been paying these moneys, that they'll start to be paying more and more, and they won't be able to redeem their cans until a certain time. So all of the timing issues add to the frustration of the public.

"As we implemented a new system with ERS this year, they built in a year-and-a-half time to communicate to public employees that they are going to have an important choice to make about their pensions, about switching to a new pension system or retaining their old system. That's the kind of up front work that needs to be done with something as important this because we're talking about people's pocketbooks. And we're talking about a difficult process where people are going to have to add stops along the way to the supermarket to redeem their cans somewhere in order for them to get their 5 cents back.

"I don't know if all of you see it, I see a huge potential difficulty in the implementation of this. My message is not to complain about it, but to ask all the parties involved to do everything physically possible to do it in an informed and smooth transition because I am fearing the worst.

"Thank you."

Senator Hogue rose in support with reservations and stated:

"Mr. President, I rise in support with reservations.

"I don't like the fee portion of this particular bill, but I've lived in states that had the bottle bill and I've seen it work. Actually, it was not only good for the environment, but it ended up being good for many of the businesses involved. You gather all of your bottles and cans and you went down to the store and in many cases you end up spending a lot more money there than you would of otherwise.

"So, for those reasons and many more, I think this is ultimately a good idea. Its time has come. Its time is now to support it and I will. Thank you."

Senator Menor rose with reservations as follows:

"Mr. President, I just want to enter my support with reservations."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 92-04 was adopted and S.B. No. 1611, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Kanno, Kawamoto, Slom, Trimble).

At 12:46 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:09 o'clock p.m.

Conf. Com. Rep. No. 93-04 (S.B. No. 17, S.D. 1, H.D. 1, C.D. 2):

Senator Sakamoto moved that Conf. Com. Rep. No. 93-04 be adopted and S.B. No. 17, S.D. 1, H.D. 1, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Kanno rose to speak in support of the measure as follows:

"Mr. President, I rise in support.

"Mr. President, I'd like to commend the Chair and the Vice Chair of the Education Committee for their efforts on this measure. I think they worked very hard at addressing a number of the concerns and fighting for the Senate position. I'm looking forward with a lot of hope to the implementation of this bill.

"I think the focus is on student achievement and I think as we continue our discussions about education reform, student achievement should continue to be a focal point for us. I hope that as the bill moves forward and gets implemented, we continue our efforts to improve student achievement and continue to look at steps toward making universal preschool a reality. Because if we are talking about looking at the brain research that shows a remarkable growth in a child's brain before the child is five and the large number of children who do not have the benefit of a structured preschool, one way for us to make structural improvements to our school system that would have a direct impact on student achievement is to provide for additional avenues for more children to attend preschool.

"Thank you."

Senator Baker rose in support of the measure and said:

"Mr. President, I have some remarks in support of this measure I'd like to have inserted into the Journal."

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, S.B. No. 17, S.D. 1, H.D. 1, C.D. 1; Relating to Education, changes the minimum age requirement for children entering kindergarten. The intent of this bill is to ensure that all children be provided an appropriate start in their public school careers. Children in Hawaii deserve the best opportunity to succeed in kindergarten and subsequent scholastic experiences. By changing the minimum age requirement, children will be better prepared for kindergarten.

"Currently Hawaii's keiki are allowed to enter kindergarten at the age of four. Studies have shown that children who enter a highly structured environment too early are unable to maintain focus. There is a demonstrable difference in children who are only six months older. In addition, many children who are unable to focus in class are classified as having a learning disability.

"The benefits of changing the minimum requirement age for Hawaii's children to enter kindergarten will be students who would achieve higher scores on academic achievement tests. In addition, research on early childhood development indicate there may be an added benefit to male students who will be more engaged in school and become much more successful in dealing with like situations. Also, teachers are able to teach more effectively to classes that are appropriately mature. This bill will give our children a better chance in the beginning of their education."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 93-04 was adopted and S.B. No. 17, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Fukunaga).

Conf. Com. Rep. No. 94-04 (S.B. No. 3182, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 94-04 be adopted and S.B. No. 3182, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kim.

Senator Trimble rose to speak in opposition to the measure and stated:

"Mr. President, I rise in opposition of H.B. No. 2748."

President Bunda stated:

"We're on S.B. No. 3182, Senator Trimble.

Senator Trimble continued:

"Well, you know, when that bill was here, I voted for it, but what came back and is in front of us today is H.B. No. 2748."

The President interjected:

"Can we have a short recess?"

At 2:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:12 o'clock p.m.

Senator Trimble rose and said:

"Mr. President, I am sorry for my mistake. What we are discussing is S.B. No. 3182 in its new form and one of the problems is that when committee reports are filed on a Friday and it's a weekend, people don't have a chance to see what we're going to be discussing today and give us input."

President Bunda interjected:

"Senator Trimble are you going up or down on this bill?"

Senator Trimble replied as follows:

"I am speaking in opposition to S.B. No. 3182. It is an old issue. Some people would like to make it out to be an issue relating to the Business Action Center. I have the greatest respect for Milton Kwok and the rest of the team at the Business Action Center, but what this bill does is it confers civil service status on the people in the Business Action Center outside of the recruitment process and I think that is bad policy.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 94-04 was adopted and S.B. No. 3182, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Trimble, Whalen).

Conf. Com. Rep. No. 95-04 (S.B. No. 2995, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 95-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 96-04 (S.B. No. 3080, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Kim and carried, Conf. Com. Rep. No. 96-04 was adopted and S.B. No. 3080, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 97-04 (S.B. No. 2281, S.D. 1, H.D. 1, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 97-04 be adopted and S.B. No. 2281, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Trimble rose to speak with reservations and said:

"Mr. President, I'm voting with reservations on this bill.

"This bill permits the High Technology Corporation to deposit monies that it collects for monies that is not owed and puts it in a special bank account. I'm not sure why the High Technology Development Company is collecting monies that is not owed and therefore needs to put it in a special bank account. And I'm not sure what this type of thing will be used for in the future.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 97-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 98-04 (S.B. No. 2690, S.D. 2, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 98-04 be adopted and S.B. No. 2690, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition as follows:

"Mr. President, I rise in opposition to this bill.

"The purpose is worthy. We want to support air ambulance, but not at the expense of another increase in motor vehicle registration fees plus the addition of yet another new special fund.

"Thank you."

Senator Baker rose to speak in support of the measure and stated:

"Mr. President, I rise in support of this measure.

"Mr. President, this measure is to expand our emergency medical services ground ambulance component. The helicopter ambulance was in another bill. This measure will give us the wherewithal to expand those much needed services. If we left it

only with our current resources in the general fund we would not be able to expand to the top five areas that have been identified with objective criteria that need additional ground ambulance service in this state.

"Many other jurisdictions use a portion of their vehicle registration fee, a one-time yearly fee that will enable us to provide those services because there is a clear nexus between traffic accidents, trauma, and the need for emergency medical services. We have some 940,000 cars in the state that pay a fee. The state fee has not been raised since the early nineties. It's \$20, we're raising it \$5. It's less than a pack of soda, a lunch, a pack of anything else, a movie and I believe, in the terms of the people that I have talked to, a very small and almost insignificant amount to pay for the increased services on Oahu, on the Big Island, and on Maui, as well as providing for much needed training, professional development for our paramedics.

"One of the things that the paramedics identified as an important feature for them to be able to continue to recruit and bring additional paramedics in was to provide training on the neighbor islands. Right now, if you want to be a paramedic, you want to upgrade your skills, go from one level to the next level, you end up having to spend some 15 to 18 months on Oahu. That's very disruptive for people who have a career and have to relocate over to this island in order to upgrade their skills. We need more emergency medical service personnel and if we don't have measures like this, we're not going to be able to retain and recruit others.

"Mr. President, I think that this is such an important measure that it should have universal support. I understand the Senator from Hawaii Kai doesn't like special funds. If there was another way to do it, I think we would have sought to do so. But this is something that is going to enable us to expand services in the future; it places it next to the service that really causes the additional need for emergency medical services. And it's one that I certainly hope all of my colleagues will support.

Before I sit down, I just want to acknowledge two people in the gallery with us today. One of Honolulu's finest paramedics, June Greenwood, and another gentleman who's helped me not only on this measure but on the air medical one, a wonderful paramedic from the island of Molokai, Scotty Schaefer. Thank you folks very much.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 98-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Conf. Com. Rep. No. 99-04 (S.B. No. 2134, H.D. 1, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 99-04 be adopted and S.B. No. 2134, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator English rose in support of the measure and said:

"Mr. President, I rise in support of the measure.

"Mr. President, this measure moves from the Session Laws of Hawaii to the Hawaii Revised Statutes the legislation

creating the Emergency Environment Workforce. And as you know, this was a measure that is very successful in Hawaii in eradicating such invasive as dengue fever and helping us to deal with typhus and other types of emergencies in Maui County and throughout the state.

“While we were unable to secure the needed funding for this measure in the measure itself, the committee report says that we are authorizing the use of monies to the Hawaii Invasive Species Council that we created earlier to implement this. And if you look at the proviso that we put in the budget on the \$4 million that went to Hawaii Invasive Species Council, we authorized them to work with various agencies to implement that mandate.

“So, while some may say that we did not gain funding for it, I think what we can say is that we allowed for Hawaii Invasive Species Council at their call to fund this should they choose to and to implement it when they deem it appropriate. So I think it allows for the greatest amount of flexibility and salvages the workforce in the statutes and allows us to move the idea forward in giving the Hawaii Invasive Species Council a rapid response team on the ground.

“I ask the members of the Senate to support its passage. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 99-04 was adopted and S.B. No. 2134, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 100-04 (S.B. No. 2440, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 100-04 was adopted and S.B. No. 2440, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 101-04 (S.B. No. 3049, S.D. 2, H.D. 2, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 101-04 be adopted and S.B. No. 3049, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Trimble rose to oppose the measure and said:

“Mr. President, I stand in opposition to S.B. No. 3049.

“The committee report reflected that this measure would make it easier for charitable organizations to raise money by offering charitable gift annuities. That may be so, but I at the moment am also interested in what protection will be provided to the donors. The people that typically make charitable gift annuities tend to be elderly and tend to rely upon the annuity to provide them with their income for the rest of their life.

“This tool in the hands of people that may not be totally scrupulous, for example, maybe a Ronald Rewald, could raise amazing amounts of money, cause havoc to society by doing it

in a pyramiding or ponzi scheme that would have potentially disastrous effects to our elderly population.

“I urge you to consider a ‘no’ vote on this measure.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 101-04 was adopted and S.B. No. 3049, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHARITABLE ANNUITIES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Conf. Com. Rep. No. 102-04 (S.B. No. 2396, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kim, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 102-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Conf. Com. Rep. No. 103-04 (S.B. No. 2529, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 103-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 104-04 (S.B. No. 2045, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 104-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 105-04 (S.B. No. 2165, 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. 105-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 106-04 (S.B. No. 2936, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 106-04 was adopted 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,”

having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 107-04 (S.B. No. 779, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 107-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 108-04 (S.B. No. 2930, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 108-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 109-04 (S.B. No. 3230, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 109-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 2:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:27 o'clock p.m. with the Vice President in the Chair.

Conf. Com. Rep. No. 110-04 (S.B. No. 1239, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 110-04 was adopted and S.B. No. 1239, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Bunda).

Conf. Com. Rep. No. 111-04 (S.B. No. 3162, S.D. 1, H.D. 1, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 111-04 be adopted and S.B. No. 3162, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator English rose to speak in support of the measure and stated:

"Madame President, I rise in support of the measure.

"This measure clarifies that financial institutions, S corporations, partnerships, estates, and trusts are eligible to claim a renewable energy technology tax credit and to use any unused credits in subsequent taxable years until it is exhausted. This is fixing something that we put in the solar tax bill last year. It has no fiscal impact, I repeat, no fiscal impact on the budget because it simply corrects something we did in a previous bill.

"I ask the members to support the measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 111-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Bunda).

Conf. Com. Rep. No. 112-04 (S.B. No. 3153, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 112-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Bunda).

Conf. Com. Rep. No. 113-04 (S.B. No. 3148, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 113-04 was adopted and S.B. No. 3148, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Bunda).

Conf. Com. Rep. No. 114-04 (S.B. No. 3020, H.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 114-04 be adopted and S.B. No. 3020, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Trimble rose to speak in opposition to the measure and stated:

"Madame President, I rise in opposition to this measure.

"Colleagues, perhaps we are part of the problem with our schools. We seem to say we want results and yet we seem to be constantly involved in piddling, micromanagement. This bill deals with only two schools and I think it is poor public policy to pass laws to deal with schools one at a time. I think we have better things to do.

"Thank you, Madame President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 114-04 was adopted and S.B. No. 3020, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Bunda).

Conf. Com. Rep. No. 115-04 (S.B. No. 2424, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 115-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Bunda).

Conf. Com. Rep. No. 116-04 (S.B. No. 420, S.D. 1, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 116-04 be adopted and S.B. No. 420, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Hemmings rose to speak against the measure and said:

"Madame President, I rise to speak against S.B. No. 420.

"It's rather ironic speaking against this bill because we introduced it two years ago, but it's morphed considerably since its introduction. This basically is going to take \$10 million out of DCCA. DCCA has been more than cooperative with this Legislature on helping balance the budgets and putting money back into the general fund. Last year, if you recall, they did put a considerable amount of money in the general fund. It must be remembered at all times, this money, for the most part, comes from the DCCA on the part of their customers, the businesses that paid the compliance resolution fund for licensing and other services provided by the DCCA.

"The DCCA has made available \$4.1 million, which is settlement money that the federal government gave to the DCCA for another issue which they're more than willing to put in the general fund. The other 6 million or so dollars that will be put in the general fund from DCCA is coming out of the pockets of those businesses that paid the fees. So, in a sense we're turning those fees into a tax, which was never intended.

"Number two, I think we should all remember that this bill is in fact necessary to help balance the budget. As difficult as it is for the DCCA to relinquish \$10 million, it sure beats dismantling the DCCA Compliance Resolution Fund entirely, which was originally proposed in which the Governor vetoed that Legislation.

"So, in many ways this bill is a compromise and we would have hoped it could have been a little easier on the DCCA. But in view of that, it is a compromise.

"Thank you, Madame President."

Senator Taniguchi rose to speak in favor of the measure and said:

"Madame President, I rise to speak in favor.

"I wasn't going to say anything, but I believe the department was willing to actually take a \$12 million raid on the department, but we only went with 10.

"I do see Mr. Recktenwald in the gallery and I just want to introduce him for those who don't know him. But, that was my recollection.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 116-04 was adopted and S.B. No. 420, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Bunda).

Conf. Com. Rep. No. 117-04 (S.B. No. 214, S.D. 3, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 117-04 was adopted and S.B. No. 214, S.D. 3, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Bunda).

Conf. Com. Rep. No. 118-04 (S.B. No. 2073, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 118-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Bunda).

Conf. Com. Rep. No. 119-04 (S.B. No. 2355, S.D. 2, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 119-04 be adopted and S.B. No. 2355, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Kawamoto rose to speak in favor of the measure with reservations and stated:

"Madame President, I rise to speak in favor of the bill with reservations.

"Madame President, this bill could be a lot better if we really look at the public employees overall, all of the public employees. This one here addresses one employee union. The other one that I'm thinking about is the HSTA. HSTA requested that we help the public employees with the trust. I think we in the Senate leadership and the Senate Body were in favor of HSTA's proposals but they all seemed unwilling to go along with the idea. If you had to see the public employees, currently we lose about 1,300 teachers a year. Our university provides us with 400 to 500 teachers a year. And we go off and recruit from the mainland with a \$100,000 package to hire special ed teachers.

“We need to look at the teachers as a frontline public employee. We have all the school reforms that we passed this year, but if you don’t take care of your troops up on the frontline for a very long time, things will not happen the way you want it to happen.

“So therefore, if I am back next year, I will make this my priority bill. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 119-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 120-04 (S.B. No. 2873, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 120-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 121-04 (S.B. No. 2878, S.D. 2, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 121-04 be adopted and S.B. No. 2878, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Trimble rose to speak with reservations and said:

“Madame President, I rise with reservations.

“Curious bill. It’s an appropriation of 400,000 people. When David Shimabukuro of the Employee Retirement System appeared in front of Ways and Means he said, ‘Oh, it’s probably about 20 people mostly from the University of Hawaii.’ I have problems with bills that are so limited in their application that they affect few people and only one department. And I also have a problem when the University of Hawaii submits a budget and then we’re asked to one at a time pick up the pieces as we go through later on.

“So, I’m casting a reservation. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 121-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 122-04 (S.B. No. 2879, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 122-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 123-04 (S.B. No. 3106, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 123-04 was adopted and S.B. No. 3106, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COUNTIES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124-04 (S.B. No. 3018, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 124-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 125-04 (S.B. No. 3175, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 125-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 126-04 (S.B. No. 1318, S.D. 1, H.D. 2, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 126-04 be adopted and S.B. No. 1318, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Taniguchi rose and said:

“Madame President, note my reservations on this bill.”

The Chair so ordered.

Senator Trimble rose with reservations and stated:

“Madame President, I’m rising with reservations.

“I’m glad that we’re lowering the fees. My problem is that DCCA has a special fund. It should make its fees commensurate with the cost of running its operation. I think that the Legislature should give them statutory authority to set their own rates and hold them responsible for operating at a breakeven basis.

“Thank you, Madame President.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 126-04 was adopted and S.B. No. 1318, S.D. 1, H.D. 2, 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, 25. Noes, none.

Conf. Com. Rep. No. 127-04 (H.B. No. 2667, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 127-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 128-04 (H.B. No. 2703, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 128-04 was adopted and H.B. No. 2703, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Conf. Com. Rep. No. 129-04 (H.B. No. 2005, H.D. 1, S.D. 1, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 129-04 be adopted and H.B. No. 2005, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Baker rose to speak in favor of the measure and said:

"Madame President, I'll insert my remarks in favor of this measure into the Journal."

The Chair having so ordered, Senator Baker's remarks read as follows:

"We all recognize that prescription drugs are one of the most costly components of healthcare. H.B. No. 2005, H.D. 1, S.D. 1, C.D. 1, relating to prescription drugs, is an innovative program that will reduce waste and save money. This bill is the result of a collaborative effort between the Departments of Health, Human Services, the Office of the Attorney General, the Board of Pharmacy, long term care and pharmacy industries, the Medicine Bank and consumer groups like the American Cancer Society.

"Currently, once dispensed, prescription drugs may not be used by anyone other than the individual for whom the medication was prescribed. This factor has contributed to the high cost of medical care. H.B. No. 2005 is an attempt to alleviate the economic burden, eliminate waste and maintain quality healthcare in Hawaii.

"This measure assists the needy and other individuals who lack the means to obtain prescription drugs by establishing a return-for-credit-and-reuse of prescription drugs program to

allow previously dispensed prescription drugs meeting certain requirements to be returned to the dispensing pharmacy for credit to the payer and reuse. In addition, this bill creates a mechanism for previously dispensed prescription drugs to be donated to drug repositories. Under the provisions of H.B. No. 2005, prescription drugs that cannot be returned to the institutional pharmacy to be re-dispensed, although completely safe for consumption, will be put to good use through the repository program."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 129-04 was adopted and H.B. No. 2005, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 130-04 (H.B. No. 2547, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 130-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 131-04 (H.B. No. 851, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 131-04 was adopted and H.B. No. 851, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION APPEALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 132-04 (H.B. No. 2840, H.D. 1, S.D. 3, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 132-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 133-04 (H.B. No. 1848, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 133-04 was adopted and H.B. No. 1848, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL TREES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hogue, Slom, Trimble).

Conf. Com. Rep. No. 134-04 (H.B. No. 2136, H.D. 1, S.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 134-04 be adopted and H.B. No. 2136, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

Senators Hogue and Espero requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 134-04 was adopted and H.B. No. 2136, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Aduja, Baker, Chun Oakland, English, Fukunaga, Hooser, Ige, Ihara, Taniguchi, Tsutsui).

Conf. Com. Rep. No. 135-04 (H.B. No. 1908, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 135-04 was adopted and H.B. No. 1908, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 136-04 (H.B. No. 2002, H.D. 2, S.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 136-04 be adopted and H.B. No. 2002, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

At 2:44 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:45 o'clock p.m.

By unanimous consent, action on Conf. Com. Rep. No. 136-04 and H.B. No. 2002, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 137-04 (H.B. No. 2411, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 137-04 was adopted and H.B. No. 2411, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Ige, Ihara, Menor, Taniguchi, Whalen).

Conf. Com. Rep. No. 138-04 (H.B. No. 2523, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 138-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 4 (Ige, Ihara, Menor, Whalen).

Conf. Com. Rep. No. 139-04 (H.B. No. 2009, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 139-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Menor, Whalen).

Conf. Com. Rep. No. 140-04 (H.B. No. 2883, H.D. 2, S.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 140-04 be adopted and H.B. No. 2883, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Aduja.

Senator Slom rose to speak in opposition as follows:

"Madame President, I rise in opposition to the bill.

"While I certainly support the police and support better communications, the problem with this bill has been that it is a surcharge, an additional charge on everyone's cell phone. I think during debate we could never get a fix as to what the total cost was going to be and what the actual surcharge was going to be. Everybody always talks about, well, it's only going to be 40 cents, 60 cents, 80 cents and that's where it starts out and then it continues to rise.

"In addition to that, I have concerns and questions about the technology that would be used for the enhanced 911, knowing that the police department has had very serious problems for several years now with their Motorola regular equipment.

"So, for these reasons, I'm voting against the bill."

Senator Trimble rose to speak in opposition as follows:

"Madame President, I rise in opposition to this measure.

"In addition to the comments made by the Senator from Hawaii Kai, this is an example where we're taxing the messenger. There is no direct relationship between the tax that we're applying on the phone service, no direct relationship, and the service that is being provided.

"On a deeper level we should we should consider how our police protection should be funded and not go out and look for additional ways to tack on little bit here, a little bit here, and a little bit here. We know how much it is going to cost, but we have not gotten a good accurate description of what is going to be provided and how accurate it is going to be, so that at least when I go out and tell people yes they've been taxed, they can decide for themselves whether it's going to be benefiting them or not. If I can't explain to them, if I ask them just to trust me, it's not sufficient.

"I'll therefore be casting a 'no' vote. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 140-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Fukunaga, Menor, Whalen).

Conf. Com. Rep. No. 141-04 (H.B. No. 2137, H.D. 1, S.D. 1, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 141-04 be adopted and H.B. No. 2137, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak in support of the measure with reservations and said:

"Madame President, I rise in support of this measure with reservations.

"I took part in the discussions in the Conference and I know this is an important issue and there was a great deal of lobbying and a great deal of communication back and forth. And basically what the bill seems to do is to have a one call center so that when construction takes place there is good communication between excavators, contractors, utilities and the government.

"Therein lies the rub. There's been a lot of hours spent on this bill and I think it's generally a pretty good bill. But it still raises questions of liability of state and counties as to whether or not they would be responsible if even after all of these things are done there still are problems or there are dislocations or inconveniences that are caused. And I think the state and counties made that decision clear from the beginning of the negotiations, but I don't think it's been completely resolved.

"So, we do have a problem. We do need a solution. I'm just suggesting that we have problems. You may remember I spoke earlier with caution about the annual bill where were always paying for lawsuits and threatened lawsuits and everything else and I want everybody to realize that this is a possibility of potential for this bill.

"Thank you."

Senator Hogue requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 141-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Fukunaga, Menor, Whalen).

Conf. Com. Rep. No. 142-04 (H.B. No. 1374, H.D. 2, S.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 142-04 be adopted and H.B. No. 1374, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak in opposition to the measure and stated:

"Madame President, I rise in strong opposition to this bill.

"One of the issues that we started out this Session back in January with was the constant problems of the cost of workers compensation to all businesses and thus ultimately to

consumers, and the problem of fraud. We had a good bill that was presented by the administration. It was gutted. The whole idea was to have the insurance commissioner and the insurance division to have a fraud unit, not unlike that for unemployment compensation and for medical. This is for worker's compensation.

"The issue always was fraud is fraud and whoever, whoever, commits fraud, whether it's an employee, an employer, an insurance company, a hospital, a doctor, or whoever it is, they should be prosecuted because all of us pay for increased worker's comp.

"Well, this bill was turned on its head. The worker's comp and fraud unit was taken out of the insurance commission and then at the end in Conference, it makes it even more interesting because the fraud that will be investigated, that will be discussed will be only that fraud that's conducted or complicit by employers or insurance companies. Any other fraud continues to go unpunished.

"It's a bad bill. It's a bad message. It is out of sync with all of the other kinds of fraud units that we have and we should have done a better job."

Senator Kanno rose to speak in support of the measure as follows:

"Madame President, I rise to speak in support of the measure.

"I just wanted to comment about the measure that the Conferees did make adjustments to both the Senate and the House drafts and what we decided to do was bifurcate the system so that what the insurance commissioner was pursuing was the ability to pursue fraud charges against all stakeholders in the worker's compensation system.

"The Conferees decided to designate insurance companies, self-insured employers, fully insured employers and have that be investigated by the insurance commissioner and to have claimants and medical providers to continue to be investigated by the Department of Labor. They have in the past pursued individuals on fraud charges.

"The statement I believe we wanted to make was that fraud is not solely committed by claimants as some would like to believe, but rather fraud possibly is being committed by all stakeholders in the system including employers, insurance companies, medical providers, as well as claimants. We wanted to provide a balanced measure that would allow us to begin this structural shift, provide for a timeframe to evaluate whether the charges that they were pursuing against fraud claims was fair and balanced and that they were looking at all stakeholders for possible fraud charges.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 142-04 was adopted and H.B. No. 1374, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 3 (Fukunaga, Menor, Whalen).

Conf. Com. Rep. No. 143-04 (H.B. No. 2511, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 143-04 was adopted and H.B. No. 2511, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 3 (Fukunaga, Menor, Whalen).

Conf. Com. Rep. No. 144-04 (H.B. No. 2396, H.D. 2, S.D. 2, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 144-04 be adopted and H.B. No. 2396, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak in opposition as follows:

"Madame President, I rise in opposition to this bill.

"There was an attempt to put together a good bill. This has got a lot of different things involved with it. Not only the Capital Investment Fund from the state is questionable whether or not the state should be involved in this, but also hammered out changes to Act 221, which was much troubled. It's going to extend Act 221. It doesn't answer some of our basic questions about really the costs and the number and kinds of jobs it will create. It doesn't follow what's happened already with Act 221 and we're going to be extending it for another five years. And it also introduces yet another new special fund.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 144-04 was adopted and H.B. No. 2396, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 3 (Fukunaga, Menor, Whalen).

At 2:56 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:58 o'clock p.m.

Conf. Com. Rep. No. 145-04 (S.B. No. 2549, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, 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," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 146-04 (S.B. No. 2550, H.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 146-04 be adopted and S.B. No. 2550, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Hogue rose to speak in support of the measure and stated:

"Madame President, I rise in support of this particular measure.

"I am very glad that the Governor has come together with the teachers union and has put together numbers which will allow for teacher recruitment and retention. Certainly a very, very important issue and the teachers are all going to get a raise, which is sorely needed by them. So I support that.

"I also want to make a point though, colleagues, that all raises are not created equally. Just because one particular bargaining unit received a raise does not mean that other bargaining units should get an equal raise or any raise at all. Each of these bargaining units should go before the Governor in the process and should negotiate to the best of their ability. And this is one that we can strongly endorse and we will do so.

"Thank you, Madame President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 146-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Conf. Com. Rep. No. 147-04 (S.B. No. 2551, H.D. 1, C.D. 1):

By unanimous consent, 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 until Thursday, May 6, 2004.

Conf. Com. Rep. No. 148-04 (S.B. No. 2556, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 148-04 be adopted and S.B. No. 2556, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 15) to S.B. No. 2556, H.D. 1, C.D. 1:

SECTION 1. Senate Bill No. 2556, H.D. 1, C.D. 1, is amended by amending section 1 to read as follows:

"SECTION 1. There are appropriated out of the general revenues of the State of Hawaii to the legislative agencies indicated below the following sums or so much thereof as may be necessary for fiscal year 2004-2005 to fund the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for officers and employees of these agencies excluded from collective bargaining:

	<u>FY 2004-2005</u>
State ethics commission	\$12,000
Office of the auditor	\$82,825
Office of the legislative reference bureau	\$49,728
Office of the ombudsman	\$32,466

The sums appropriated shall be expended by the respective heads of the legislative agencies for the purposes of this Act."

Senator Taniguchi moved that Floor Amendment No. 15 be adopted, seconded by Senator Kanno.

Senator Taniguchi noted:

"Madame Chair, S.B. No. 2556 relates to salaries for employees of our service agencies. I guess in our deliberations we forgot to put in the one for the ethics commission staff and this amendment will cover that."

The motion to adopt Floor Amendment No. 15 was put by the Chair and carried.

Senator Taniguchi moved that Conf. Com. Rep. No. 148-04 be received and placed on file, seconded by Senator Kanno and carried.

By unanimous consent, S.B. No. 2556, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," was placed on the calendar for Final Reading on Thursday, May 6, 2004.

Conf. Com. Rep. No. 149-04 (S.B. No. 2528, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 149-04 was adopted and S.B. No. 2528, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Menor).

Conf. Com. Rep. No. 150-04 (S.B. No. 2595, S.D. 2, H.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 150-04 be adopted and S.B. No. 2595, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Baker rose to speak in support of the measure as follows:

"Madame President, I rise in support of this measure.

"Madame President and colleagues, this is certainly a bill that's been a long time coming. We thought we had this measure taken care of last Session only to discover that our colleagues across the way recommitted their version for some technical concerns.

"This year the measure has brought support from not only the counselors, but the DCCA. And I'd like to take this time to say a particular mahalo to Noenoe Tom of the DCCA staff who worked diligently with some of the counselors that have persevered over the years, and also to thank Phyllis Dendle for coming forward to help move what was just going to be a title protection bill to a title protection and practice bill.

"You know, colleagues, Hawaii is one of only three states that doesn't license professional counselors. While national certification is available, it doesn't provide the same benefits or protections to the public as state licensure does. These masters level mental health clinicians bring valuable skills to the community, but without licensure these professionals are at a disadvantage because increasingly federal programs require that services be provided by licensed professionals.

"Whether it's Medicare, Medicaid or Quest rules, unlicensed persons cannot provide services to individuals in those particular categories. For example, under Medicaid and Quest regulations, existing seasoned unlicensed mental health professionals are not permitted to provide the same scope of practice as licensed mental health professionals. For Medicare, the only thing that keeps a counselor from providing the

valuable and needed services is that they don't have a state license.

"This is in part why 47 states, the District of Columbia, Guam and Puerto Rico have licensed professional counselors. I know that perhaps one of my colleagues or another might get up and say, 'well the auditor said they didn't need licensure.' That state audit report was a number of years ago and the times have changed, the rules have changed, the regulations have changed.

"This is the same reason that social workers, marriage and family therapists were so diligent in seeking their licensure. Being licensed has become the rule rather than the exception and we should not prevent qualified experienced mental health professional counselors from the ability to deliver the range of mental health services within their scope of education.

"It is now frequently considered by those in the field of mental health and behavioral health a minimum qualification to have this sort of licensure. The impact on access to mental health treatment statewide will be negatively affected if the approximately 300 professional counselors in Hawaii are not allowed to be licensed, thus dramatically eliminating their valuable services and expertise.

"I think this is a particular concern since we moved last year to expand the mental health coverage, and with the advent of HMSA determining that the full range of mental illnesses are now covered, we do have full parity in our state for mental health services. In doing so, we need to make sure that we have the full range of professionals able to make that treatment.

"So it's with a great deal of pleasure that I see this bill that we've been working on for what seems like an eternity finally poised to be enacted into law. I do want to thank once again, Noenoe Tom from DCCA for assisting in this endeavor. I urge all my colleagues to support this measure."

Senator Trimble rose to speak in opposition to the measure and stated:

"Madame President, I rise in opposition to this measure.

"I rise in opposition to this measure because we have a Legislative Auditor. We just gave her a raise and then when it's not convenient, we ignore what she says. I feel that the appropriate process, if conditions have changed, is to ask her to take another look. Until she does that, I don't see that services were not provided without state licensing last year.

"This is yet another group that comes before us trying to convince us that they need to be licensed by a state body. The only reason why I could think that we might need it is if next year we're going to come back and give them prescriptive authority.

"Anyway, I will be voting against this measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 150-04 was adopted and S.B. No. 2595, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Menor).

Conf. Com. Rep. No. 151-04 (S.B. No. 2906, S.D. 1, H.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 151-04 be adopted and S.B. No. 2906, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom rose to speak in support of the measure with reservations and said:

“Madame President, I rise in support of this measure with reservations.

“You know it’s really interesting, the focal point of the Legislature became taking care of the public employee unions and trying to dismantle or disagree with the DCCA. The DCCA is obviously the best run agency in the state government. Polls have shown that, personal opinions have verified that, and yet what we’ve tried to do this Session is try to dismantle it, raid money from it and disregard the actions of the director when he actually wanted to reduce or eliminate fees.

“This is a good example. He came before the Ways and Means Committee, he wanted to eliminate the certificate of good standing fee because what he said was, and his argument was very clear, ‘Here we make businesses jump through hoops. They have to do various things. They have to pay the fees for doing the things. Then they complete all of that. Then we turn around and charge them another fee to show that they had done everything that they were supposed to have done and paid all of the things that they’ve done.’ And so he wanted to eliminate the fee. But this Legislative Body, not content with not lingering with the DCCA, simply reduced the fee down to \$5, but we still have to collect that fee.

“So I will support the measure because we’re reducing the fee, but I also remind this body that the DCCA director came in with several bills to reduce other fees that weren’t even given a hearing this year. So, I think there’ll be more eyes in the community, particularly the business community, as to what this Legislature does particularly when people pop up and say how they support business. It’s not what you say, it’s what you do and how you act. And the DCCA director, Mr. Recktenwald, who was introduced a little while ago, has shown a clear force for getting to the heart of the issue, reducing fees, making the department more efficient and more customer oriented, and he has shown he can do it independently.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 151-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

At 3:09 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:15 o’clock p.m.

Conf. Com. Rep. No. 152-04 (S.B. No. 459, S.D. 1, H.D. 1, C.D. 2):

By unanimous consent, 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 until Thursday, May 6, 2004.

Conf. Com. Rep. No. 153-04 (S.B. No. 2404, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 153-04 was adopted 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Slom, Trimble, Tsutsui). Excused, 2 (Menor, Sakamoto).

Conf. Com. Rep. No. 154-04 (S.B. No. 2210, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Espero and carried, Conf. Com. Rep. No. 154-04 was adopted and S.B. No. 2210, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUMS,” 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. 155-04 (H.B. No. 1904, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 155-04 was adopted and H.B. No. 1904, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” 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. 156-04 (H.B. No. 2662, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 156-04 was adopted and H.B. No. 2662, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT,” 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. 157-04 (S.B. No. 1491, S.D. 1, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 157-04 be adopted and S.B. No. 1491, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Taniguchi rose to speak in favor of the measure and said:

“Madame President, I rise to speak in favor of S.B. No. 1491, C.D. 1.

“I have comments that I would like to have inserted into the Journal, but I would like to make a brief comment.

“Madame President, in my typical mild-mannered style, I would like to thank the Governor – again, thank the Governor – for her soft approval of the Legislature’s version of the

supplemental budget last week. I believe she will be pleased that we have moved this bill.

“Thank you.”

The Chair having so ordered, Senator Taniguchi’s comments read as follows:

“Mr. President, I rise to speak in favor of S.B. No. 1491.

“Mr. President, this is really an unprecedented bill – but one that is appropriate given that we took unprecedented action this year.

“I am, of course, talking about our adoption of the supplemental budget a few weeks earlier than usual.

“On that note, I would like to quickly thank the Governor and her administration for approving the Legislature’s version of the supplemental budget last week. I think in return, she will be thankful for this bill – which modifies a few things in the supplemental budget that the Governor had objections to, or asked us to restore – specifically, the method of financing for the DCCA and vacant positions in the Departments of Labor and Human Services. In fact, we took it a step further and restored a few positions that the Governor did not ask for, but we felt was the responsible thing to do.

“If nothing else, I believe that this bill represents two very important things:

The first is that this Legislature has the best interest of the people in mind when we craft the budget. We are neither punitive nor vindictive in our actions. We are not here to play games or politics – especially with the state’s budget.

And second is that this Legislature is – and always has been – willing to work with this administration. Whether it is on the budget or any other piece of legislation, we have always embraced a cooperative spirit.

“I must acknowledge the Governor’s statement of hope that this Legislature learned a lesson this Session when crafting this budget. I believe we did. The lesson I believe we learned is that we have a rightful place in shaping our state’s future and we exercised it responsibly this year better than any other.

“Again, either through our fiscal policies or otherwise, I believe we as a Body positively affirmed our public mandate – and that is to represent our constituents for the reasons they elected us, but to do so in a way that is constructive.

“We as the Legislature have our role and the Governor has hers. As this bill indicates, neither she nor the Legislature governs this state single handedly – we must cooperate and remain flexible to do what is right for the people.

“I urge my colleagues to support this measure.

“Thank you.”

Senator Hemmings rose in support of the measure and said:

“Madame President, I’m speaking in favor of S.B. No. 1491.

“I do want to compliment the Majority Party, especially the good Chair of the Senate Ways and Means Committee. It shows that oftentimes when mistakes are made we can correct them. It’s magnanimous, in this particular incident, for the Senate Ways and Means Chair and the Majority Party to correct some of the problems that were enunciated when we did pass

the omnibus spending bill, H.B. No. 1800. This does put back into place some of the cuts that we made, especially vacant positions, and this will serve people of Hawaii well.

“It’s nice for me to stand up personally to be able to say that sometimes bipartisan cooperation through and executive branch and the Senate Majority and Minority result in good things. It’s a pleasure to have it happen this time.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 157-04 was adopted and S.B. No. 1491, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE GOVERNMENT;” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Conf. Com. Rep. No. 158-04 (S.B. No. 3193, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 158-04 and S.B. No. 3193, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

S.B. No. 2990, H.D. 1:

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. 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;” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Whalen). Excused, 1 (Menor).

FINAL READING

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 59-04 (S.B. No. 2928, H.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 59-04 be adopted and S.B. No. 2928, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Chun Oakland rose to speak in opposition as follows:

“Madame President, I stand in opposition to this measure.

“I received a phone call from the Chairman of the House Human Services and Housing Committee, and he indicated that in our effort to eliminate the Rental Housing Trust Fund Advisory Commission, we had hoped to place on the Hawaii Housing Development Corporation of Hawaii Advisory Council a representative of the public housing residence. That did not occur, and as a result he asked that we recommit this measure. So that is why I will be voting ‘no’ on this measure.”

The Chair inquired:

“Is it your intention that we recommit this?”

Senator Chun Oakland answered:

"Correct. He has indicated that the House will be recommitting this measure."

At 3:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:22 o'clock p.m.

Senator Tsutsui rose in opposition to the measure and said:

"Madame President, I will also be voting 'no' on this measure based on the comments from the previous speaker.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 59-04 was adopted and S.B. No. 2928, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Chun Oakland, Tsutsui). Excused, 2 (Ihara, Menor).

Conf. Com. Rep. No. 68-04 (S.B. No. 2425, S.D. 1, H.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 68-04 be adopted and S.B. No. 2425, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Hogue then offered the following amendment (Floor Amendment No. 14) to S.B. No. 2425, S.D. 1, H.D. 1, C.D. 1:

Section 1. Senate Bill No. 2425, S.D. 1, H.D. 1, C.D. 1, is amended by amending section 1 as follows:

"SECTION 1. Section 302A-1185, Hawaii Revised Statutes, is amended to read as follows:

"**§302A-1185 New century charter schools; funding.** (a) Beginning with the fiscal year 2004-2005 supplemental budget request, and each budget request thereafter, the charter school administrative office shall submit a request for general fund appropriations for each new century charter school based upon:

- (1) The actual and projected enrollment figures in the current school year for each charter school; and
- (2) A per pupil amount for each regular education and special education student, which shall be equivalent to the total per pupil cost based upon average enrollment in all cost categories, including comprehensive school support services but excluding special education services, and for all means of financing except federal funds, as reported in the most recently published department of education consolidated annual financial report[-], provided that the legislature may make an adjustment to the per pupil allocation for the purposes of this section.

The legislature shall make an appropriation based upon the budget request; provided that ~~the~~ legislature may make additional appropriations for collective bargaining increases for charter school employee members of collective bargaining units, fringe and other employee benefits, facility costs, and for other requested amounts. The governor, pursuant to chapter 37, may impose restrictions or reductions on charter school appropriations similar to those imposed on other public schools.

(b) All federal financial support for new century charter schools shall be no less than all other public schools; provided that if administrative services related to federal grants and

subsidies are provided to the charter school by the department, the charter school shall reimburse the department for the actual costs of the administrative services in an amount that does not exceed six and one-half per cent of the charter school's federal grants and subsidies. Any new century charter school shall be eligible to receive any supplementary financial grant or award for which any other public school may submit a proposal, or any supplemental federal grants limited to new century charter schools; provided that if department administrative services, including funds management, budgetary, fiscal accounting, or other related services, are provided with respect to these supplementary grants, the charter school shall reimburse the department for the actual costs of the administrative services in an amount that does not exceed six and one-half per cent of the supplementary grant for which the services are used. All additional funds that are generated by the local school boards, not from a supplementary grant, shall be separate and apart from allotted funds and may be expended at the discretion of the local school boards.

(c) To enable new century charter schools to access state funding prior to the start of each school year, foster their fiscal planning, and enhance their accountability, the charter school administrative office shall:

- (1) Provide ~~forty~~ fifty per cent of a new century charter school's per pupil allocation based on the new century charter school's projected student enrollment no later than ~~August 1~~ July 20 of each fiscal year; provided that the new century charter school shall submit to the charter school administrative office a projected student enrollment no later than May 15 of each year;
- (2) Provide an additional forty per cent of a new century charter school's per pupil allocation no later than ~~October~~ November 15 of each year; provided that the new century charter school shall submit to the charter school administrative ~~office a verified student enrollment no later than September 15 of each year; and~~ office:

(A) Student enrollment as verified on October 15 of each year, provided that the student enrollment shall be verified on the first day of business immediately prior to October 15 should that date fall on a weekend;

(B) An accounting of the percentage of student enrollment who transferred from public schools established and maintained by the department, provided that these accountings shall also be submitted by the charter school administrative office to the legislature no later than twenty days of each regular session; and

- (3) ~~Provide the~~ The remaining ~~twenty~~ ten per cent per pupil allocation of a new century charter school ~~based on the new century charter school's verified student enrollment~~ no later than January 1 of each ~~year; provided that the new century charter school shall submit to the charter school administrative office a revised student enrollment no later than December 1 of each year;~~ year as a contingency balance to ensure fiscal accountability.

(d) The department shall provide appropriate transitional resources to a new century conversion charter school for its first year of operation as a charter school based upon the department's allocation to the school for the year prior to the charter school's conversion.

(e) No new century charter school ~~nor~~ or new century conversion charter school may assess tuition.

(f) The department shall transfer additional funds from EDN 100 to EDN 600 for new century charter schools whose student enrollment, verified on or immediately prior to October 15 as provided for by subsection (c), exceeds the new century charter schools' projected student enrollment, in an amount corresponding to the number of additional students and the per

pupil allocation. The charter school administrative office shall transfer from EDN 600 to EDN 100 any excess per pupil allocations for new century charter schools whose verified student enrollment is lower than their projected student enrollment in an amount corresponding to the lower number of students and the per pupil allocation.”

Senator Hogue moved that Floor Amendment No. 14 be adopted, seconded by Senator Hemmings.

Senator Hogue rose and said:

“Madame President, I think first of all I just want to note that we are for equal funding of charter schools, equal on par with all other funding, and so this is a very, very important bill. There was a technical error that happened which will allow for this bill to be possibly messed up, so we certainly don’t want that to happen if it becomes a law.

“If you go to page three and go to section (c), it says, ‘enable new century charter schools to access state funding prior to the start of each school year, foster their fiscal planning, and enhance their accountability, the charter school administrative office shall: (1) provide fifty percent of the new century charter school’s per pupil allocations . . .’ So, that’s in section 1. In section 2 it says, ‘provide an additional forty percent of a new century charter school’s per pupil allocation no later than November 15 . . .’ Then if you go to page 5, there’s a dangling phrase, striking out provide, it just says, ‘the remaining ten percent per pupil allocation of a new century charter school no later than January 1 of each year as a contingency balance to ensure fiscal accountability.’

“So, because there is no verb there, provide that has been stricken out, how do we know what exactly the verb is suppose to be? Is it a case of provide, withhold, punt or whatever? Well, it was pointed out that in the committee report it says provide. And, that’s well and good.

“However, historically, we have seen the Department of Education do some things that we would not have approved of that have ended up hurting the charter schools. And I would certainly hate for this very important bill to go forward without fixing it so that there is absolutely no question at all what the intent of the Legislature is.

“So, I would hope that this amendment can go forward because the intent of the Legislature is to support the charter schools. I think it’s a good amendment and all you have to do is put the provide back in there and it makes it grammatically correct. My English teacher probably approves as well. So, thank you very much, Madame President.”

The motion to adopt Floor Amendment No. 14 was put by the Chair and failed to carry.

The motion to adopt Conf. Com. Rep. No. 68-04 and pass S.B. No. 2425, S.D. 1, H.D. 1, C.D. 1, on Final Reading was then put by the Chair and carried, Conf. Com. Rep. No. 68-04 was adopted and S.B. No. 2425, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ihara).

Conf. Com. Rep. No. 136-04 (H.B. No. 2002, H.D. 2, S.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 136-04 be adopted and H.B. No. 2002, H.D. 2, S.D. 1, C.D. 1, having

been read throughout, pass Final Reading, seconded by Senator Taniguchi.

At 3:26 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:53 o’clock p.m., with the President in the Chair.

By unanimous consent, action on Conf. Com. Rep. No. 136-04 and H.B. No. 2002, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 158-04 (S.B. No. 3193, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Espero and carried, Conf. Com. Rep. No. 158-04 was adopted and S.B. No. 3193, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONSUMERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Slom, Taniguchi, Trimble). Excused, 1 (Whalen).

THIRD READING

Stand. Com. Rep. No. 3528 (H.B. No. 2181, H.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 3528 was adopted and H.B. No. 2181, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING FINANCING PROGRAMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

FINAL ADOPTION

Conf. Com. Rep. No. 159-04 (S.C.R. No. 127, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 159-04 was adopted 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 Finally Adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Whalen).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, APRIL 30, 2004

Stand. Com. Rep. No. 3520 (H.C.R. No. 149):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted 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 adopted with Senator Trimble voting "No."

Stand. Com. Rep. No. 3521 (H.C.R. No. 179):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted 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 adopted.

Stand. Com. Rep. No. 3522 (H.C.R. No. 77, H.D. 2):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted 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 adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3523 (H.C.R. No. 112, H.D. 1):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted 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 adopted.

Stand. Com. Rep. No. 3524 (H.C.R. No. 195):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was adopted with Senators Hemmings, Hogue, Slom and Trimble voting "No."

Stand. Com. Rep. No. 3525 (H.C.R. No. 251):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 251, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING MAY 7, 2004, AS CLEANERS' APPRECIATION DAY IN THE STATE OF HAWAII," was adopted.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2983, S.D. 2 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on March 30, 2004, in disagreeing to the

amendments proposed by the House to S.B. No. 2983, S.D. 2, seconded by Senator Kokubun and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2983, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 2 (Taniguchi, Kokubun). Noes, none. Excused, 1 (Slom).

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 2983, S.D. 2, seconded by Senator Kokubun.

Senator Taniguchi noted:

"Mr. President, I believe there were only technical amendments made to this bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2983, S.D. 2, and S.B. No. 2983, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was placed on the calendar for Final Reading on Thursday, May 6, 2004.

S.B. No. 2474, S.D. 3 (H.D. 2):

Senator English 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. 2474, S.D. 3, seconded by Senator Menor and carried.

Senator English moved that the Senate agree to the amendments proposed by the House to S.B. No. 2474, S.D. 3, seconded by Senator Menor.

Senator English noted:

"Mr. President, this is the RPS, the renewable portfolio standards bill, and it's been a difficult one for me to agree to the House amendments on. I'd just like to read a few points on it.

"Hawaii imports between \$2 billion to \$3 billion worth of oil annually and these figures represent a growing dependence on oil. The key to achieving sustainability lies in economic diversification, export expansion and import substitution. In the energy context, import substitution may be achieved by increasing the use and development of renewable energy resources found in Hawaii, such as wind, solar, ocean thermal wave, and biomass resources.

"Members, there are many good components to this bill. This bill shows leadership in legislation because it affirms the state's support for renewable energy production. It creates a renewable portfolio standard of 20 percent to be achieved by the year 2020. This is a firm commitment to reduce our oil imports and increase our self-reliance. It directs DLNR to facilitate the private sector's development of renewable energy projects and to support them in their efforts. It mandates that DBEDT shall direct an independent analysis of the renewable portfolio standards and to report back to the Legislature on RPS progress.

"Furthermore, the bill directs the PUC to study on the RPS standards and to report back to the Legislature how this can be achieved. The PUC must develop and implement a rate making structure that provide incentives to encourage Hawaii's electric

utility companies to use cost-effective renewable energy resources in Hawaii to meet the RPS standards.

"Now members, with that said, there are some very problematic parts with this bill. It redefines renewable energy to include non-renewable sources such as heat pumps, ice storage, and heat recovery portions of combined heat and power.

"In essence, it allows some non-renewables to be counted as renewable. It encourages conservation, but counts conservation measures as renewable resources, which we all know they are not. It allows utility to purchase renewable energy up to the avoided costs of providing this energy – up to.

"The Senate version requires the utility to purchase renewable energy at no less than the avoided cost of production producing this energy. This means that renewable energy producers potentially have a smaller profit margin in producing renewable energy. It doesn't direct the PUC to use penalties against the utility if they don't meet the RPS standards. It identifies the Hawaii Natural Energy Institute as the independent entity to conduct studies of the renewable portfolio standards, including an assessment of the viability of the existing standards and recommendation for future changes in the law. It doesn't allow any other capable and qualified institution to provide those recommendations.

"Finally, this RPS standard is only 20 percent by 2020, not 30 percent that the Senate sent out. You know, in weighing the issue very carefully and contemplating all sides of it, I've looked back on bills of this nature in the past and looked at the history of it and I've found a very interesting pattern – we always tend to pass out a bill with some good parts loaded down with some very ugly parts. And those ugly parts always centered around, well, trying to compound renewables as renewable. And it centered around adding in things that, well, didn't really meet the standard – you know, things like heat pumps and ice storage, heat recovery of combined heated power. These things were always included. And then part of that pattern that I saw was that a year or two later, these were removed from the bill and the good parts were usually left to stand.

"So this is a baby step forward with the potential for ten steps backwards. But, I'm willing to take the gamble because we have an administration that is strong in moving the renewable portfolio standards idea forward. We also have a PUC chairman that has shown independence in his judgment and in his work. And if the pattern holds true to what it has been in the past, then we can remove the objectionable parts of this bill next year.

"So, I'm asking the members here today to agree to this bill. It does not represent the best bill that we could have had. It does not represent the best that we could have done for renewable energy portfolio standards, but it is a small microstep forward.

"So, let's take the microstep. Let's move it ahead just a little bit. And next year let's clean this up and make it a real renewable portfolio standards bill. Thank you."

Senator Ihara rose and said:

"Mr. President, would you note my reservations in agreeing to the House amendments on this bill."

The Chair so ordered.

Senator Inouye rose and said:

"Mr. President, please register my reservations. I was really disappointed to hear of the amendments that were made. It seems like when we passed the RPS several years ago, it seems like that was the direction that we were heading for and it seems like now we took off what we all worked hard at and moved a little bit forward. Otherwise I would certainly vote 'no' on this measure, but I certainly would like to see what happens next year.

"So, that's my reservations, Mr. President."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2474, S.D. 3, and S.B. No. 2474, S.D. 3, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was placed on the calendar for Final Reading on Thursday, May 6, 2004.

S.C.R. No. 199 (H.D. 1):

Senator Chun Oakland moved that the Senate reconsider its action taken on April 27, 2004, in disagreeing to the amendments proposed by the House to S.C.R. No. 199, seconded by Senator Kanno and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 199, seconded by Senator Kanno.

Senator Chun Oakland noted:

"Mr. President, the original resolution had requested that the Department of Human Services and the Department of Labor jointly examine issues relating to public assistance and disincentives to work. The Department of Human Services had indicated that much of the disincentives have been addressed over a number of years starting in 1996.

"However, there is still a group of individuals that find that there are disincentives to works, mainly, persons with disabilities.

"The amendments made by the House reflect work that was done between the Department of Human Services and VSA Arts with the University of Hawaii to convene a task force to examine strategies and systems change that would allow small business development and careers in creative industries for people with disabilities in Hawaii.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 199, and S.C.R. No. 199, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII WORK FORCE DEVELOPMENT COUNCIL, THE UNIVERSITY OF HAWAII, AND VSA ARTS OF HAWAII-PACIFIC TO JOINTLY CONVENE A TASK FORCE TO EXAMINE STRATEGIES FOR SYSTEMS CHANGE THAT WILL CREATE ACCESS TO SMALL BUSINESS DEVELOPMENT AND CAREERS IN CREATIVE INDUSTRIES FOR PEOPLE WITH DISABILITIES IN HAWAII," was placed on the calendar for Final Adoption on Thursday, May 6, 2004.

MOTION TO OVERRIDE VETO

S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Sakamoto moved that the Senate override the veto of S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, as contained in Gov. Msg. No. 519, seconded by Senator Taniguchi.

Senator Sakamoto rose in favor and said:

“Mr. President, I guess there can be a long discussion or a short discussion. (Laughter.)

“Let me say that we debated the issues on this measure for a long time. I could go through a list of things and perhaps I’ll submit some of those comments to the Journal. Perhaps that may be it, Mr. President. But, I would highly recommend that there are many good measures in this measure, as we all know, and I recommend that our members override this measure.”

Senator Hogue rose and said:

“Mr. President, I also will be brief in my comments because we have debated this quite a bit. We’ve talked about local school boards, decentralization and a big debate about whether or not citizens should get the right to vote or not, whether this is state reform, whether this is real reform. But the overriding comment that I heard a lot was that somehow it was the Governor’s way or the highway. Well, I think that the Governor has shown that the highway goes both ways. It’s a wide highway and there’s lots of onramps here, and there is a chance for us in the next few days to make corrections so that this education reform bill can indeed be education reform and not just something that may be way off in the future or something may or may not happen.

“The Governor has made some very, very good points, valid points, I think, in which she has said that she wants phased-in funding direct to the schools from 70 to 90 percent; implementation of the weighted student formula a year earlier – if it’s a good idea, let’s get right to it; full funding for the charter schools – we certainly hope that the grammatical mistake won’t cause a problem in that; full funding for charter schools; principals on performance contract so they can be accountable; and the school community councils on an advisory basis so they do not end up putting another layer of bureaucracy in the process and make it actually more muddled.

“So I think the Governor has handled herself in a very statesman-like fashion. And I encourage my colleagues across the aisle to grab the hand that has been extended by her down to the Legislature and see if we can come up with a compromise so that we can all go home and say ‘hey, everybody wins, especially those people in the classroom – the kids – because they’re the ones who need to achieve at the highest level possible. So I would encourage as a first step that you not override the Governor’s veto.

“Thank you very much, Mr. President.”

Senator Taniguchi rose and said:

“Mr. President, on behalf of the Senator from Moanalua, the Education Chair, I’d like to request a Roll Call vote.”

The Chair so ordered.

At 4:11 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:13 o’clock p.m.

The motion was put by the Chair and, Roll Call vote having been requested, the veto of S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” 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. 2743, H.D. 2, S.D. 1, C.D. 1 (Section 1):

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Taniguchi moved that the Senate override the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 1, as contained in Gov. Msg. No. 527, seconded by Senator Kokubun.

The President made the following announcement:

“Members, before we begin our discussion, please note that when we vote on this measure, we’ll be taking each line item appropriation separately. For the purpose of our discussion, members may speak on any of the items vetoed by the Governor at this time.”

Senator Taniguchi rose to speak in favor and said:

“Mr. President, I rise to speak in favor of the motion to override the Governor’s veto of items in H.B. No. 2743, C.D. 1.

“Fellow colleagues, H.B. No. 2743, C.D. 1, is a bill we passed a couple of weeks ago that authorizes the Governor to transfer certain excess amounts for special and revolving funds to the general fund.

“Specifically, this bill authorized the transfer of \$43.6 million from 18 different funds to the general fund. These amounts identified by the Legislature were deemed in excess of the requirements needed to operate their respective programs. The process in which your Committee on Ways and Means went through was thorough, thoughtful, and above all, subject to the public hearings process of the Legislature.

“Unlike the Legislature, the Governor, under HRS 37-53, can unilaterally transfer special fund monies to the general fund without any public input. This Body must exercise its fiscal oversight responsibilities in full public view.

“Last year in fiscal year 03, the Governor transferred over \$240 million from special and revolving funds to the general fund. In our findings, the Committee on Ways and Means concluded that all of the funds identified with this bill would be maintaining reserves at the end of this fiscal year which were higher than necessary. These reserves were not going to be utilized and therefore reprioritizing their use would not jeopardize the programs from which they came, nor would they hamper their program’s ability to leverage federal funds.

“Speaking specifically on the Governor’s veto of the transfer of the highway funds, I challenge the Governor’s assertion that this transfer is either critical to repair and maintenance or is to be utilized to match federal highway dollars. By the Department of Transportation’s own documentation, the \$12.5 million was deemed excess and was not programmed for any projects. It was not projected to be used at all, not for repair and maintenance and not to leverage any federal projects.

“Colleagues, all of the transfers that the Governor has vetoed are excess. Let’s put these funds to better use. Let’s hope that these excess funds will be transferred to the general fund so that

they may be applied to help the poor, the sick, and to put food in the mouths of needy children.

“Colleagues, I urge you to support the motion to override the veto, and I request a Roll Call vote. Thank you.”

Senator Hemmings rose to speak in opposition as follows:

“Mr. President, I rise to speak against the motion.

“Mr. President, I was going to sit here and listen to the debate and be amongst the four or five votes that vote against this, but after hearing the previous speaker, I cannot sit idly by.

“To say that the Majority Party is taking highway funds and putting it into the general fund to help the poor, the sick, and the elderly is a mockery and incredibly hypocritical. This is the same Majority Party that year-in and year-out holds those same needy hostage for funding by putting their expenditures in the purchase of service and grants-in-aid programs in raid bills rather than putting them in ongoing operational budgets as most conscientious people that sincerely care about the needy.

“This isn’t about the needy. I think the Human Services people are beginning to smell the problems down here. This is about putting money on the books for HGEA pay raises, just as raiding the DCCA was and most of the other gyrations going through this Legislature have been.

“And I personally am insulted that once again the needy are being held up as a justification for the Majority Party’s manipulation of the budget year-in and year-out, balancing operating budgets with raids, with taking money out of the retirement fund, with taking money out of the rainy day fund, and all the while claiming they’re doing it for the keiki and for the elderly and for the needy.

“This is the same Majority Party, I might add, that eliminated vacant position funding from the federal government for the needy. They eliminated funding entirely. So bad was it, in their haste to pass H.B. No. 1800, we just passed another bill to fix it. And here we go again . . . here we go again.

“This is hypocrisy at its worst. And the sick and the poor and the hungry should be incensed that they’re being used every year to justify the manipulation of the budget as it is.

“God Bless that we have a Governor that wants to put those programs in normal operating funds and is willing to take a long term look at budgeting and wants to fix the problems created by a one-party monopoly over state expenditures.

“I’m voting ‘no’ against this because the Governor is basically right. We’ve got to build budgets that are real, take care and set priorities based on need, not on political expediency.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 1, entitled: “A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS,” 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. 2743, H.D. 2, S.D. 1, C.D. 1 (Section 2):

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Taniguchi moved that the Senate override the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 2, as contained in Gov. Msg. No. 527, seconded by Senator Kokubun.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 2, entitled: “A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS,” 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. 2743, H.D. 2, S.D. 1, C.D. 1 (Section 15):

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Taniguchi moved that the Senate override the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 15, as contained in Gov. Msg. No. 527, seconded by Senator Kokubun.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 15, entitled: “A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS,” 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. 2743, H.D. 2, S.D. 1, C.D. 1 (Section 16):

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Taniguchi moved that the Senate override the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 16, as contained in Gov. Msg. No. 527, seconded by Senator Kokubun.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 16, entitled: “A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS,” 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. 2743, H.D. 2, S.D. 1, C.D. 1 (Section 17):

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Taniguchi moved that the Senate override the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 17, as contained in Gov. Msg. No. 527, seconded by Senator Kokubun.

Senator Ihara requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 17, entitled: “A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS,” 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, Sлом, Trimble).
Excused, 1 (Whalen).

H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1 (Section 18):

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Taniguchi moved that the Senate override the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 18, as contained in Gov. Msg. No. 527, seconded by Senator Kokubun.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, Section 18, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," 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, Sлом, Trimble).
Excused, 1 (Whalen).

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 528 to 530) were read by the Clerk and were placed on file:

Gov. Msg. No. 528, informing the Senate that on May 3, 2004, she signed into law House Bill No. 2743 as Act 43, entitled: "RELATING TO NON-GENERAL FUNDS."

Gov. Msg. No. 529, informing the Senate that on May 3, 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. 2796 as Act 45, entitled: "RELATING TO STATE FUNDS"; 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. 2796

Honorable Members
Twenty-Second Legislature
State of Hawaii

I will allow HB 2796, 'A Bill for an Act Relating to State Funds,' to become law on May 3, 2004 without my signature. This action is taken pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to appropriate \$9,585,765 from the Emergency and Budget Reserve Fund to finance various programs. Many of these programs are those that provide services to those people who are the most vulnerable in our population – the frail, the disabled, children, and those who are suffering serious illnesses.

The concern I have is the manner in which these programs would be funded. This bill further reduces the Emergency Budget Reserve Fund (EBRF), which was created to provide the State with a critical financial reserve during an emergency, such as a severe economic downturn a natural disaster, or even, God forbid, another terrorist attack.

The Emergency Fund was not intended to provide money for programs that are ongoing in nature and help the neediest within our community. What is particularly disturbing is that forty specific programs listed in this bill are forced to wait anxiously every year, not knowing until the eleventh hour whether they will be accommodated by dipping into the emergency reserves.

This is both unfair and unkind. It is unfair because it makes the managers of these programs come begging to the legislators each year trying to get funds for their projects before they have to close their doors. It is unkind because these programs serve those in our societies who have no way to fend for themselves.

Using the Emergency Budget Reserve Fund places the State in a precarious position. Bond rating agencies point out that although the emergency budget reserve is small relative to total State expenditures, the establishment and maintenance of the fund represent an important step toward institutionalizing prudent fiscal management policies for the State. We believe that to be an effective reserve, this fund should be allowed to grow to about five percent of general fund reserves, or approximately \$190 million. The estimated fund balance as of June 30, 2004 is \$54.3 million, considerably below this prudent goal. Also, we estimate receiving approximately \$8.1 million in FY 2005, well below the total appropriations of this bill at \$9.6 million. Therefore, the estimated fund balance on June 30, 2005 will go down to \$52.8 million. As a result, it will be incumbent upon me, as Governor, to manage this account, as well as the rest of the State's resources, in a prudent and conservative manner.

For the forgoing reasons, I will allow House Bill No. 2796 to become law effective May 3, 2004 without my signature.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 530, dated May 3, 2004, transmitting her statement of objections to House Bill No. 1043 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

May 3, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1043

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. 1043, entitled 'A Bill for an Act Making Appropriations for Salary Increases for Public Employees.'

The purpose of this bill is to fund collective bargaining cost items as a result of binding arbitration with collective bargaining units (2), (3), (4), (6), (8), and (13), as well as salary increases and other cost adjustments for their excluded counterparts.

As outlined in my April 7, 2004 Message to the Legislature, the HGEA Arbitration Award will have serious, long-term

adverse impacts on the financial well-being of the State of Hawaii.

The HGEA Arbitration Award amounts to a 7.8 percent pay increase in fiscal year 2005, at a cost of \$32.2 million in fiscal year 2005 and \$53.8 million in fiscal year 2006. Over the next five years this arbitrated award would create a \$248.9 million I.O.U. that taxpayers would have to pay. This total is the best-case scenario, since it assumes no new pay raises for HGEA members over the next four years.

Salary increases of this magnitude will create sustained budget deficits starting in fiscal year 2006 and cause serious cuts in government services. These deficits will occur at a time when the State is facing a \$165 million jump in debt service payments and a \$57 million increase in retirement system contributions. As I have repeatedly emphasized, it is not a matter of whether the State can afford the HGEA pay raises this year. It is a matter of what the State can afford next year and in the years to come.

To compound the problem, the Arbitration Panel coupled this significant increase in wages with a reduction in productivity by granting employees hired after July 1, 2001 nine more days of vacation and six more days of sick leave beginning July 1, 2004. I have not included this as a cost item. However, the unrefuted evidence produced at the arbitration hearings was that this vacation and sick pay increase equates to an \$8.9 million loss in productivity for the second year of the contract and an increasing loss of productivity each year thereafter.

Succinctly put, the State of Hawaii cannot afford the HGEA Arbitration Award. Raiding special funds, emergency funds, deferring pay days or diverting monies from the Employees Retirement System to pay for wage settlements are reactions that have proven fundamentally detrimental to the State's future financial well-being. The overall public interest is not served if a disproportionate share of the State's limited discretionary resources is used to fund collective bargaining costs, leaving other critical public programs unfunded or underfunded.

In addition to the detrimental fiscal implications of enacting House Bill No. 1043, the passage of this bill was based on factual assumptions in the HGEA Arbitration Award that were flawed. First, the Arbitration Panel incorrectly assumed that the State had a balance of \$972 million in unrestricted funds at the end of fiscal year 2003. This figure represents the net of \$1.065 billion in assets from the Airports Fund, the Harbors Fund, and the Unemployment Compensation Fund, minus \$92.9 million from all other governmental activities. Balances in the airport, harbors, and unemployment funds must, by law, be used for the specific purposes named. It is neither fiscally or legally possible to use these monies for wage settlements.

Second, the Arbitration Panel incorrectly used the State of Hawaii Comprehensive Annual Financial Report (CAFR) to estimate available funds at the end of fiscal year 2003. The State's financial reports are published on an accrual basis. This means the end of year figures in 2003 included tax revenues generated in fiscal year 2003 but not collected until fiscal year 2004. The figures also included expenditure liabilities (such as Medicaid and payroll) incurred in fiscal year 2003 but not paid out until fiscal year 2004. To use the CAFR, which is a backward looking document, to project what funds may be available in a future year, is inaccurate and misleading.

Third, the Arbitration Panel referenced the State's good credit rating to conclude the State could pay for this award. The fact of the matter is credit rating agencies consider a wide variety of factors in their analysis of a jurisdiction's creditworthiness. The credit rating process examines the State's

economy, revenue collections, and the Administration's commitment to fiscal discipline. The willingness of the State to control expenditures during periods of slower economic growth, allowing the State to carryover sufficient financial reserves, also contributed to its positive credit rating. The rating is performed to assure bondholders that the State is able to pay its existing debts, not to indicate the State's ability to pay for future salary increases.

Finally, the HGEA Arbitration Award is legally flawed. As pointed out in my April 7, 2004 transmittal to the Legislature, the award failed to adequately explain how it took into account at least five factors set forth in section 89-11(f) of the Hawaii Revised Statutes. These factors include failure to stay within the lawful authority of the employer, failure to include the interest and welfare of the public, failure to consider the State's ability to pay, failure to use proper wage comparisons, and failure to give proper consideration to the overall compensation package when making the award.

In consideration of the exercise of my legal and fiduciary responsibility to the State, I am returning House Bill No. 1043 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

MOTION TO OVERRIDE VETO

H.B. No. 1043, S.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Kanno moved that the Senate override the veto of H.B. No. 1043, S.D. 1, C.D. 1, as contained in Gov. Msg. No. 530, seconded by Senator Taniguchi.

Hemmings rose to speak against the motion and said:

"Mr. President, I rise to speak against the motion.

"Well, Mr. President, the moment of truth. The moment when we find out what this Legislature was all about.

"Last year the Majority Party, 23 members reversed themselves on the right to strike and put back in the law, binding arbitration. I think we know the reason why. The best reason is found in this bill which the Governor had the courage to veto.

"At that time, conscientious Legislators, one of which was in the Majority Party, voted to keep the right to strike as a law, the law that previously the Majority Party and the Democrat Governor had promoted. In warning about the outcome of that change, we said that binding arbitration would result in pay raises beyond our control, and more importantly, beyond our ability to pay.

"We've also established through the negotiation process that cookie cutter pay raises are not adequate. Some unions, who are statistically underpaid compared to national compensation, deserve pay raises and oftentimes bigger pay raises than others. And that's why the units bargain separately, and it makes a lot of sense.

"With binding arbitration, we lost control of bargaining. A third party arbitrator, oftentimes from outside of the state, basically looks at the state books and sees how much money is in the state treasury. They don't see oftentimes that these

monies come from raided funds. These monies come, in years past, from the employees retirement system. These monies come from cutting positions in the executive branch of government to help the poor, the sick, and the hungry. All they see is there's some money on the books. They don't consider future obligations beyond the two-year biennium budgeting process. They don't consider other obligations the state may have to help the truly needy in our society. They certainly don't consider the business environment that is so onerous that it's a disincentive to create jobs here in Hawaii. So they do what we said they would do. They take what the state is offering and what the wise negotiators of labor unions are asking for and they basically meet them halfway. That's the problem with binding arbitration and now we're paying for it.

"The HGEA arbitration award amounts to 7.8 percent increase for fiscal year 2005 at a cost of \$32 million. After that it goes up to \$54 million a year, every year. But who cares? Why only care about today? Next year, the following year, we'll raid additional funds and hold hostage additional human service programs.

"Over the next five years this arbitrated award will increase spending by \$250 million. It's an IOU that the taxpayers would have to pay. Of course, this is the best-case scenario because we know as soon as this is approved, they'll be back at the table negotiating more pay increases.

"I want to make this very clear to my colleagues and to the interested people in the gallery that are watching very intently what you're doing here, and the people of Hawaii – there are many labor unions that deserve good pay and the HGEA workers, 23,000 of them, deserve it. They do good work for the most part. And they get it. They get good pay. They already have good pay. In fact, unlike the judicial branch of government, the executive branch of government, the legislative auditors, the legislators and other unions, they have received 25 percent pay increases in the last five years.

"We also did a study of fringe benefits. This labor union has amongst the most benevolent fringe benefits of any labor union of any public working group in the whole United States of America – second most days off, paid leave, holidays, all of the things that add up to quite a lot of money that the taxpayers foot for. I might add that these benefits far exceed what comparable workers in the private sector get. The days of calling public workers, public servants, are gone. It's obvious with the pay and compensation of benefits that the public is now a servant to the public workers, and it's just not fair.

"I'm really pleased that we have a Governor that builds a budget that looks to the future. I do notice that the Majority Party put off a group of pay raises. I've heard concern that it has future obligations. We're not obligated for anything more than a biennium budget, but approving these pay raises is going to obligate us. And it is going to be a problem that we're going to have to deal with.

"I'm hoping, I'm hoping that this Legislature will not force the executive branch of government by creating a scenario where we will not have enough money to pay for our bills where the executive branch will have to cut services, and eventually may even have to look at the prospects of laying people off because we simply do not have the money to pay our bills.

"But I'll guarantee you what the Governor will do – she'll do something that the Majority Party has failed to do. She will not cut funding for the needy. She will not cut funding for necessary human service programs. She will not cut funds that

are truly going to serve those who need in our society for the benefit of this pay raise.

"Naturally, we're going to vote 'no' against the veto override. And naturally, you're going to vote for it. But I might add that if you look over our position on this issue over the last several years, especially the binding arbitration legislation which the Majority Party did a flip flop on, you'll see that once again you'll be voting against what is right and fair and good, ultimately, for all the people of Hawaii, including the employees of the HGEA.

"Thank you, Mr. President."

Senator Slom rose to speak against the motion as follows:

"Mr. President, I rise against the override.

"I do want to congratulate the Majority Party. I think we did spend about 38 minutes in reviewing the vetoes and you gave it full and ample discussion and time to look at it. And that of course is the hallmark of this Legislative Session. From the very beginning the whole thing was to do what the HGEA wanted to be done, to support them as they have supported most members of the Majority in election – not what is right for the people, not what is proof, not what is affordable – but what the HGEA wants.

"I recall that a couple of years ago, the head of the HGEA said, and it was a direct quote, 'the people, the taxpayers don't pay their workers, the Governor and the Mayors pay the workers of the HGEA.' Of course right after that, the then Democratic Governor, Mr. Cayetano, turned around and supported the rational position of the right to strike, abandoning the binding arbitration. And they had to change their tune. They went to the Legislature, and as the Minority Leader has mentioned, last year we fought the battle about changing your position, changing what you know in your heart is right and going back to what the HGEA demanded, threatened, cajoled and promised for election. And so we had more binding arbitration.

"And if you would have taken a little bit of time to read the Governor's veto message, you would have found that one of the objections was in what the arbitration panel did not do. And let me just quote for a moment, quote, 'the panel failed to adequately explain how it took into account at least five factors set forth in section 89-11(f) of the Hawaii Revised Statutes. These factors include failure to stay within the lawful authority of the employer, failure to include the interest and welfare of the public, failure to consider the State's ability to pay, failure to use proper wage comparisons, and failure to give proper consideration to the overall compensation package when making the award.'

"To any prudent person, to anyone in private business or even private unions, if these red flags had been raised, somebody at least would have said, wait a minute maybe we better not rush to judgement, maybe we better look at these or at least answer them. If we think they're wrong or incorrect, let's answer them. Instead, we're not going to do that.

"You are hell-bent on overriding the Governor's veto to send a message to the Governor. But the message you're sending is going to be read loud and clear by the public. The public is going to understand if there is a \$248.9 billion IOU that's coming up over the next 5 years, that's without any additional pressure from the HGEA.

"Your Minority in this Senate supported collective bargaining increases. We supported those increases that we

could afford. We supported the state negotiator when he had a groundbreaking 6-year contract. And the question had come up, well, why wasn't that offered to the HGEA and the HSTA at the time? And the answer by Mr. Hong was that it was offered, not once but several times, and those unions rejected it. They don't want a 6-year stable contract. They want to get right back into negotiating in a couple of weeks from now to go through the next two-year period. And that's what led me to say a couple weeks ago on this Senate Floor, the only reason it seems the Legislature is down here is to provide money and benefits to the HGEA.

"If there are layoffs, if there are risks, it won't affect the bosses of the unions. They'll still get their salaries. They'll still get their benefits and they'll still call for more. It will be the lowest of the low public employees who will suffer. And they shouldn't have to do that. And they didn't have to do that. Because the Governor has indicated and your Minority has indicated we support reasonable and prudent and affordable pay increases.

"But that's not what you want to do. You want to send a message to the Governor. So without really looking at any of these issues, without discussing these issues on this Senate Floor, you want to go ahead and do it. And you've got the numbers to do it. And you'll do it.

"I also heard that the head of the HGEA union a week ago in negotiations was gloating about how they had beaten the negotiator and the Governor and their opposition, but that it is their belief that the taxpayers in fact do not pay enough – that the taxpayers should pay more to support them, of course. I wish they would come out publicly and say that, rather than behind closed doors.

"The fact of the matter is, the public is going to wise up to this, because after all, we've passed an innovative education bill, so people will become more educated now. And a day of fiscal reckoning is coming and for those of you who do not care for the future and yet stand up here and make wonderful speeches about the keiki and everybody else, you're all going to have a part to play in the financial cost of this bill. We could have done something that everybody could have afforded. We could have done something prudently. But instead you want to override the Governor's veto.

"Let's have a Roll Call vote, Mr. President."

The motion was put by the Chair and, Roll Call vote having been requested, the veto of H.B. No. 1043, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," was 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).

At 4:45 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:58 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 531 to 533) were read by the Clerk and were placed on file:

Gov. Msg. No. 531, informing the Senate that on May 3, 2004, she signed into law Senate Bill No. 3237 as Act 47,

entitled: "RELATING TO PRESCRIPTION DRUGS," and transmitting her statement of support which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

May 3, 2004

STATEMENT OF SUPPORT FOR SENATE BILL NO. 3237

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, with my approval, Senate Bill No. 3237, entitled 'A Bill for an Act Relating to Prescription Drugs.'

The purpose of this bill is to implement the Hawaii Rx Plus prescription drugs assistance program. This bill represents the work of a bipartisan team that recognized problems in the original bill enacted in 2002 and who worked cooperatively to address these problems. This bill is designed to reduce the price of prescription drugs to qualified participants, to keep administrative costs at a minimum, to streamline the application process, to prevent the crowding out of prescription drug benefits already available through the Hawaii Pre-paid Care Act, and to protect the rights and benefits of the Medicaid population.

First, this bill creates a nonexclusive list of drugs to be covered under the program. In addition to the existing Medicaid preferred drug list, the bill allows the inclusion of various drugs used in the treatment of cancer and mental health illnesses. It also utilizes the Department of Human Services Pharmacy and Therapeutic Committee to review and recommend drugs for placement on the preferred drug list.

Second, the bill limits participation in the program to residents of the State of Hawaii who have a family income equal to or less than 350 percent of the federal poverty level, who lack prescription drug coverage, and who enroll in the Hawaii Rx program. The 350 percent threshold would cover a single person who earns up to \$36,000 in annual income and a family of four up to an annual income of \$74,500.

Third, the amendments in this bill ensure integrity in the program's administration by prohibiting the contractor administering the program from receiving compensation or other benefits from a participating drug provider.

Fourth, the bill establishes an initial list of discount priced drugs that currently encompasses those drugs purchased pursuant to the Department of Human Services administered Medicaid program. The effective date for this list is July 1, 2004. A second tier of discount drugs would be added on July 1, 2005.

The initial Hawaii Rx program was modeled after a program in the State of Maine. Maine's program was involved in protracted litigation, resulting in a United States Supreme Court decision issued last year. Hawaii's program has been tied to the State's QUEST healthcare program, thereby placing in jeopardy the State's Medicaid Title XIX funding. This linkage was decoupled through suitable language in this bill.

Finally, I would point out that the Hawaii Rx Plus program contained in this bill can be implemented via a streamlined application process. This will allow the enrollment of as many

qualified residents as possible. A larger participant population will enable the State to negotiate higher discounts.

I am proud to affix my signature to Senate Bill No. 3237 and believe it will improve the health and well-being of the residents of our State.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii

Gov. Msg. No. 532, dated May 3, 2004, transmitting a corrected copy of her statement of objections to House Bill No. 2003, which corrects the title to read, "A Bill for an Act Relating to the Illegal Use of Controlled Substances," 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 of 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

Gov. Msg. No. 533, dated May 3, 2004, transmitting her statement of objections to House Bill No. 267 which she has returned to the House of Representatives without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

May 3, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 267

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. 267, entitled ‘A Bill for an Act Relating to Government.’

The purpose of this bill is to repeal certain limitations on the powers of the Office of Elections and the Campaign Spending Commission that are imposed upon administratively attached agencies. The bill would also authorize the Office of Elections and the Campaign Spending Commission to retain their own legal counsel. Additionally the bill would establish an elections commission appointed by members of the Legislature that would appoint the Chief Election Officer and oversee the operations of the Office of Elections.

Attached agencies, boards and commissions, such as the Office of Elections and the Campaign Spending Commission, were created to retain a degree of autonomy in their mission and functions. Current law is ambiguous in defining the level and nature of autonomous actions these ‘attached agencies’ should enjoy. My Administration has honored the intended ability of such agencies, boards and commissions to communicate freely with the legislative branch, the executive branch, and the general public. We have requested, as a courtesy, that these boards keep the Departments to which they are attached apprised of their activities. In many instances boards, commissions, and attached agencies have developed a collaborative working relationship that has served the public well.

I must return this bill without my approval because it denigrates these collaborative relationships, would significantly skew representation of the voting public in the election process,

and would place two attached agencies, the Campaign Spending Commission, and the Office of Elections, outside the scope of the law.

First, the bill gives appointment power and the power to oversee the Chief Election Officer to elections commissioners who represent only twenty percent of the people of the State. At least six of the nine members of the new elections commission must be residents of the neighbor island counties. As a result, eighty percent of the State’s population, residing in the City and County of Honolulu, would be represented by as few as two and no more than three of the nine elections commissioners.

Second, this bill deprives the Governor of any voice in the appointment of the State’s Chief Election Officer. The Governor presently appoints one of the five members of the existing Elections Appointment and Review Panel. Under this measure, the Governor would not appoint any of the nine members of the elections commission, which would replace the Elections Appointment and Review Panel. Further, if the elections commission member positions are not filled by the legislators within the times specified, this bill provides that the Chief Justice of the Supreme Court of Hawaii, not the Governor, must appoint the members to fill the vacancies. Because the Supreme Court decides selections cases on a regular basis, it would be inappropriate for the Chief Justice to appoint members to the commission this bill would create, and could blur the separation of powers provisions established in the State Constitution.

Third, the bill permits the Office of Elections and the Campaign Spending Commission to make personnel decisions and purchase supplies, equipment, and furniture without the approval of the Comptroller. Further, the Office of Elections, Campaign Spending Commission, and Elections Commission could take these actions without complying with all applicable requirements of the Hawaii Public Procurement Code and applicable personnel laws. Attached agencies should not be allowed to be ‘above the law’ when carrying out their administrative functions.

Pursuant to section 26-38, Hawaii Revised Statutes, the Comptroller has the authority to delegate approval for personnel decisions and purchases to attached agencies, boards, and commissions. This bill’s provisions would set an unwarranted precedent.

Finally, this bill erodes consistency and objectivity in the State Government’s legal interpretations by authorizing the Office of Elections and the Campaign Spending Commission to employ their own attorneys. It is critical that the legal advice given to those agencies be consistent with that given to other State agencies and with the interests of the State of Hawaii. Retention of separate counsel would likely result in inconsistent advice. Also, because the subject matter of these agencies involves political issues that affect predominantly members of the Legislature, it is important to assure that legal advice is not unduly influenced by what the agencies want to hear, rather than by sound legal analysis. This bill increases the risks of undue influence, especially because the attorneys would serve at the agencies’ pleasure and would be paid by the agencies.

For the foregoing reasons, I am returning House Bill No. 267 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii

MOTION TO OVERRIDE VETO

H.B. No. 267, H.D. 2, S.D. 2:

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. 267, H.D. 2, S.D. 2, as contained in Gov. Msg. No. 533, seconded by Senator Kim.

Senator Hanabusa rose to speak in favor of the motion and said:

“Mr. President, I stand in favor of the motion.

“Mr. President, just to refresh people’s recollection of this matter, I have personal knowledge as to how this evolved because it really started with a conversation with one of the administration’s directors, technically the director from DAGS. And he came to see me and he told me in a very candid conversation that he was permitting Mr. Watada of the Campaign Spending Commission to come forth and speak in opposition to a bill. And it was from that conversation and the questions that followed immediately after that it became very evident to me that there was a problem.

“We had moved, at the ending of last Session, Mr. President, Campaign Spending and the Office of Elections into DAGS. The reason why is, as you might recall, both of those entities were temporarily attached to the Lieutenant Governor’s Office and they cannot be temporarily attached there. They have to become permanent and one factor is going to subset the Campaign Spending Commission. And as a result, because of some AG’s study that was done or we had done at the end of the last Legislative Session it moved to DAGS. What we were not aware of, Mr. President, is that there is a provision of HRS Section 26-35, that says that it’s the director of the attached agency that makes direct communications with the Governor and the Legislature, and there’s a whole battery of different kinds of functions. That is the provision that caused the problem.

“Mr. President, the Governor’s Message goes on to say that the ‘Administration has honored the intended ability of such agencies, boards and commissions to communicate freely with the legislative branch, the executive branch, . . .’ But in actuality we know that was not the case.

“In a hearing before the Judiciary Committee, much to Mr. Watada’s surprise, I just asked him straight out, ‘Mr. Watada, are you being permitted to testify here today?’ He stopped, paused and said ‘yes.’ And I said, ‘have you had to have permission before you could testify,’ and he said ‘yes.’ And he went on to say what a chilling effect that this has had upon him.

“This Legislative Session is very unusual to me because the Office of Elections is nowhere to be seen, which is very unusual, given the fact that this is an election year. The Office of Elections did submit testimony on H.B. No. 267, H.D. 2, when it came before the Judiciary Committee. And they said, ‘We do not know what the ramifications may be of attaching the Office of Elections to the Judiciary,’ because that was the Senate proposal, ‘However, it matters little to us what branch of government or agency to which the Office of Elections is attached, as long as the citizens are assured that their elections are free from political influence. The Office of Elections should be placed in an apolitical environment, shielded from even perceptions of political influence.’ Where that environment may be is for this Committee and the Legislature to decide.

“Mr. President that’s exactly what the Committee of Ways and Means actually did and the Legislature did when we enacted H.B. No. 267, H.D. 2, S.D. 2. It was determined then that the best place for the Office of Elections and Campaign Spending was to remain in DAGS because we had looked and explored whether it should go to the Judiciary or it should go to the AG’s Office. We said, well, maybe they are properly in DAGS.

“However, in order to keep them in DAGS, they needed the protections. And as a result, when we did H.B. No. 267, H.D. 2, S.D. 2, we made them exempt from the prohibition that the direct communications with the Governor and the Legislature shall be by the administrative body. We allowed the administrative head, meaning the Director that they could make all decisions regarding appointments and that they could purchase all of their supplies.

“What the Governor apparently was very concerned about in her veto message was the fact that these personnel decisions were something that they could not agree with. Mr. President, in actuality under the provisions of the campaign spending law, it is the Campaign Spending Commission, for example, as part of their obligations that they select the executive director and they make personnel decisions. So this specific provision of the law is contrary to what we have already said that the Campaign Spending Commission shall have.

“The Governor said that she was concerned about the appointive powers of the Chief Elections Officer because what was created in this bill was a commission to oversee it, and not just simply like the way they have it in the present law in the election appointment and review panel, which simply selects who will be the directions officer, really has no oversight.

“They created in this bill basically a nine person commission – two of them to be selected by the Senate President, two to be selected by the Speaker of the House, two to be selected by the Minority Leader, two to be selected by the Minority Leader of the House. Sounds very familiar? It is, because it follows exactly the way we do reapportionment and that committee, that commission is given full powers, which is something that’s been lacking with the Office of Elections.

“And I know, I’ve been a critic of the Office of Elections over this period of time because that review panel simply makes decisions of hiring and firing. And the Office of Elections is not accountable to anyone in particular. So this addressed a serious concern.

“The Governor goes on to say in her message that there is a problem because only 20 percent of the neighbor islanders will be represented under this scenario. Mr. President, as it stands now there is no guaranteed representation at all because it’s a five member panel. There’s no representation set forth in the law for neighbor islands. We in fact addressed it in this version, so I don’t know what that complaint is all about.

“Third, is the one we talked about earlier, Mr. President, which is about the personnel decisions. Mr. President, the personnel decisions must be made by Campaign Spending, and this bill also exempts them from Chapter 76 as well as from, basically, collective bargaining . . . from collective bargaining. I should stand corrected. And the reason why is because the Campaign Spending Commission, Mr. President, also looks at all the unions including the public sector unions, and they did not believe that it was proper for their employees to be part of the union, the same unions that they would be possibly investigating or at least monitoring. So that was one of the changes that was made.

“Also, for the Office of Elections, Mr. President, we’ve got to make that entity as independent to the people as possible. She also said that the bill erodes consistency and objectivity in the State Government’s legal interpretations by authorizing the Office of Elections and the Campaign Spending Commission to employ their own attorneys. Mr. President, the Campaign Spending Commission employs its own attorneys now. We all know that, we confirmed him about two or three years ago when we moved the Campaign Spending Commission to the HLRB. His name is Brian Nakamura. We already have that. They already have that right and it makes sense as to why. Mr. President, they need their own attorneys. The Office of Elections needs their independent counsel as well, because if there is anything you don’t want, you don’t want people saying ‘hey the Attorney General’s Office is making the calls on who gets prosecuted under campaign spending and/or how elections laws are being interpreted.’ They need the opportunity and the right to be independent. So as a result of that, the law includes the right to their independent attorneys.

“Those are the four points that the Governor raised in her veto message. Mr. President, I ask that you, along with my colleagues, support the override because this is a very important and critical point. They are both in Chapter 11 of the Hawaii Revised Statutes under the title Elections. And the reason they are together makes total logical sense because that is probably one of the most important functions of our democratic society – that is the right to vote, elections, fair elections, and to have independence irrespective of who may be on the fifth floor, who may be the Majority on this Floor or the Floor across the way – they must be an independent body.

“So with the changes in this law, the Commission for the Office of Elections will become apolitical just like the Campaign Spending Commission. They are not to engage in politics, and that is what we need. That’s what the people of this state need because there is nothing, nothing as appalling as to sit there and to know – to know, Mr. President – that before the campaign spending director can come to testify, he has to clear it, or to wonder why Dwayne Yoshina is not in the halls of this Legislature during the year of an election cycle.

“Mr. President, they cannot have that taint. We cannot have that taint. The administration cannot have that taint. This will take any question away from all of us. They are going to be independent. They are in full support of this bill, and we have adopted structures that have worked, whether it’s the reapportionment structure. We’ve maintained the campaign spending structure. We’ve maintained the role of the judicial council in providing the names for the Campaign Spending Commission, and also to fill names if we fail to do it under the commission that runs the Office of Elections.

“This is the best thing that we can do for the people of this state because we will give them faith in the structure and they’ll know then that this most cherished right is one that is protected by all of us in making it independent and as apolitical as possible.

“Thank you, Mr. President.”

Senator Hogue rose to speak in opposition to the override and stated:

“Mr. President, I rise in opposition to the veto override.

“I think the Governor is also very concerned about the independence of these agencies. She makes some really good points here. She says, ‘Attached agencies should not be allowed to be “above the law” when carrying out their administrative functions.’ She further says in her veto message,

‘it is important to assure that legal advice is not unduly influenced by what the agencies want to hear, rather than by sound legal analysis.’ She makes some good points.

“The Judiciary Chair enumerated her arguments against some points but I think they need to be read into the record, and so I will do that. The Governor said she must return this bill without her approval because it denigrates these collaborative relationships that have been built up between her administration and these two attached agencies. She said it ‘would significantly skew representation of the voting public in the election process, and it would place two attached agencies, the Campaign Spending Commission, and the Office of Elections, outside the scope of the law.’

“She says, ‘First, the bill gives appointment power and the power to oversee the Chief Election Officer to elections commissioners who represent only twenty percent of the people of the State. At least six of the nine members of the new elections commission must be residents of the neighbor island counties. As a result, eighty percent of the State’s population’ would be represented by as few as only two members on this election commission.

“‘Second, this bill deprives the Governor of any voice in the appointment of the State’s Chief Election Officer,’ any voice at all. ‘Under this measure, the Governor would not appoint any of the nine members of the elections commission.’ I don’t think that is checks and balances.

“‘Third, the bill permits the Office of Elections and the Campaign Spending Commission to make personnel decisions and purchase supplies, equipment, and furniture without the approval of the Comptroller . . . without complying with all applicable requirements of the Hawaii Public Procurement Code . . .’ The Governor’s argument to that, and you heard the Judiciary Chair’s argument against it, ‘this bill’s provisions would set an unwarranted precedent.’

“And finally, the Minority is constantly, constantly advised against hiring outside attorneys, and the Governor accedes to that position. She says, ‘this bill erodes consistency and objectivity in the State Government’s legal interpretations by authorizing the Office of Elections and the Campaign Spending Commission to employ their own attorneys. It is critical that the legal advice given to those agencies be consistent with that given to other State agencies and with the interests of the State of Hawaii.’

“We’re concerned about the interest in the State of Hawaii, Mr. President. We support the Governor’s position and we oppose the override. Thank you.”

Senator Kawamoto requested his 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. 267, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT,” 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, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 534, dated May 3, 2004, transmitting her statement of objections to House Bill No. 2608 which she has

returned to the House of Representatives without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

May 3, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2608

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. 2608, entitled ‘A Bill for an Act Relating to the Hawaii Tourism Authority.’

The purpose of this bill is to authorize the Hawaii Tourism Authority (HTA) to hire attorneys independent of the Attorney General; to exempt the HTA from the Comptroller’s supervision; to authorize the appointment of a sports coordinator; to clarify the compensation package for the executive director of the HTA (\$274,500 per year); to increase the allowance for HTA’s administrative expenses from 3.5 percent to 5 percent of the Tourism Special Fund; and to appropriate funds from the Tourism Special Fund to cover a fiscal problem when HTA paid 18 months of a Hawaii Visitors and Convention Bureau (HVCB) contract with 12 months of funds.

This bill is objectionable because it allows the Hawaii Tourism Authority to operate outside the safeguards of State law, micromanages the personnel decisions of the Authority, diverts funds away from direct tourism activities, and potentially creates legal difficulties for the State.

First, House Bill No. 2608 would exempt the HTA from Chapter 40, Hawaii Revised Statutes, the accounting and audit statutes for the State of Hawaii. This exemption would allow the HTA to spend moneys without regard to the safeguards and control administered by the State Comptroller. It would allow disbursements from the Tourism Special Fund and Convention Center Enterprise Fund to be signed by the HTA Executive Director, in effect allowing this person to sign his own paychecks. The State comptroller ensures the propriety of expenditures and imposes no extraordinary processing delays.

Second, this bill is another example of legislative micromanagement. It would place in statute the hiring of a ‘Sports Coordinator’ by the HTA. This provision of the bill appears to contradict section 26-39 of the Hawaii Revised Statutes that provides for the establishment of positions as deemed necessary to carry out the functions of any department or agency.

Third, the bill would divert an additional \$915,000 away from direct tourism expenditures to cover the administrative expenses of HTA. Under current law HTA is allowed to expend 3.5 percent of the Tourism Special Fund for overhead. Based on a \$61 million appropriation, a total of \$2,315,000 is already permitted to finance HTA operations. This bill would raise that total to \$3,050,000. The Tourism Special Fund was created to provide a dedicated source of funding to develop and market tourism in the State of Hawaii. To use these funds for administrative expenses constitutes a type of ‘internal raid’ on special funds that this Administration has consistently opposed.

Fourth, this bill would erode the consistency and objectivity in the State’s legal interpretations by authorizing the Hawaii

Tourism Authority to hire its own attorneys. It is important that legal advice given to an agency be consistent with the advice given other agencies and with the interests of the State as a whole. Retention of separate counsel by the HTA would likely result in inconsistent advice. Hiring outside counsel also would be another diversion of tourism funds into administrative expenditures when adequate counsel already exists in the Attorney General’s office. Additionally, the Attorney General can hire special outside counsel when thorny or difficult legal issues arise and thus could accommodate any special legal needs the HTA might have.

For the foregoing reasons, I am returning House Bill No. 2608 without my approval.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii,”

was placed on file.

MOTION TO OVERRIDE VETO

H.B. No. 2608, H.D. 1, S.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Kim moved that the Senate override the veto of H.B. No. 2608, H.D. 1, S.D. 1, as contained in Gov. Msg. No. 534, seconded by Senator Hanabusa.

Senator Kim rose in support of the override and said:

“Mr. President, the purpose of this bill is to authorize Hawaii Tourism Authority to hire attorneys independent of the attorney general, to exempt the HTA from the Comptroller’s supervision, to authorize the appointment of a sports coordinator, and to increase the allowance for the HTA’s administrative expenses from 3.5 percent to 5 percent of the Tourism Special Fund.

“Mr. President, the Governor’s veto message, and I will try to go over some of the points that she made in her veto message, first of all, the first item would exempt the HTA from the accounting and audit statutes for the State of Hawaii. The Governor says that this exemption would allow the HTA to spend moneys without regard to the safeguards and control as administered by the State Comptroller.

“Mr. President, let me read from the testimony given by the Hawaii Tourism Authority. H.B. No. 2608, S.D. 1, provides the HTA with an exemption from the supervision of accounts similar to the exemptions provided to the University of Hawaii and the Department of Education. So already, Mr. President, we have that procedure. The problem that the Hawaii Tourism Authority have experienced is that the many contracts that they send out for tourism promotion – contracts for private development, contracts for festivals, contracts for events for marketing – do not get paid on a timely basis. Many of these contracts are small amounts to individuals and to groups, and charitable groups that do not have moneys or do not have cash flow that they can wait to be paid, and that has traditionally been made and that has been traditionally a problem, Mr. President.

“Also in the bill we have a three-year drop dead clause. Now, we thought that would be a good pilot project to see if in fact they can work like the University of Hawaii, and if in case there are problems, then there is a drop dead clause and we can always take that up again.

“The second item, Mr. President, in the governor’s message is that she states that this bill is another example of legislative micromanagement. It would place in statute the hiring of a sports coordinator by HTA. Mr. President, this is not micromanagement. The HTA asked us to do this. The HTA has asked for a sports coordinator and they were denied.

“So it’s interesting to note that the Governor goes on to say, ‘this provision of the bill appears to contradict section 26-39 of the Hawaii Revised Statutes that provides for the establishment of positions as deemed necessary to carry out the functions of any department or agency.’ Mr. President, 26-39 states this: ‘Except as otherwise provided by this chapter and with the approval of the governor, the head of a department may establish or abolish any subordinate office or position.’ Mr. President, the head of the department is executive director Rex Johnson. He was there and has asked that they be able to have a sports coordinator. They were denied this position by the Governor. It’s interesting to note that he’s gone online and asked for an appointment with the Governor and he’s not been given an appointment with the Governor.

“And so, if we going to do sports, if we’re going to promote our state and market our state as a place that’s good for sports, then we need a sports coordinator, and that position has been denied. And that is why it is in this bill.

“Thirdly, Mr. President, the Governor states that the bill would divert an additional \$915,000 away from direct tourism expenditures to cover the administrative expenses of HTA. Let me again read from the testimony given by Rex Johnson, the executive director: ‘H.B. No. 2608 authorizes the HTA to use up to 5 percent of the moneys in the tourism special fund for administrative expenses. These resources are necessary for the HTA to effectively plan out its various programs – business and leisure marketing, sports events, planning, product development, communication and advocacy – that address the vitality of Hawaii’s tourism industry. The HTA has also been directed by the Legislature to implement accountability measures for these programs to ensure that the funds spent on programs to market and sustain Hawaii tourism industry bring in significant return on the investment to the State of Hawaii and its people.’

“Mr. President, it is this Body, the Legislature, that deemed that we should establish the Hawaii Tourism Authority. Two years ago the Senate put in a sunset clause. That measure was not adopted by the House. So, the Legislature had deemed that we wanted to have the Hawaii Tourism Authority and we have been exercising our oversight over them but it requires them to be able to adhere to some of these things that appeared with the auditor, the state auditor’s report. We have asked them to do a number of things. We have also taken the opportunity to have five major marketing contractors, something that’s never been done for tourism, and it seems to be working. But we need to oversee these contracts as stated in the auditor’s report.

“Finally, Mr. President, the fourth item that the Governor made in her veto message was about the hiring of the attorneys. She goes on to say that ‘it is important that legal advice given to an agency be consistent with the advice given other agencies and with the interests of the State as a whole. Retention of separate counsel by the HTA would likely result in inconsistent advice. Hiring outside counsel also would be another diversion of tourism funds into the administrative expenditures when adequate counsel already exists in the Attorney General’s Office.’ Mr. President, I think that this is very contradictory.

“First of all, let me just state that the bill is very, very narrow in the sense that it says that the legal services for the board may

be done solely in the cases of contract negotiations in which the attorney general lacks sufficient expertise, provided that the independent attorney shall consult and work in conjunction with the designated deputy attorney general assigned to the Hawaii Tourism Authority.

“Mr. President, she goes on to say, ‘additionally, the Attorney General can hire special outside counsel when thorny or difficult legal issues arise and thus could accommodate any special legal needs the HTA might have.’ And that’s exactly what the bill states – it is in those thorny situations.

“But the reason this is so inconsistent is because they already allow the HTA to hire attorneys, which is also stated in her message, and the fact that the attorney general has stated that they never denied a request. So the fact of the matter is they have always allowed them to hire the attorneys so money is already spent on these attorneys and that there is only that question of whether or not it’s consistent or not.

“So the issue here is whether or not the HTA should have to wait five months after a request is put in – five months – before the attorney general finally gives them an approval, which never deny. But in the meantime, these contracts need to be negotiated. Most recently, Mr. President, the HTA sent a letter to the attorney general dated in July asking for permission to hire attorneys to deal with their five major contracts. They were not given the approval until December – December, Mr. President. These contracts needed to be approved and signed by December 31. Of course that’s been another criticism by our state auditor that these contracts are not being entered into on a timely manner. In fact, it’s been after the fact, and how can they when they have difficulty getting their attorneys.

“Mr. President, I think that in the Governor’s message here she contradicts herself as far as the attorneys are concerned, and I urge all of the members here to override the veto. Thank you.”

Senator Slom rose in opposition to the motion and said:

“Mr. President, I rise in opposition to the override.

“It’s such a pleasure to take the same data and explain it differently, and let’s try to do that. Let’s take the same four items that the good Vice President has just brought up.

“First of all, in terms of exempting the HTA from the oversight of the comptroller and from HRS, the good Senator, the head of the Tourism Committee, said we already do this with the University of Hawaii and the Department of Education, true. But this is not the University of Hawaii and it’s not the Department of Education. We carved out special treatment for them because of our concern for education and because we wanted to show everybody we care for our keiki.

“This is not the same situation and oversight is absolutely necessary because when we look at and review not only the legislative auditor’s report but also the very hearings that we’ve had in the Tourism Committee over the last couple of years, we’ve had great problems with the previous administrators and executive directors – the lack of board input, the special nature of in-house contracts that were outside of the law and outside of the HRS. So there is certainly a means for looking at and making sure, even though we all seem to agree that the new HTA seems to be going in the right direction, but there certainly is a need to make sure that there is oversight. And by removing this oversight, we have nothing left other than the word of the HTA executive director.

"Now, that would be fine, except that the Tourism Committee Chair cites his testimony in support of the bill. Well, I would be very surprised if he didn't support the bill that was offered by the Tourism Chair. But will that rise to the level where we should let go of this oversight and disregard the issues that were brought up in the legislative auditor's report. I think not.

"Secondly, the issue of micromanagement in turning to the sports coordinator position. I happen to agree that we should have a sports coordinator position. I disagree, however, that it should be in statute. And I also remember that we had someone serving in that position, although we're not sure exactly what it was called, and instead of promoting sports, he was promoting his own business and promoting himself. So, in terms of looking at some of these things, it's not just good enough to say we need to have a position. We also need to have the ability for the Governor to weigh in on this.

"By the way, the bill also mentions, as does the Governor, that the salary of the executive of the HTA now rises to \$274,500 a year. As we've seen in the last couple of years, it has gone up considerably and consistently.

"The third item that was brought up is the administrative expenses of the HTA. Increasing that amount from 3.5 percent to 5 percent from the tourism special fund. Here again, the money that is put into the tourism special fund was supposed to be earmarked and specifically delegated for marketing of the visitor industry. But now what we're seeing is there's more money to pay more executive salaries and other administrative expenses, and that was not the purpose of the HTA special fund. And we're talking right now a total under this bill of \$3,050,000, which is quite a bit for administrative expenses.

"Fourth and finally, the question of hiring one's own attorneys for this department. It seems I've testified on this particular aspect of the bill for two years now about 80 times, because this really is the impetus. This is what the bill sponsors and what the HTA want to do. And the head of the Tourism Committee is absolutely right. The attorney general testified that no request for outside attorneys has been denied, and the executive director of HTA also confirmed that.

"The attorney general also confirmed that in those rare areas where among their nearly 200 deputy attorneys they don't have one of them that has the expertise in this particular area of contract law, they themselves will advocate that they go outside. So that's not been a problem and that's not been an issue. However, when we're talking about the more broad way of going outside for attorneys, we're talking about additional expenses over and above those that have been budgeted and we're talking about the idea of bypassing the attorney general.

"This issue of the five-month delay, I know that the Chair of the Tourism Committee loves to cite this because she cited it about two dozen times so far. And to his credit, the attorney general took responsibility and apologized for the delay in this particular incident. There, however, have not been, as one would assume from her support of this bill, this override, that it happens all the time and it happens because no one cares at the attorney general's office. That's farther from the truth and the executive director of HTA said that.

"So if we look at all of these four reasons, there are reasons to have oversight; there are reasons to go through the state attorney general's office; there are reasons not to micromanage; and there are reasons to use the tourism special fund for the purposes that were outlined. And by overriding this veto, you're overriding all four of those areas.

"Thank you."

Senator Kim rose in rebuttal and said:

"Mr. President, I rise in rebuttal.

"First of all, Mr. President, the issue of the attorneys is not an isolated one. It happened under the last administration as well and it prompted the measure last year. And during that time, this administration and this attorney general testified and said that we had a new attorney general and that it wasn't going to happen, and then it did. And so apparently it's somehow within the system itself and not with whoever is the attorney general.

"Speaking on the issue on the sports coordinator, Mr. President, the HTA had problems, we had problems – this Legislature, the Senate – with the sports contractor. The sports contractor was hired separately. It didn't come out of administrative funds, but it was paid for out of HTA funds to the tune of \$750,000 for the sports coordinator. We had no control. There were conflicts of interest. And what we said is we would like to see a sports coordinator that is part of the staff that had no conflicts of interest that we wouldn't have to pay \$750,000 for. And so, in essence we're going to save money, so if I'm hearing what the previous Senator from Hawaii Kai said, that why are we going to have this sports coordinator, this is something that we wanted to save money and not spend additional moneys for.

"Finally, Mr. President, we have received testimony from the industry, the visitor industry in support of this measure. Thank you."

The motion was put by the Chair and, Roll Call vote having been requested, the veto of H.B. No. 2608, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," 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, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

At 6:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:07 o'clock p.m.

FINAL READING

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 136-04 (H.B. No. 2002, H.D. 2, S.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 136-04 be adopted and H.B. No. 2002, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Sakamoto then offered the following amendment (Floor Amendment No. 16) to H.B. No. 2002, H.D. 2, S.D. 1, C.D. 1:

SECTION 1. H.B. No. 2002, H.D. 2, S.D. 1, C.D. 1, is amended to read as follows:

"PART I

SECTION 1. The legislature finds that the after-school plus program, popularly known as 'A-plus', was established to provide affordable after-school care for latchkey children.

Initiated in 1990, the after-school plus program was billed as the nation's first subsidized, statewide after-school care program for public school students in kindergarten through grade six.

The legislature further finds that currently, fees and other moneys for the after-school plus program are deposited into the general fund. However, the deposit of program fees and moneys into the general fund does not guarantee that the fees and moneys will be dedicated to the after-school plus program.

The establishment of a revolving fund for the after-school plus program would provide a clear nexus between the fees assessed and collected for after-school program services and the provision of those services.

The purpose of this part is to create a revolving fund for the collection and disbursement of moneys to pay for the administration and operations of the after-school plus program.

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302A- After-school plus program revolving fund. (a) There is established the after-school plus program revolving fund to be administered by the department.

(b) The after-school plus program revolving fund shall consist of:

- (1) Fees collected by the department for administering and operating the after-school plus program, and the provision of program services;
- (2) Legislative appropriations;
- (3) All interest earned on the deposit or investment of moneys in the after-school plus program revolving fund; and
- (4) Any other moneys made available to the after-school plus program revolving fund from other sources.

(c) The department may establish appropriate fees and other charges to be assessed to each participant for the cost of administering and operating the after-school plus program. The revenues from those fees and charges shall be deposited into the revolving fund to be used to pay the costs of administering and operating the program."

SECTION 3. There is appropriated out of the after-school plus program revolving fund the sum of \$6,000,000 or so much thereof as may be necessary for fiscal year 2004-2005 to be used to pay the costs of administering and operating the after-school plus program.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

PART II

SECTION 4. The legislature finds that S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1 (Regular Session 2004), is a comprehensive measure that ambitiously aims to reinvent the public education system in numerous important ways. Some of the most critical goals of S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, are to:

- (1) Address the individual needs of students by requiring the establishment of a weighted student formula for allocating moneys to public schools;
- (2) Require no less than seventy per cent of operating funds for the department of education, excluding debt service and capital improvement programs to be expended by school principals;
- (3) Empower principals as educational leaders of their schools;
- (4) Support principals and involve school communities by establishing school community councils at public schools;
- (5) Require the development of plans, to be implemented in the 2006-2007 school year, for performance contracts for principals;
- (6) Remove bureaucratic constraints that hamper the effectiveness of the department of education;
- (7) Enhance the accountability system of the department of education; and

(8) Provide more books and learning materials for students.

These are only some of the ways in which S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, seeks to improve Hawaii's public schools. In recognition of the importance of this essential and revolutionary bill, the legislature took early action to ensure that the governor and other concerned stakeholders had ample time to reflect upon the bill and express their concerns or suggest improvements which could be addressed before the end of the legislative session.

One suggestion for amending this bill was to accelerate the implementation of the weighted student formula. S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, sets an extremely ambitious agenda for Hawaii's public schools. They will be faced with a new funding allocation system, a new school community council system, and new responsibilities in expending an increased percentage of their operating budget at the school level.

S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, provides funding for the department of education to pilot school community councils and the development of academic and financial plans. This Act specifies that this pilot program shall be implemented no later than January 1, 2005, ensuring the department of education begins these critical aspects of the education reinvention effort in a timely manner.

Other suggestions for amending the bill were to ensure that principals are sufficiently empowered to manage effectively, and clarify the relationship between principals and school community councils to ensure that decision-making can be executed efficiently. Although S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, expressly places principals in control of their schools, the legislature finds that more can be done to ensure their ability to effectively lead. This Act specifies that principals, rather than school community councils, shall be responsible for the initial development of their schools' academic and financial plans. This will ensure that principals are intimately involved in the formulation and execution of their schools' educational and fiscal goals.

A final suggestion to improve S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, was to allow charter schools to choose whether they want to be funded under the weighted student formula. Accordingly, this Act allows charter schools to select, as a group, whether to receive allocations through the weighted student formula for each fiscal biennium.

In approving S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, the legislature has fashioned an innovative, comprehensive, and ambitious yet implementable law, the purpose of which is to improve student achievement. In doing this, the legislature has committed itself, the board of education, the department of education, the governor, and the entire state government to efforts that require actions and commitment over many years. The complete effort to reinvent public schools begins with the enactment of both S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, and this Act.

Upon enactment, the creation and work of the committee on weights begins. Work begins immediately to prepare for the implementation of the school community councils, which must be in place by July 1, 2005. Beginning January 1, 2005, one school in each complex area, or fifteen in total, will pilot the process that the principal and the school community councils will use in developing their individual school's academic and financial plan. All schools will have school community councils by July 1, 2005, and they will receive training for their duties, including reviewing and recommending for approval by the complex area superintendent the academic and financial plans for their school.

The principals academy will be developed during the latter half of 2004 to provide training for principals in developing and implementing budgets, writing academic plans, and working effectively with school community councils.

The board of education will initially adopt the weighted student formula recommended by the committee on weights by

December 1, 2005. Principals will prepare and submit to the school community councils their academic and financial plans, which will be approved by the complex area superintendent no later than April 1, 2006. School allocations based on the weighted student formula will be made by July 15, 2006.

As experience is gained, the funds that each principal will budget and expend may be increased by the department of education. Local control of schools will also increase, allowing the principal and the school community council to shape their particular school to meet the needs of their students.

Other actions are required to reinvent education, which include the development of performance-based contracts for principals, the adoption of a unified school calendar, and a reduction of the bureaucracy that hinders the department of education in providing support services for the schools. All of these actions will take place over the next three years.

The legislature finds that the actions required to improve student achievement and the implementation of those requirements as set forth in S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, and this Act, are prudent and reasonable. The legislature invites the people of this State to lend their support, time, and participation in this endeavor to improve student achievement.

SECTION 5. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§302A- New century charter schools and new century conversion charter schools; weighted student formula. Notwithstanding section 302A-1185 and beginning on September 1, 2006, new century charter schools and new century conversion charter schools shall elect whether to receive allocations according to the weighted student formula adopted pursuant to section 302A- by the board of education; provided that:

- (1) All new century charter schools and new century conversion charter schools, as a group, shall elect whether to receive allocations through the weighted student formula;
- (2) Any election by new century charter schools and new century conversion charter schools to receive allocations, or not to receive allocations, through the weighted student formula shall be made by September 1 of each even-numbered year, and such election shall apply to the fiscal biennium beginning July 1 of the following year; and
- (3) The election to receive allocations, or not to receive allocations, through the weighted student formula shall be communicated to the department through the charter school administrative office.”

SECTION 6. The Act that resulted from the enactment of S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, Regular Session of 2004, is amended by amending section 1 to read as follows:

“SECTION 1. Although many responsibilities are laid upon education, ultimately education must do no less than advance the endowment of human culture itself, so that each succeeding generation finds itself further along the road towards peace, social justice, and environmental sustainability in a society guided by creativity, compassion, and curiosity. This Act is a road map for a critical phase in that ongoing journey.

The legislature finds that significant changes need to be made to enhance Hawaii’s public education system to ensure the success of that journey. Although the State’s students, parents, teachers, school administrators, departmental staff, and other educational stakeholders strive to achieve excellence, their efforts will never be completely successful until various aspects of the system around them are improved.

The legislature has supported and will continue to support efforts by the department of education to improve Hawaii’s schools as a means of enhancing the academic achievement, safety and well being, and civic commitment of students, to meet the evolving needs of today’s communities.

The coordinated package of initiatives in this Act aims to implement comprehensive education reform in Hawaii’s public schools and shall be known as the ‘Reinventing Education Act of 2004.’ Its main elements include:

- (1) Establishing a weighted student formula;
- (2) Providing additional information technology;
- (3) Empowering principals through a Hawaii principals academy and other means;
- (4) Strengthening community involvement through school community councils and parent-community networking centers;
- (5) Providing more mathematics textbooks;
- (6) Lowering class size in kindergarten, grade one, and grade two;
- (7) Providing full-time, year-round, high school student activity coordinators;
- (8) Providing support for students who need additional help to succeed in school;
- (9) Establishing a national board certification incentive program for teachers;
- (10) Enhancing teacher education;
- (11) Reducing the bureaucracy that hampers the effectiveness of the department of education;
- (12) Improving the educational accountability system; and
- (13) Requiring [the] board of education members to hold community meetings in their districts.

Research shows that student performance is significantly higher in smaller schools. While establishing smaller schools throughout the State is not financially feasible, some schools have taken it upon themselves to create smaller and more manageable learning communities within their schools. Research also strongly supports the need for early childhood education and the establishment of a coherent system that spans all levels of education. The department of education, teamed with the University of Hawaii and Good Beginnings Alliance to create a vision for such a system, which was presented in 2002, [and] is now being implemented.

Despite these efforts, more needs to be done. Currently, public school principals are faced with a nearly impossible task, as they are asked to attend to every detail of operating their schools without enough institutional support or discretion to expend funds. While some support and additional school leadership is provided by the school/community-based management (SCBM) system at many schools throughout the State, SCBM plays a far more limited role at some locations, and has not been implemented at all at others.

Recently, departmental leadership was decentralized through the creation of the complex area system, including the hiring of complex area superintendents. While replacing the old district system with this new structure was an important first step, further changes need to be made to allow meaningful authority to exist as close to the schools as possible. The complex area structure will serve as an excellent base upon which to build these continued reforms. It is the legislature’s intent to place a far greater number of decisions, and a much higher percentage of moneys, directly in the hands of individual schools and their leaders.

Another area of improvement necessary to promote excellence in learning is the method by which moneys are allocated to individual schools. Hawaii currently receives high marks nationally for funding equity, as being organized as a single unified system enables the State to fairly disburse moneys to schools. In other states, local revenue sources such as property taxes account for a significant portion of school and district funding, resulting in massive financial disparities between schools in more and less affluent areas.

Although the State avoids this particular pitfall, further improvements can be made to ensure that moneys go to the schools that truly have the greatest need, and to place more moneys at the discretion of individual schools. While the current funding system takes into account certain criteria when

allocating moneys to schools, it does not comprehensively address the fact that some students are more costly to educate than others. For example, students with special needs, such as those with limited proficiency in English, or who have physical, psychological, or other impediments to learning, are more expensive to teach than students who are not faced with these barriers.

One method that can be used to address these funding issues is a weighted student formula. Under such a system, moneys are allocated to schools based on a system of weighted characteristics that apply to every student in the public schools.

Under a weighted student formula there are several advantages. Among other things:

- (1) The relative cost of educating students can be much more accurately assessed, based upon the unique learning needs of each student;
- (2) Funds follow students to whichever school they attend; and
- (3) The budget process becomes more transparent as it is based on dollars, not staff positions.

However, establishing a weighted student formula cannot be effective in a vacuum. Other reform measures must be implemented as well. Principals will be empowered to act as the educational leaders of their schools, with more authority relating to budgeting, and more flexibility to expend funds. With these expanded powers, principals will be held accountable for their performance through a system that includes rewards, assistance, and sanctions. Principals will also need more training and support if they are required to take on additional duties, and are expected to advance student success. Furthermore, community involvement and support of schools will need to be enhanced if schools are to work effectively.

The department of education is also faced with significant impediments that will likely reduce its ability to effectively implement the weighted student formula. With educational responsibilities spread throughout numerous state agencies, there are various roadblocks to progress that could prevent the department of education and individual schools from successfully performing their duties and effectively using a new funding system.

The legislature finds that a comprehensive effort addressing all of these issues is required for Hawaii's public schools to maximize student achievement. Accordingly, the purpose of this Act is to enhance educational outcomes in Hawaii's public schools by:

- (1) Implementing the weighted student formula by:
 - (A) Requiring the department of education to provide supplementary allocations to those schools whose budgets are adversely affected by the weighted student formula for no more than three years beginning with the 2006-2007 school year;
 - (B) Establishing a committee on weights within the department of education to determine the unit value of student weights and recommend a weighted student formula to the board of education at least annually, and appropriating \$10,000 to support the operation of the committee;
 - (C) Requiring the department of education to adopt a weighted student formula in allocating funds to ~~[all]~~ public schools ~~[-excluding new century charter schools and new century conversion charter schools];~~
- (2) Appropriating \$2,000,000 to the department of education to facilitate field support, security, and privacy for the telecommunications network, and training regarding information technology infrastructure used to enhance accountability, compliance with the federal No Child Left Behind Act of 2001, and implementation of school reform including the weighted student formula;

- (3) Supporting and empowering principals by:
 - (A) Requiring the department of education, with the invited participation of the exclusive bargaining agent of educational officers of the department of education, to propose salary schedules and other terms and conditions of employment of principals and vice principals based upon a twelve-month term of service, and report findings back to the ~~[Legislature]~~ legislature no later than twenty days prior to the regular session of 2005;
 - (B) Requiring the board of education to classify all educational officer positions of the department of education to adopt two separate classification/compensation plans for educational officers ~~[-one]~~:
 - (i) ~~One~~ for principals and vice principals (based on the general pattern of a school administrator's career development and associated school administrator's qualification requirements); and ~~[one]~~
 - (ii) ~~One~~ for all other educational officers (reflective of the career development pattern and qualification requirements for the respective professional field of expertise), and including classification appeals procedures for both; ~~[and]~~
 - (C) Convening a working group to create a plan for the implementation of performance contracts for principals;
 - (D) Establishing a Hawaii principals academy to support and train complex area superintendents, principals, and prospective principals, and appropriating \$500,000 to operate the academy;
 - (E) Clarifying the authority and responsibility of principals;
 - (F) Appropriating \$183,780 to operate the department of education's administrator certification for excellence (ACE) program; and
 - (G) Appropriating \$400,000 to compensate principals recalled to work by the department, outside of their regular term of service, for professional development and any other activities that may enhance their effectiveness as leaders of their schools;
- (4) Enhancing community involvement in schools by:
 - (A) Appropriating \$350,000 for training and other activities needed to facilitate the transition from the current SCBM system into a mandatory school community council system to be implemented at each public school, excluding new century charter schools and new century conversion charter schools;
 - (B) Clearly articulating the balance and reciprocity of powers and responsibilities between the principal and school community council; ~~and~~
 - (C) Appropriating \$1,743,900 to support and enhance ~~[a proven means of improving parental and community involvement in schools,]~~ parent-community networking centers;
- (5) Directly, concretely supporting the academic achievement and holistic development of students by:
 - (A) Appropriating \$2,500,000 for mathematics textbooks and other mathematics learning materials in schools ~~[-]~~; provided that mathematics curriculum is aligned within the school complex;
 - (B) Appropriating \$2,143,350 to reduce class size in kindergarten, grade one, and grade two by hiring seventy-five elementary school teachers;
 - (C) Appropriating \$460,000 for full-time, year-round, high school student activity coordinators; and

- (D) Appropriating \$100,000 for programs that support parents in working with students who need additional help to succeed in school; provided the programs have measurable outcomes;
- (6) Directly, concretely supporting teachers by:
- (A) Establishing a national board certification incentive program to be administered by the Hawaii teacher standards board to continue comparable efforts initiated under a memorandum of understanding between the department of education and Hawaii teacher standards board which expires on June 30, 2005, and appropriating \$480,000 [~~funding~~] to execute the memorandum of understanding during fiscal year 2004-2005;
- (B) Appropriating \$92,000 for the administration of the Hawaii teacher standards board; and
- (C) Increasing the pool of qualified teachers and administrators by appropriating \$500,000 to fund seven teacher education positions and one education administration faculty position at the college of education of the University of Hawaii;
- (7) Reducing bureaucracy that hampers the effectiveness of the department of education by:
- (A) Requiring the department of education to convene an interagency working group to address systemic impediments to the efficient management and operation of schools;
- (B) Transferring certain key functions from various state agencies to the department of education; and
- (C) Requiring the board of education to adopt a single school calendar for all public schools to apply beginning with the 2006-2007 school year;
- (8) Enhancing educational accountability by:
- (A) Requiring academic achievement, safety and well being, and civic responsibility of individual students to be assessed and tracked;
- (B) Expanding the accountability provision to include fiscal accountability;
- (C) Including complex area superintendents and principals in the accountability system;
- (D) Requiring clear, easily understandable report cards on key performance indicators for schools, school complexes, and the public school system; and
- (E) Requiring the board of education to hold community meetings in each school district;
- (9) Appropriating \$400,000 for the piloting of school community councils and development of academic and financial plans at selected schools prior to the statewide implementation of the weighted student formula; and
- (10) Requiring the department of education to submit findings and recommendations to the legislature prior to the 2005 regular session relating to the implementation of this Act."

SECTION 7. The Act that resulted from the enactment of S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, Regular Session of 2004, is amended by amending section 4 to read as follows:

"SECTION 4. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§302A- Weighted student formula.** Based upon recommendations from the committee on weights, the board of education, not less than annually, shall adopt a weighted student formula for the allocation of moneys to public schools[~~excluding new century charter schools and new century conversion charter schools;~~] which takes into account the educational needs of each student. The department, upon the receipt of appropriated moneys, shall use the weighted student formula to allocate funds to public schools[~~excluding new century charter schools and new century conversion charter~~

~~schools]. Principals shall expend moneys provided to the principals' schools. This section shall only apply to new century charter schools and new century conversion charter schools for fiscal years in which the new century charter schools and new century conversion charter schools elect pursuant to section 302A- to receive allocations according to the weighted student formula."~~

SECTION 8. The Act that resulted from the enactment of S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, Regular Session of 2004, is amended by amending section 6 to read as follows:

"SECTION 6. [~~Section~~] Chapter 302A, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"~~Weighted student formula~~" means a formula for allocating operating moneys to individual public schools that includes a system of weighted characteristics affecting the relative cost of educating each student attending a public school[~~excluding new century charter schools and new century conversion charter schools~~]."

SECTION 9. The Act that resulted from the enactment of S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, Regular Session of 2004, is amended by amending section 14 to read as follows:

"SECTION 14. The superintendent of education shall select and convene a working group to create a plan for performance contracts for principals to be implemented beginning with the 2006-2007 school year. The working group shall include:

- (1) The superintendent of education;
- (2) Representatives of complex area superintendents;
- (3) Representatives of school principals; and
- (4) Representatives of any other agency, organization, or group as deemed appropriate by the superintendent of education.

The superintendent shall request the exclusive representative for collective bargaining unit 6 to participate in the working group.

The working group shall:

- (1) Establish appropriate performance criteria [~~for~~] which shall be used in individual performance contracts for principals [~~are to be evaluated under performance contracts~~], including:
 - (A) Core criteria to be incorporated into performance contracts statewide; and
 - (B) Criteria that may be used at the discretion of individual schools;
- (2) Determine appropriate performance benchmarks, or methods of devising performance benchmarks, that may be used to assess principal performance relative to expected standards[~~;~~]; provided that such performance benchmarks, at a minimum, shall include those elements related to principals in the educational accountability system;
- (3) Determine appropriate rewards, assistance, and sanctions to be included or considered for inclusion in performance contracts; and
- (4) Address any other issues necessary for the implementation of performance contracts.

The department of education shall submit findings, including proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2005."

SECTION 10. The Act that resulted from the enactment of S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, Regular Session of 2004, is amended by amending section 16 to read as follows:

"SECTION 16. Section 302A-1103, Hawaii Revised Statutes, is amended to read as follows:

"**§302A-1103 Principal; authority and responsibility.** The role of the principal shall include but not be limited to overseeing the day-to-day management of the school, the primary function of which is to develop and deliver instructional services to students in accordance with statewide educational policy and to enable students to meet or exceed statewide academic standards. The principal shall:

- (1) Ensure that the curriculum facilitates the achievement of the statewide student performance standards adopted for the public school system;
- (2) Develop and present to the school community council for its review and approval, academic and financial plans relating to the school;
- ~~[(2) Maintain and exercise]~~ (3) Exercise authority over the implementation of the budget, policies, and operations of the school; and
- ~~[(3)]~~ (4) Collaborate with other principals in the principal's school complex to ensure that:
 - (A) Logical, sequential curricula are adopted within the school complex;
 - (B) Best practices are shared among and implemented by schools within the school complex;
 - (C) The goals and objectives of the school complex are being met;
 - (D) The use of school complex-based personnel and contractors who divide their time between more than one school in a school complex is coordinated to maximize efficiency; and
 - (E) The passage of students through the continuum of grades is coordinated in a manner consistent with section 302A-1004."

SECTION 11. The Act that resulted from the enactment of S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, Regular Session of 2004, is amended by amending section 25 to read as follows:

"SECTION 25. Section 302A-1124, Hawaii Revised Statutes, is amended to read as follows:

"§302A-1124 Mandate to initiate school community councils. (a) The department, through the board and its superintendent, shall establish a school community council system under which each public school, excluding new century charter schools and new century conversion charter schools, shall create and maintain a school community council. Each school community council shall:

- (1) ~~[Participate in the development of, and recommend for approval by the complex area superintendent, the school's annual:~~
 - ~~(A) Academic plan; and~~
 - ~~(B) Financial plan;]~~

Review and evaluate the school's academic plan and financial plan, and either recommend revisions of the plans to the principal, or recommend the plans for approval by the complex area superintendent;
- (2) Ensure that the school's academic and financial plans are aligned with the educational accountability system under section 302A-1004;
- (3) Participate in principal selection and evaluation, and transmit any such evaluations to the complex area superintendent; and
- (4) Provide collaborative opportunities for input and consultation.
- (b) School community councils shall be exempt from the requirements of chapters 91 and 92. The school community councils shall:
 - (1) Make available the notices and agendas of public meetings:
 - (A) At a publicly accessible area in the school's administrative office so as to be available for review during regular business hours; and
 - (B) On the school's Internet web site, not less than six calendar days prior to the public meeting, unless a waiver is granted by the superintendent in the case of an emergency; and
 - (2) Make available the minutes from public meetings on a timely basis in:
 - (A) The school's administrative office so as to be available for review during regular business hours; and
 - (B) On the school's Internet web site.

~~community council to revise its school]~~ revisions to a school's academic and financial plans if the plans are in violation of law or conflict with statewide educational policies and standards[-], or are otherwise in the best interests of the school.

(d) The superintendent of education may recommend to the board of education dissolution of a school community council and establish an interim school community council if the school community council engages in any act or omission that would constitute gross negligence, wilful and wanton misconduct, or intentional misconduct. The superintendent may recommend to the board the removal of any member of a school community council. The superintendent shall appoint or facilitate the creation of an interim school community council at any school that has not established a council or has had its council dissolved. In appointing or facilitating the creation of an interim school community council at any school that has had its council dissolved, the superintendent may appoint individuals who were previously members of the council.

(e) Unless otherwise specified, each school community council shall establish policies governing the council's composition, election, staggered terms of office for members, operation, and vacancies; provided that:

- (1) The number of school personnel in any school community council shall be equal to the number of primary stakeholders on the school community council;
- (2) At the elementary and middle school levels, each school community council shall be composed of the principal and at least one member representing each of the following groups:
 - (A) Parents elected by ballots distributed among and collected from the parents of the school's students;
 - (B) Teachers elected by ballots distributed among and collected from teachers of the school;
 - (C) Noncertificated school personnel elected by ballots distributed among and collected from noncertificated personnel of the school;
 - (D) Community representatives elected by ballots distributed among and collected from parents of the school's students; and
 - (E) Student representatives selected by the student council of the school;

and
- (3) At the high school level, each school community council shall be composed of the principal and at least one member representing each of the following groups:
 - (A) Parents elected by ballots distributed among and collected from parents of the school's students;
 - (B) Teachers elected by ballots distributed among and collected from teachers of the school;
 - (C) Noncertificated school personnel elected by ballots distributed among and collected from noncertificated personnel of the school;
 - (D) Community representatives elected by ballots distributed among and collected from the parents of the school's students; and
 - (E) Student representatives selected by the student council of the school.

For the purposes of this subsection, "primary stakeholders" means students, parents, and community members.

(f) School community councils shall elect officers, including:

- (1) A chairperson;
- (2) A vice-chairperson;
- (3) A secretary; and
- (4) Other officers as needed to perform stated duties in support of the work of the council.

(g) The principal shall have the authority to set aside any decision made by the school community council if the principal determines it to be in the best ~~[interest]~~ interests of the

school[;] provided that the principal notifies the school community council. If the school community council opposes a decision of the principal, an appeal shall first be brought to the complex area superintendent for resolution and, if necessary, to the superintendent and, finally, to the board of education. [~~The principal shall not set aside decisions made by the school community council to recommend annual academic and financial plans for approval by the complex area superintendent.~~]

(h) Complex area superintendents shall assist the school community councils and principals within their respective complex areas in:

- (1) Obtaining the support and services of the department; and
- (2) Ensuring the progress and success of the school's academic and financial plan.”

SECTION 12. The Act that resulted from the enactment of S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, Regular Session of 2004, is amended by amending section 59 to read as follows:

“SECTION 59. There is appropriated out of the general revenues of the State of Hawaii the sum of \$400,000[;] or so much thereof as may be necessary for fiscal year 2004-2005[;] for the piloting of school community councils and development of academic and financial plans at [~~selected public schools prior to the statewide implementation of the weighted student formula.~~] least at one school in each complex area. The pilot program shall begin no later than January 1, 2005.”

SECTION 13. The department of education shall submit to the legislature no later than twenty days prior to the convening of the regular session of 2005 a report detailing the programs and functions that would need to be placed under the control of individual schools to achieve certain benchmark figures in enabling principals to expend an increased percentage of the appropriations for total department of education budget, excluding debt service and capital improvement programs. The report shall include:

- (1) A list of functions and programs for which moneys would be expended by school principals at each of:
 - (B) Eighty per cent; and
 - (C) Ninety per cent
 of the appropriations for the total department of education budget, excluding debt service and capital improvement programs;
- (2) A description of required department infrastructure and system support, including any buyback programs for services, to achieve the benchmark figures in paragraph (1); and
- (3) A description of any other requirements foreseen by the department to be necessary to achieve the benchmark figures in paragraph (1).

PART III

SECTION 14. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 15. This Act shall take effect upon its approval; provided that sections 2 and 3 shall take effect on July 1, 2004

Senator Sakamoto moved that Floor Amendment No. 16 be adopted, seconded by Senator Hooser.

Senator Sakamoto rose to speak on the amendment as follows:

“Mr. President, I really appreciate the member's time in bearing with the process to come to some of these amendments when trying to work with the House as well as the Governor's office and other people. The bill we overrode earlier today, our omnibus education bill, with this bill contains some amendments relating to amendments to that measure.

“First, in charter schools, the charter schools, new century charters as well as new century conversion charters, as a group

may elect to become under the weighted student formula. But that would only be every biennium. So September 1st of the even numbered years, as a group they can choose to come in or go out by September 1st making that decision.

“Another amendment clarified that principals, as their performance contract criteria gets looked at, that it include individual performance of contract criteria for principals. Also, in clarifying how their academic and financial plans are developed, clarifying that it's the principal that would develop and present the plan to the school community council for its review and approval of the academic and financial plan. The council's role would be to review and evaluate the school's academic and financial plan and either recommend revisions to the principal or recommend those plans for approval to the complex area superintendent.

“Another clarification the bill dealt with is the timing of the weighted student formula to actually happen. This bill says that there should be one school in each complex area that would be 15 that would embark on this, and the pilot program would begin no later than January 1st, 05. The following year the broader schools would participate.

“On the issue of the percentage, this bill doesn't change 70 percent and doesn't give date specific 80 or 90 percent, but we're requesting a study for the department to come back and look at issues and concerns such as creating buyback programs or a way for, if there are other barriers, getting to 80 percent or 90 percent.

“So basically, Mr. President, there were some improvements to the bill and we hope that members will support these changes.”

Senator Kawamoto rose and said:

“Mr. President, will the Chair yield to a question?”

The President posed the question, and Senator Sakamoto having answered in the affirmative, Senator Kawamoto inquired:

“Senator, I'd just like to find out if all these amendments truly had proper public hearings and the process was indeed the consequence of these amendments.”

Senator Sakamoto responded:

“I remember in a previous version of the bill on charter schools, the House had previously had the charter schools in the discussions, so that did get a hearing. On the principal's contracts, that always was in the bill. The wording of what exactly principals would do or the school community councils would do, those had discussions throughout actually the interim and Session.

“The piloting was in a previous bill. This bill just clarifies that it would be a minimum of 15. The study to go to 80 or 90 percent has always been part of the discussion with the Governor feeling it needed to be 90 percent and we weren't able to get there.

“So, the answer is yes.”

Senator Hogue rose to speak in favor and said:

“Mr. President, first of all, I'd like to speak in favor of this.

“I commend the Governor for charging the Legislature with trying to come up with amendments to the earlier reform bill. I

also thank the Chairs of the Education Committee and the members of the Majority as well for considering these amendments. I know that it had to be very, very tough. But in some cases, maybe you didn't get what you wanted, and in some cases we didn't get what we wanted, and that's the art of compromise.

"The Governor did say that she wanted movement on four of the five issues. It appears at least from first perusal that there is movement on four of the five measures, so you can't argue with that. I would hope that we can move towards 90 percent if it is possible. I notice that is the one area that is not in here. Hopefully, beyond that I would hope that eventually we also get a chance to vote on a constitutional amendment. But that was not one of the areas that the Governor brought forward so we can't quibble with that.

"So, congratulations to everyone who was involved and congratulations to the Governor for making education her top priority."

"Thank you very much, Mr. President."

Senator Trimble rose to speak in support and said:

"Mr. President, I rise to speak in favor of this measure.

"Actually, all I wanted to do was to add your name to those that the previous speaker was thanking.

"Thank you."

The motion to adopt Floor Amendment No. 16 was put by the Chair and carried.

Senator Sakamoto moved that Conf. Com. Rep. No. 136-04 be received and placed on file, seconded by Senator Hooser and carried.

By unanimous consent, H.B. No. 2002, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was placed on the calendar for Final Reading on Thursday, May 6, 2004.

ADJOURNMENT

At 10:15 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, May 6, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

SIXTIETH DAY

Thursday, May 6, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Gary L. Hooser, Hawaii State Senate, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Ninth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 535 to 548) were read by the Clerk and were placed on file:

Gov. Msg. No. 535, dated April 5, 2004, transmitting the 2003 Annual Report of the State of Hawaii Overseas Offices, prepared by the Department of Business, Economic Development, and Tourism.

Gov. Msg. No. 536, letter dated April 21, 2004, notifying the Senate that she has approved the expenditure of non-appropriated federal funds for the Department of Transportation in the increased amount of \$25,000, pursuant to Act 200, Section 129, SLH 2003.

Gov. Msg. No. 537, letter dated April 21, 2004, notifying the Senate that she has approved the expenditure of non-appropriated federal funds for the Department of Transportation in the increased amount of \$25,000, pursuant to Act 200, Section 129, SLH 2003.

Gov. Msg. No. 538, letter dated April 22, 2004, notifying the Senate that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Agriculture in the increased amount of \$40,000 for funding to support Hawaii participants of Rapid Response Team, pursuant to Act 200, Section 129, SLH 2003.

Gov. Msg. No. 539, letter dated April 22, 2004, notifying the Senate that she has approved the expenditure of non-appropriated federal funds for the Department of Transportation in the increased amount of \$100,000, pursuant to Act 200, Section 129, SLH 2003.

Gov. Msg. No. 540, dated April 22, 2004, transmitting the Hawaii Strategic Development Corporation's Annual Report, prepared by the Department of Business, Economic Development and Tourism.

Gov. Msg. No. 541, letter dated May 3, 2004, transmitting a proposed floor amendment to replace S.B. No. 2549, S.D. 1, H.D. 1, C.D. 1, to fund amounts owed to United Public Workers Unit 1 for FY 04.

Gov. Msg. No. 542, informing the Senate that on May 4, 2004, she signed into law Senate Bill No. 2443 as Act 48, entitled: "RELATING TO ATTORNEYS' LIENS."

Gov. Msg. No. 543, informing the Senate that on May 4, 2004, she signed into law Senate Bill No. 2844 as Act 49, entitled: "RELATING TO CRIME."

Gov. Msg. No. 544, informing the Senate that on May 4, 2004, she signed into law Senate Bill No. 2294 as Act 50, entitled: "RELATING TO CRIMINAL TRESPASS."

Gov. Msg. No. 545, informing the Senate that on May 5, 2004, she signed into law Senate Bill No. 2577 as Act 54, entitled: "RELATING TO PEER REVIEW."

Gov. Msg. No. 546, informing the Senate that on May 5, 2004, she signed into law House Bill No. 1294 as Act 55, entitled: "RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

Gov. Msg. No. 547, informing the Senate that on May 5, 2004, she signed into law Senate Bill No. 3222 as Act 56, entitled: "RELATING TO MOTOR VEHICLE INSURANCE."

Gov. Msg. No. 548, dated May 6, 2004, transmitting a Supplement to the 2004 Annual Report on Positions Exempted from the Civil Service, prepared by the Department of Human Resources Development pursuant to Act 253, SLH 2000.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 34, from the State Auditor dated May 4, 2004, transmitting a report, "Audit of the University of Hawaii Contract with the University of Hawaii Foundation," (Report No. 04-08), was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 729 to 738) were read by the Clerk and were placed on file:

Hse. Com. No. 729, informing the Senate that the House has reconsidered H.B. No. 1043, S.D. 1, C.D. 1, heretofore vetoed as set forth in a Governor's Message dated May 3, 2004, and approved said bill by an affirmative vote of two-thirds of all members of which the House of Representatives of the Twenty-Second Legislature of the State of Hawaii is entitled.

Hse. Com. No. 730, informing the Senate that the House has reconsidered H.B. No. 2743, H.D. 2, S.D. 1, C.D. 1, heretofore vetoed as set forth in a Governor's Message dated April 30, 2004, and approved said bill by an affirmative vote of two-thirds of all members of which the House of Representatives of the Twenty-Second Legislature of the State of Hawaii is entitled.

Hse. Com. No. 731, informing the Senate that the House has reconsidered S.B. No. 3238, S.D. 2, H.D. 2, C.D. 1, heretofore vetoed as set forth in a Governor's Message dated April 29, 2004, and approved said bill by an affirmative vote of two-thirds of all members of which the House of Representatives of the Twenty-Second Legislature of the State of Hawaii is entitled.

Hse. Com. No. 732, informing the Senate that the House has agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House on May 3, 2004:

H.B. No. 2170, H.D. 1, S.D. 1; and
H.B. No. 2286, H.D. 1, S.D. 1.

Hse. Com. No. 733, informing the Senate that the following bills passed Final Reading in the House of Representatives on May 3, 2004:

H.B. No. 680, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 851, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1374, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1710, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1756, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1786, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1820, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1904, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1908, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1929, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 2005, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2009, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2049, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 2074, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2136, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2137, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2143, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 2396, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 2411, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2511, S.D. 1, C.D. 1;
 H.B. No. 2523, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2547, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 2662, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2667, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 2703, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 2773, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2774, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2786, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 2840, H.D. 1, S.D. 3, C.D. 1;
 H.B. No. 2883, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 2911, H.D. 2, S.D. 1, C.D. 1;
 S.B. No. 17, S.D. 1, H.D. 1, C.D. 2;
 S.B. No. 214, S.D. 3, H.D. 2, C.D. 1;
 S.B. No. 420, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 459, S.D. 1, H.D. 1, C.D. 2;
 S.B. No. 473, S.D. 1, H.D. 3, C.D. 1;
 S.B. No. 779, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1238, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 1239, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1318, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 1491, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1611, H.D. 2, C.D. 1;
 S.B. No. 2045, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2056, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2063, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2073, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2077, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2134, H.D. 1, C.D. 1;
 S.B. No. 2165, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2200, H.D. 1, C.D. 1;
 S.B. No. 2210, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2281, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2355, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2358, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2396, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2404, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2424, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2425, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2440, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2528, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2529, H.D. 1, C.D. 1;
 S.B. No. 2538, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2550, H.D. 1, C.D. 1;
 S.B. No. 2551, H.D. 1, C.D. 1;
 S.B. No. 2595, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2606, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2671, S.D. 1, H.D. 1, C.D. 1;

S.B. No. 2690, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2704, H.D. 1, C.D. 1;
 S.B. No. 2716, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2790, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2791, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2834, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2839, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2873, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2878, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2879, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2887, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 2906, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2909, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2926, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 2930, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2936, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 2951, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2968, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2976, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 2995, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 3018, S.D. 2, H.D. 1, C.D. 1;
 S.B. No. 3020, H.D. 1, C.D. 1;
 S.B. No. 3049, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 3080, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 3086, H.D. 1, C.D. 1;
 S.B. No. 3092, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 3106, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 3148, S.D. 2, H.D. 3, C.D. 1;
 S.B. No. 3153, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 3162, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 3170, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 3175, S.D. 2, H.D. 2, C.D. 1;
 S.B. No. 3182, H.D. 1, C.D. 1;
 S.B. No. 3193, S.D. 2, H.D. 2, C.D. 1; and
 S.B. No. 3230, S.D. 2, H.D. 1, C.D. 1.

Hse. Com. No. 734, informing the Senate that the House reconsidered its action taken on April 8, 2004, in disagreeing to the amendments proposed by the Senate to H.B. No. 2408, H.D. 2 (S.D. 1).

Hse. Com. No. 735, informing the Senate that the House reconsidered its action taken on April 13, 2004, in disagreeing to the amendments proposed by the Senate to H.B. No. 1987, H.D. 1 (S.D. 1).

Hse. Com. No. 736, 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. 1780, H.D. 1, (S.D. 1);
 H.B. No. 2025, H.D. 3, (S.D. 2); and
 H.B. No. 2459, H.D. 1, (S.D. 2).

Hse. Com. No. 737, returning S.B. No. 1302, S.D. 1, which passed Third Reading in the House of Representatives on May 3, 2004.

Hse. Com. No. 738, returning S.C.R. No. 13, which was adopted by the House of Representatives on May 3, 2004.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3531 (Gov. Msg. No. 295):

Senator Taniguchi moved that Stand. Com. Rep. No. 3531 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of CAROL ANN BURDICK to the Board of Taxation Review, 2nd Taxation District (Maui), term to expire June 30, 2006, seconded by Senator Kokubun.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 3532 (Gov. Msg. No. 294):

Senator Taniguchi moved that Stand. Com. Rep. No. 3532 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of DICK ISOO OSHIMA to the Board of Taxation Review, 1st Taxation District (Oahu), term to expire June 30, 2007, seconded by Senator Kokubun.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 3533 (Gov. Msg. No. 296):

Senator Taniguchi moved that Stand. Com. Rep. No. 3533 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of WILLIAM FRANCIS DAILEY to the Board of Taxation Review, 2nd Taxation District (Maui), term to expire June 30, 2007, seconded by Senator Kokubun.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 3534 (Gov. Msg. No. 309):

Senator Sakamoto moved that Stand. Com. Rep. No. 3534 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of ROBERTA M. RICHARDS to the Western Interstate Commission for Higher Education (WICHE), term to expire June 30, 2005, seconded by Senator Hooser.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 3536 (Gov. Msg. Nos. 487 and 488):

Senator Kim moved that Stand. Com. Rep. No. 3536 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Kim then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Tourism Authority of the following:

GAIL Y. HARAGUCHI, term to expire June 30, 2008 (Gov. Msg. No. 487); and

KAWAIKAPUOKALANI K. HEWETT, term to expire June 30, 2006 (Gov. Msg. No. 488),

seconded by Senator Tsutsui.

Senator Kim rose to speak in support of the nominee and said:

"Mr. President, I rise to speak in favor of Gov. Msg. Nos. 487 and 488.

"Mr. President, both appointments are to the Board of the Hawaii Tourism Authority and their vision statements, members, are all on your desks.

"First, I urge the confirmation of Gail Y. Haraguchi. She is the Senate nominee. Ms. Haraguchi is the product of the public schools – Castle High School, Kapiolani Community College and the University of Hawaii. She is a businesswoman and community leader involved in the junior golf program. She offers a fresh viewpoint, Mr. President, and a balance to the Hawaii Tourism Authority. Her vision for Hawaii is to focus on the quality of the visitor experience and to maximize the salability of Hawaii's natural beauty and our natural resources.

"Mr. President, the second nominee is Kawaikapuokalani K. Hewett. He, too, is the product of our public schools – Castle High School, Windward Community College and the University of Hawaii. He is the House nominee. Mr. Hewett fulfills the requirement of at least one member of the HTA shall have knowledge, experience and expertise on the area of Hawaiian cultural practices. Mr. President, it has been two years since this requirement was added to the law and finally today we will have representation from the host culture on this very important tourism board. Mr. Hewett is an icon in Hawaii. He is a talented entrepreneur, an educator, a practitioner who is nationally recognized for his expertise in music, hula, lei-making, and Hawaiian language to name a few. His vision is to protect, preserve and perpetuate the Hawaiian culture while promoting it with respect and reverence.

"Mr. President, I urge all of my colleagues to vote 'aye' for both nominations.

"Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

FINAL READING

MATTERS DEFERRED FROM MONDAY, MAY 3, 2004

Conf. Com. Rep. No. 147-04 (S.B. No. 2551, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 147-04 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Menor).

Conf. Com. Rep. No. 152-04 (S.B. No. 459, S.D. 1, H.D. 1, C.D. 2):

Senator Hanabusa moved that Conf. Com. Rep. No. 152-04 be adopted and S.B. No. 459, S.D. 1, H.D. 1, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator English.

Senator Kawamoto rose to speak in favor of the measure as follows:

“Mr. President, I rise in favor of this bill.

“Mr. President, I would like to thank the Judiciary Chair for keeping her promise and looking at this bill. This conference that we had a couple of years ago, although we only took some of the definitions I think it’s a good start for campaign spending, and I would like to thank her for allowing all of us to again really define what bundling is.

“Therefore, I urge all my colleagues to vote ‘aye.’”

Senator Ihara rose in support with reservations and said:

“Mr. President, I rise in support of S.B. No. 459 with reservations.

“Mr. President, while this bill contains mostly minor improvements to the state campaign finance law, there is clearly one good change in it – that of making some campaign law violations a felony. This bill also closes a part of the pay-to-play system by banning some government contractors from making campaign donations. But contractors in their request for proposal process are not banned. The ban does not affect contractors in the dozens of agencies exempted from the state procurement code. The campaign spending commission director estimates that if this – and I’ll call it ban on some government contractors – if this ban was in effect a few years ago, it would have prevented about 20 percent of the illegal contributions that have occurred in recent years.

“Contractors who still want to pay to play can do so under this bill because they can donate before they begin procurement activity. The ban only starts once they start what’s called procurement activity and, I suppose, indicate interest in a contract, or they can simply be a subcontractor because this bill does not stop subcontractors from donating to candidates. As you know, many, many of these donations and many of the illegal donations that have been reported in the past have been given by subcontractors.

“Also, small-purchase contractors providing less than \$25,000 in goods and services can still donate to candidates under this bill. That includes the type of contractors involved in the recent Department of Transportation’s kickback corruption scandal at the airport. At least five contractors have pleaded guilty for padding their invoices and giving over \$150,000 in kickbacks to airport officials who said part of the kickback money was for political contributions. This is all from supposed small \$25,000 or less contracts.

“There is also a mysterious provision that received no hearing and was added only in Conference – and that is to prohibit out of state corporations and unions from making donations to Hawaii candidates. I wonder what the public policy and rationale for this prohibition is and whether there may be a constitutional equal protection problem with this provision.

“Along with these four items are a number of minor technical and inert provisions. I agree with Dr. Watada that the

reform value of S.B. No. 459 is about 20 percent. That means on a football field, we’re on the 20-yardline and there’s the rest of the field to go – a long way, 80 yards to go.

“Mr. President, I agree with the campaign spending commission that to really fix the private financing system of election campaigns there needs to be a ban on all corporate and union donations and a large reduction in amounts that individuals can contribute. I part company with the commission believing the real reform, a reform that makes all other reforms possible, is comprehensive public financing of election campaigns. The point though is that we have come a long way and we have . . . actually we’ve come a short way and we have a long way to go before real campaign reform can happen.

“Mr. President, I was thinking about reading the roll call inspired by the Senator from Waimanalo of recent campaign violators to indicate how large a campaign finance corruption problem we have in Hawaii, but to spare my colleagues, I’ll simply show you the list. The Senator from Hawaii Kai will be providing us with bipartisan support to make this demonstration.

“Mr. President, in the past few years we have we have on this list all different individuals, their names and their companies, and the dollar amount of illegal contributions. There are over a thousand separate violations of campaign spending laws in the last few years, and this scroll lists those individuals. There are no repeats. They are all individual separate names. The company names are repeated because many of them are from the same company. The company that’s listed is either the employer of the individual or the company that provided the funding for the individual to give to candidates that were illegal. The investigations are not yet over, but so far there are about 450 different individuals involved and these people gave close to \$1.9 million in illegal donations. The Campaign Spending Commission reports that over half of the donations given to the winner of the last mayoral election in Honolulu were illegal.

“Mr. President, if this wasn’t enough, 32 persons have been criminally charged for the worst of these offenses, some involving literally hundreds of thousands of dollars of illegal campaign donations. Of these 16 cases prosecuted so far, all have pleaded guilty or no contest. Actually most of them no contest. Fourteen defendants have asked their judges to allow their records to be wiped clean in a few years, and all of these requests have been granted. So in a few years, the worst of the illegal behavior, these crimes, will be expunged from the court records. So it will be as if they didn’t do it. You can probably look it up on the web and find out what happened from the news reports, but if you go to the court and find out, their records will be wiped clean.

“Mr. President, I believe these crimes against the public trust and their misdemeanors should remain in the public record. S.B. No. 459 does make many of the recent offenses class C felonies and that’s probably the one item in this bill that saves it from my voting ‘no.’ But I hope we will take a look at making some of these campaign spending violations, even the ones that are felonies, even after and if we pass this bill, some of the felonies can still be wiped clean. I’m told the money laundering offenses and some others still, even with a felony, you can have your record wiped clean and so far our judges have decided that it is in the best interest to wipe these records clean. I obviously disagree, because otherwise it will just be a slap on the wrist for breaking the public trust.

“Mr. President, just today in the newspaper there is an article and it says city prosecutors have filed criminal charges against two donors linked to, and I apologize as they are Kaimuki

engineers, that gave more than \$24,000 in questionable contributions to a candidate. These charges are misdemeanors punishable by up to a year in jail, although we know that not only is there no jail time but their records will probably be wiped clean. It says also, last May the campaign spending commission fined these individuals \$32,000 for making excessive and false named political contributions to various campaigns.

“Mr. President, something major and drastic must be done to deal with what I believe and is clearly a public corruption problem in our privately funded campaign system. We will be back another day to figure out what those solutions will be. I don’t think this bill makes much of a dent. I do believe it is a good start. I do not think this bill qualifies as reform because it raises more concerns about problems than it provides solutions.

“Thank you, Mr. President.”

Senator Hemmings rose to speak against the measure and said:

“Mr. President, I rise to speak against S.B. No. 459.

“Mr. President, first I’d like to make a disclaimer that my list was nowhere near as long as this one. I’d also like to say for the record that the white knight of ethics in government, the good Senator from Kaimuki who spoke before me, gave a good speech as to why not to vote for this bill, and I’d like to have it entered into the record as my own. To briefly summarize, I in good consciousness cannot vote for legislation that is a façade of reform, which this one definitely is. I cannot go to the voters and the people of this state that are sick and tired of corruption in government and tell them we did something about it when indeed we did not.

“This bill does not constitute honest reform, and therefore it does not merit our support. I urge my colleagues not to condone what we’ve seen illustrated here on the Floor today by voting in favor of this bill. Please join us in voting against it.

“Thank you.”

Senator Trimble rose to speak in opposition to the measure and said:

“Mr. President, I rise in opposition to S.B. No. 459.

“We read the newspaper only a few weeks ago that our approval rating was only 40 percent. At that time, we could have done something about it. We could have addressed the issues of why the public does not have faith in this institution. We have not.

“With the help of the good Senator from Hawaii Kai, I also need him to be my aide as a poster boy. Fortunately today, his phone is working. I surveyed my constituents and I told them if they answered my survey I would use their responses in my discussions from the Floor of the Senate. So please allow me to do that today.

“The first question that I have displayed here was . . . it’s not a question; it’s a statement – Legislators listen most to those that give them money. And if you see that little column on the far right-hand side, if they strongly disagreed, that’s where they filled it in. For the ones that agreed with the statement and strongly disagreed, it’s on the left-hand side. Seems like the people out there believe that the Legislators listen most to those that give money.

“Second slide, please. The statement is that we should ban corporate contributions to Legislators. Again, if you look on the far right-hand side, very few people disagreed with the statement. On the left, strong agreement.

“Third visual aid, please. And so the same question, to be fair about this, I asked if union contributions should be banned to Legislators, to candidates running for the Legislature. Again there was strong agreement with that statement.

“Until we address the types of contributions that perhaps affect us as decision-makers, people are not going to trust what we do. They are not going to trust our motivation when it comes to tax credits. There is still a great deal of concern about the extension to Act 221. And why is it that nobody rose on the Floor of this Body to speak in favor of Act 221, its extension, and the fact that we’re still maintaining the confidentiality of those getting the tax credits.

“I would like to conclude with an observation – the voters of this state are not pack animals from which we are extracting tax revenue. I would like you to think of them as tigers. I would also like you to visualize yourself as riding on the backs of these tigers. And what I would like you to remember going forward is that the tigers are getting hungry.

“Thank you, Mr. President.”

Senator Hogue rose to speak in opposition and said:

“Mr. President, I rise in opposition to this measure and I’ll make it very, very brief.

“I’m not going to use the analogy of the tigers, but reuse the analogy of the football game in which Bob Watada and the Senator from Kaimuki mentioned that the ball was on the 20-yard line. It is obvious after taking a look at this particular bill, Mr. President, that the Legislature has decided to punt.

“Thank you.”

Senator Kim rose on a point of personal privilege as follows:

“Mr. President, point of personal privilege.

“Mr. President, would the Senator from Waikiki answer a question?”

Senator Trimble having answered in the affirmative, Senator Kim continued as follows:

“Thank you very much for your charts. They’re very informative, but can you tell us how many people actually responded and the number people on your survey?”

Senator Trimble answered:

“I will say about a 2 percent response rate. That’s about 230 people.”

Senator Kim said:

“Thank you.”

Senator Sakamoto rose to speak in support of the measure and said:

“Mr. President, I rise to speak in support of the measure.

“Some points of clarification – the list that was strewn on the Floor, that’s existing law. And yes, we should capture people

who are doing things wrong with existing law. Some people seem to imply that until we change the law we cannot get people who have done illegal acts. That long list proves that perhaps in more recent times action has been taken and certainly people who have done wrong should be punished appropriately.

“A point in reference to who these contributions went to and the point about Legislators, basically that long list dealt with people not in this Body, not in the Body across there, but in the rooms above us, in the rooms in other places. Currently this Governor is in a position to say, if this bill passes perhaps she cannot get contributions from some of these people. I believe the biggest problem with the big money is the big races and not necessarily people sitting on this Floor.

“Certainly I’m not saying we should be exempt from people who do wrong. Nobody should be exempt from people who do wrong, but we should target what really make sense and basically I don’t like the use of contractor because I’m a building contractor. Basically, that list doesn’t imply that it’s building contractors or building subcontractors that are contracting with the state and other entities and many of those are not non-bid contracts. I believe this bill says that if it’s people who let out these contracts, that’s where the problem is, therefore it should be tightened in that regard in terms of the fifth floor and like bodies.

“So, I believe this measure is a good step and I think people shouldn’t wrongly point the gun at the Legislature when indeed most of the misdeeds are in offices in the higher levels.”

Senator Slom rose in opposition and said:

“Mr. President, I rise in opposition to this bill.

“A couple points here – the good Senator from Kaimuki I think did lay out a very good scenario of why we should have done more. And I would be, I guess, inclined to vote only with reservations if this were the first year that we were tackling this, or the second year, or the third year, or the fourth year, or the fifth year, but we have been dealing with what we call campaign spending reform for more than a decade and we haven’t come up with a useable product. And it’s not that we can’t, it’s not because it’s too complex, it’s not because we don’t understand it, it’s because certain people don’t want us to do it, period.

“And I, like the good Minority Leader of this Party, agree that all this Session everything we passed is a reform – education reform, ice reform, campaign spending reform. But as I’ve said on the Floor on this Senate before, the people are going to be very disappointed because they’re going to find that the reform is hallow. It does not do what we say it will do. It does not do what they want it do. It does not do what they expect of us.

“I thought the statements last made by the good Senator from Moanalua were very interesting about the fifth floor. I couldn’t get exactly the connection there but the fact that it didn’t have anything to do with us. I recall speaking against an ethics bill the other day when the good Minority Leader again tried to read off a list of names. He should have learned from the Kaimuki Senator that you don’t read names, you roll them out. The point there was that we didn’t feel that we need it, that we can identify the people that have been wrongdoers, that have been broken or breached the public trust, that have misused our funds. But we didn’t want to do that.

“And the argument that came from the Majority, including the good Senator from Moanalua, was we all need ethics

training; we all need to know what to do that’s right and wrong. The Governor, the Legislative Branches, the employees, everyone here needs to be re-indoctrinated. But the problem is we do know the difference between right and wrong, but that’s never stopped people from doing wrong.

“And the point of the fact is the people whose names were on that long list – some of whom were fined, one was imprisoned, I think one – the good Senator talked about appropriate punishment. It wasn’t appropriate. It wasn’t appropriate at all. As a matter of fact, from a business standpoint it was viewed as a business expense – just the cost of doing business. And that’s the message that we have to stamp out and that’s the message that we are both responsible for and should be accountable for. And the fact that other people in other offices, all of one particular party by the way, did certain things, that’s not what campaign spending reform is about. Campaign spending reform is just that – anyone that’s involved in the campaign process, anyone that accepts money has certain things that they have to do.

“And if we’re on the 20-yard line, the good Senator from Kaneohe who knows much more about this says we punted, I don’t know how much time is left in the game. But I do know, as the Senator from Waikiki said, that the public is watching us and they give us low marks. They know that we can do better but somehow we don’t. And year after year we talk about baby steps and we’re going this way and that way – listen, if it was something that this Body is really interested in, we could pass it in one afternoon and move it along and get it though Conference and not even keep the Conference Committee secret or wave the rules or anything else. Let the public know about it, and maybe even the media would come down here on a regular basis and cover this Legislature. But we don’t do that, instead we’re trying to fool the people.

“And this is not about contractors.”

The Chair interjected:

“Senator Slom, could you keep germane to the topic at hand, please.”

Senator Slom responded:

“Yes, Sir. I thought it was about campaign spending reform. Yes.

“It’s not about contractors.”

The Chair interjected again:

“To the bill, please.”

Senator Slom continued:

“Yes, Sir.

“I’m saying that this bill does not go far enough. And the key part of the bill that’s missing is a ban on corporate and union contributions. That’s what will solve the problem. I’m still a strong believer in private campaign funding as long as people know where the funds come from and as long as we say we’re now going to allow people to make these errors of judgement or errors of the law because we are going to make sure there is a ban in this bill. And that’s what would get all of us to support this bill. Without it, we cannot.

“Thank you, Mr. President.”

Senator Hemmings rose in rebuttal and said:

“Mr. President, I rise on a point of rebuttal.

“Once again a member of the Majority Party, in this case the Senator from Moanalua, stands up and tries to impugn the integrity of the Governor. I’m here to defend her honor.

“That list that was rolled out was not full of names of people who have been indicted and convicted or who have made illegal contributions to the Governor of the State of Hawaii. Rather, we all know the truth is that the vast majority of indictments and convictions have been companies that made contributions to the executive of the city and county of Honolulu, a member of the Majority Party. And to imply the Governor has been a recipient of these illegal contributions on a mass level as is evidenced by the documented truth in court is indeed sad.

“Thank you, Mr. President.”

Senator Sakamoto rose in rebuttal and said:

“Mr. President, point of rebuttal.

“I didn’t say, or maybe you’re reading more into what I said, but the point was that the list dealt with people in the mayorship and the governorship, and I didn’t point to any particular one person. So, if that’s what you are implying, I’m sorry that’s not what I intended. It’s not a particular person but people who have the authority to do non-bid contracts who were perhaps influenced with campaign dollars that can make a great impact.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 152-04 was adopted and S.B. No. 459, S.D. 1, H.D. 1, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

FINAL READING

S.B. No. 2556, H.D. 1, C.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, S.B. No. 2556, H.D. 1, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hogue, Trimble).

H.B. No. 2002, H.D. 2, S.D. 1, C.D. 2:

Senator Sakamoto moved that H.B. No. 2002, H.D. 2, S.D. 1, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Hooser.

Senator Sakamoto rose to speak in favor of the measure and said:

“Mr. President, I speak in favor of this amendment, for the purpose of a little background note.

“There have been years of many different reports and some people claim nothing has been done with those reports. But many things have been done – embarking on SCBM, embarking on complex area divisions, embarking on many different

journeys. There’ve been efforts to have this Legislature do things like change the school board by appointments and the voters have decided that’s not what they would have preferred. Many, many different things . . . weighted student formula as in this bill and as in S.B. No. 3238 was nothing new to this State. In fact, there was a report in 1994 regarding that. But also in 1994 there was the Felix consent decree. The last few years of No Child Left Behind saw our schools struggling with many, many things.

“This Body has passed measures to perhaps transform the system by doing things over the years, and later on I’ll get to this chart, but every year for the last few years we’ve been passing out some of the things we’ve been doing. We’ve been far from standing still, far from going in reverse. We’ve going forward. But in the process, in this year, the Department has asked for \$51 million or more dollars and their budget has been slashed. We passed funds for facilities and projects and many of those are either withheld or not even discussed.

“There’s been very few favorable comments to the public school system coming from some people. It’s easy to pontificate; it takes work to legislate. It’s easy to destroy; it’s difficult to rebuild.

“Zeroing in on the local school board debate, unfortunately that took a lot of energy and effort in this Body and in the different speech circles around town. But there’ve been different proposals – no state board, elected state board, reconfigure the state board, appointed, commissioned, 15, 7, 4, 42, hike – any number of different combinations of what the field of play would look like. Last year we tried to change the field of play with the complex area 15 and that was vetoed. This year we weren’t able to come to resolution, and even the Governor’s own polls show that the voters aren’t feeling that would be the change. But where I thought we were on the same page last year was when Dr. Ouchi came to town touting the weighted student formula. Representative Takumi immediately felt that made sense, so he embarked on doing research and speaking toward that seems to be something that made sense, talking to people across the nation. And as he started to embark on the journey it was Mr. President, Mr. Speaker, Rep. Takumi and myself who wrote a letter to the Governor saying can we embark on this journey together and investigate weighted student formula. To this date there was no response to that letter.

“So the Legislature embarked on working with the Board of Education, Department of Education, the teachers, the HSTA, the principals, the HGEA, parents, Hawaii’s parent-teacher association, principals, various business groups, others on weighted student formula, on what different parts of changing our education system made sense.

“The Governor embarked on her CARE project. The Governor kept calling our efforts fake reform. I don’t know if CARE project means Campaign Attack Regarding Education or the Campaign Against Reinventing Education, but I’m happy at this point in time the Governor has chosen to say perhaps we can amend the bill that we sent forth. We have done that in this measure in attempting to address or we are addressing the five points that the Governor put forward. The five points, one being charter schools, in our process as we talked to charter schools, they chose to be of the process because the weighted student formula would be really how the Department of Education schools would operate. But trying to address the point the Governor made, we worked with Linda Smith over the weekend and came up with language that was agreeable to her, at least at that time, that charter schools come in as a group and go out as a group. But for effectiveness and how do we budget, it would be on the biennium, so that’s one point.

"We clarified, regarding the principals, that the principal would be the person working with the school team to formulate and present the academic plan and financial plan to the school committee, the community council, and the community council would review that and if they had revisions they would recommend those back to the principal, or they would recommend the plan to the complex area superintendent. Therefore they're not purely advisory, as the Governor had hoped, but certainly it's clear that the principal, his or her plan would be moving forward. We clarified in the performance contract that indeed one of the criteria could address the individual principal as opposed to all in mass, all in a group.

"Another point raised was regarding the timing of when the weighted student formula system would roll out. We indicated in this measure that a minimum of 15 schools, one in each complex area, therefore would be across the whole state and that effort would embark January 1, 05 – the piloting – because they need to set up working with their school community council, working on what their budget perhaps would change to with the flexibility, also that all the other schools a year later would embark. Relating to the speed of the embarkation, the Governor also wanted us to put a 90 percent time specific in the bill. She suggested 70 percent on the start, 80 percent of the second year, 90 percent on the third year, and as Ms. Smith and others looked at it, they themselves determined that perhaps that was very ambitious. But in our bill we were trying to be prudent in deciding that we put the 70 percent in and the department could do more but the department needed to come back to us with a report dealing with provisions such as buy back of services should a school not want to handle things that perhaps the department could do themselves.

"So, the bottom line is, Mr. President, we have worked with many people over many drafts, over many days, over many weeks, over many months, to do the original bill which even absent this amendment would be an excellent bill. And these are not props that I asked my staff to put post-its on, far from it. These are drafts that our good SMA staff, House Majority staff worked on, other people worked on, and as we tried to address concerns raised, we continued to say what could we improve, and we feel this measure before us continues to improve things. Certainly, but it isn't about this measure, it's about will we, all of us, say, as some have said, that the schools and the students are the worst, the last, the bottom of the pile, or will we say we can work together.

"So I would hope that as we tried to address or we did address each of these things the Governor suggested that we can embark together. T the Tour de France, Mr. President, is a long grueling race. Mr. Armstrong has done well over the years. You go up the hill, down hill, sweat. You have flat tires, crashes, dehydration. So I feel and our team that's been working on this feel like we've been through a long grueling race, at times feeling like many people were throwing tacks in the rode, maybe people weren't being so supportive. But just like Mr. Armstrong, I think at the end of race we all want, whether we participate in the race or not, we all want to share in the yellow jersey at the end of the race. We all want, at the end of the race, to say let's enter Paris victorious.

"So my hope would be you can all enter the race, including this Governor and her team. We hope we can say let's enter this race no matter where we got on, whether we got on at the last time trial in Paris or we got on years before. Let's all work hard for the public schools. Let's do the best we can to make these efforts successful. Let's help the schools be it via a rotary club, via business, via church, via this Body. So let's work together to help our schools succeed because everyone wants the best for our students, and I want our students and their

children and their children's children to so say in the future that our public schools are great schools, and we can do that.

"Thank you."

Senator Slom rose in opposition and said:

"Mr. President, I rise in opposition to the bill.

"First of all, let me say that no one doubts the effort, the time, and all of the good will that the good Senator from Moanalua and others have put into reforming education, both in this house and also across the way. I must say I'm a little disappointed. They sure looked like props to me, Senator. I'm disappointed you didn't ask me to hold up anything for you. That's my job today. I do appreciate your timely analysis of the education bills and the things that you've done. You've tried to make everything a lot easier and more understandable.

"Having said that, however, I still am compelled to vote against this measure for the same reason I voted against the campaign spending measure, and that is we call it reform and in this case we call it reinventing education. If we were truly reinventing education we would have adopted the provisions that the Governor had suggested instead of deriding the CARE group. We would have allowed people to vote on an issue that they've been asking to vote on for several years in which polls indicate that 70 to 80 percent of the population wants real change, wants real reinvention. But we didn't do that.

"But I do give the Education Chair and the Majority Party credit of at least taking a look at the five proposals that were made by the Governor in her 'soft' veto last week. You may recall she vetoed the bill but said there's still time for us to come up with a workable, bipartisan, true education reform. And she did provide five specific areas that she thought needed attention. And as the good Senator said, the Governor was met part way in most but not all of these five areas. And I think that's what it's all about. It's like the 20 percent campaign or it's like 30 percent here. Whatever it is, it's not half, it's not three-quarters, it's not the whole thing. So you have a real difficult time in that saying something is reinvented when it's exactly the same.

"And the basis of this bill, this legislation is that the State Department of Education, the DOE, the State Board of Education, the BOE, will continue with the power that they have now, and that's what the public wants changed. Now certainly we are going to try to give the principals more power, and I think the amendment that the good Senator and the Conference Committee took under it's control will do that, will give the principal more power, but it will not give the principal the ultimate authority, the responsibility, and accountability that the Governor and those of us who want real reform have sought. It has not made a clear statement that the newly created councils will be advisory. They will work together but that creates problems. You have to have one individual that is responsible, and I thought we were in agreement that that person should be the principal.

"In the area of charter schools, the charter schools have some decision-making under this proposal. But what was it that the charter schools and their supporters have complained of all along for various years? That they were not getting equal funding for the other public schools and the charter schools are in fact public schools. This bill does not provide equal funding. It allows them to participate in more discussions; it allows them to make certain other decisions, but it does not provide or guarantee equal funding. And that was one of the issues that was raised.

“To try to keep my remarks brief, Mr. President, let me just say that every time someone stands up wherever they are, in this Body or in the community, and talks about slashing the education budget, they really should look at the figures and look at what the facts are. Far from slashing the education budget, if you look at it year after year, take a five year period, take a ten year period, take whatever period you look at, you will find that the expenditures overall have increased. And you will find further that if we’re talking about budget for education, we are now approaching \$2 billion per year for public education in this state – even though we are not seeing any of the products or the fruits of past reform, so called, in terms of improvement to the students and their performance, but nearly \$2 billion a year the taxpayers pay to support public education.

“So yes, it’s taken a lot of work. Yes, a lot of people apparently are very tired. And yes, we’ll be back here next year because we have not reinvented education. We could have done it. We could have allowed the people to once and for all say we want significant decentralized changes, but we didn’t do that. We didn’t trust the people enough to do that. And so instead, we produce these documents and we tell the people that it’s brand new, that it’s reinvention. And like some of the other bills, they’re going to be disappointed when they find out they’re not.

“Thank you, Mr. President.”

Senator Baker rose to speak in support of the measure and said:

“Mr. President, I rise in support of this measure.

“Mr. President, I suppose that reform, reinvention is really in the eye of the beholder. If you talk to the principals, you talk to the teachers, you talk to many of the parents and students about the kinds of things that are going to help them and help student achievement, we have many of those things in this bill, the bill we passed earlier, and in several other bills, including the one on charter schools and on the age that one can go into kindergarten.

“Education is a process, Mr. President, and something that happens today or last year or the year before is going to take some time for it to affect student achievement, and for my money that’s really what we ought to be looking at. It’s not about government; it’s not about things that are peripheral to student achievement, but what is going to affect a child in the classroom – a teacher helping that child to learn, a principal managing a school. I think we have a lot of those elements in this bill.

“Is it perfect? Will our system be perfect tomorrow? I don’t think so. But it wasn’t going to be perfect tomorrow when all of a sudden we have local boards. Just look at what’s happening on the mainland to all the schools there having challenges with recruiting teachers, with violence in the schools, with raising funds so that their doors can stay open, with new facilities, finding facilities. Yes, we may be spending what seems like a lot to the good Senator from Hawaii Kai on education, but I submit that we’re not spending near enough. The cost of education, the cost of everything related to education has gone up. We have more students; we have more challenges; we have more demands placed on our schools, and all of those things cost money.

“If we have local boards, it’s not going to change the dynamic in terms of the funding that is needed for the schools in order to make changes. Hawaii’s public schools are in many respects excellent. We do have some challenges. The Department has acknowledged it, local educators have

acknowledged it, the Legislature has acknowledged it, and we’re putting building blocks in place that will help that.

“One of the elements that perhaps the Governor won’t be completely 100 percent pleased with is we didn’t go immediately to the 90 percent of funds going to the local schools. There was a very interesting survey we all received by e-mail this morning that was done of the school principals and they talked about what the kinds of reform they felt would be useful and some of their reactions to if we had gone to giving them virtually full autonomy with 90 percent control. I’d like to read just a couple of responses from a principal in my area because I think it’s very instructive. These principals really feel that they want to deal with student achievement, but they don’t necessarily want to deal with all of the other things like having to procure items, having to do school lunch, having to do the kinds of things that are done centrally and managed well.

“The principal at Lahaina Intermediate School asked, “When will I have time to dedicate my time to student achievement if I have to do all the procuring, the maintenance of facilities, CIP, processing of personnel and the like? We are educators first, not business managers. Our products are students with quality education. Does that mean we will have to hire more personnel to assist us? Will we then be accused of being top heavy at the school level next?” She also said, “My plate is overflowing right now. Flexibility and personnel matters would help me, however, I don’t want full autonomy because I have to pick up responsibilities which are currently being done by centralized experts. I am willing to improve for student achievement at my school no matter what. It’s all about the students.” And that to me, Mr. President, is what needs to be and must continue to be central in all of the debate about reinventing education, reforming education. Are the things that we’re doing going to really help students learn at the local level, or are we just passing areas of concern down to the schools and hoping, because we’re really not giving them any more resources – we haven’t changed procurement laws, we haven’t done some of these other things – that all of a sudden, overnight everything is going to change.

“I think we need to listen to the folks that are involved in education, work with them, and take the steps that this Legislature has already taken this year and continue that process towards excellence for every student – giving them the ability to learn at the rate that they can learn and the way that they can learn, supporting our teachers, supporting our principals, supporting our communities.

“Mr. President, because I think the survey of public school principals that was done by our colleagues in the other body has such valuable information for all of us, I’d like to have it inserted into the Journal at the close of our remarks.

“Thank you, Mr. President. I urge all my colleagues to vote for this measure.”

The Chair having so ordered, Senator Baker’s insert of the survey of public school principals is identified as ATTACHMENT “A” to the Journal of this day.

Senator Hooser rose to speak in support of the measure and said:

“Mr. President, I rise in support of H.B. No. 2002.

“I think if we all take a moment to look at this list that the Chair of the Education Committee put together I think we would all be impressed. I certainly was. I sat on the Committee and worked on all these issues, but I haven’t seen them all together like this. If anyone out in the community says that this

is fake reform and that we're not doing anything about education, I would just encourage people to show them this list. I think that to not support the good work that we have done in this Committee and in this Chamber because you didn't get your way in 100 percent of all the things that you wanted is small minded.

"Seven school boards – I think we should all just confront the issue. The seven school boards issue was a bad idea. It was a bad, bad idea. It wasn't supported by sound research. It wasn't supported by principals. It wasn't support by teachers. It wasn't support by the business community, the Hawaii Business Roundtable. It wasn't support by the PTSA. It wasn't supported by the Hawaii State Student Council. It wasn't supported by many neighborhood boards, even the realtors didn't support. It was a bad idea and there was no substantive research showing that seven school boards, four school boards, fifteen school boards, or whatever, had any relationship whatsoever to student performance in the classroom. It had an appointed commission at the top. The voters in our state have already rejected appointed school boards twice before. It set up seven separate Departments of Education, seven separate bureaucracies. It was a bad idea, Mr. President, and I, for one, am not willing to put a bad idea on the ballot and ask people to choose.

"What you're looking at today is good legislation. It's sound legislation. It represents the culmination of much hard work and incorporates many ideas of the executive branch and many ideas that were put forth from various stakeholders in the community and incorporates the hallmark, the centerpiece of Dr. Ouchi's formula for success – the weighted student formula. It incorporates more community involvement. The parents I talked to said they don't want to be involved if they're not going to be taken seriously. They want to have meaningful participation in our schools and this bill gives them meaningful participation.

"It honors teachers and provides them with a \$5,000 bonus for those that achieve national certification. It supports principals. It de-links much of the bureaucratic mess that's kind of evolved over the past years and allows for quicker decisions when fully implemented. There are many, many good things in this bill.

"It's a result of collaboration and I think that H.B. No. 2002 is a good example of that. Through the entire process there has been collaboration and working together with the various stakeholders. I personally sat in the meetings and I have to give just tremendous credit to the Chair of the Senate Education Committee as well of the House Education Committee for the work they've done on this together with other members of the community and the Committee. I personally sat through hours, not just the testimony, but hours after the testimony had been given and worked with the Chair of the Committee going over page by page, testimony after testimony looking for suggestions, looking for concerns, and trying to figure out how we can address those concerns, how we can incorporate those suggestions into the legislation that we've ultimately passed. It was a good process.

"This recent amendment, the one that we're voting on today, is again a result of that collaboration. My hats off to the Committee, the Chair, this Body for saying let's take another look, let's look at this, let's incorporate what we can to improve this bill with suggestions from the Governor's Office.

"I have to add that this is continuing process. It doesn't stop here, Mr. President. It goes on, The collaboration goes on. It's imperative that we work together, that we set aside our differences. There is still much work to do. We need to work

together – the Executive Branch, the Legislature, teachers, parents, students – all of us to achieve the level of education our State deserves and that we're capable of providing.

"Thank you and I urge my colleagues to vote 'yes.'"

Senator Hogue rose in support with reservations and said:

"Mr. President, I rise in support of this measure with reservations.

"I want to say first of all that I appreciate the debate that we're having today. I think it's a very, very good debate and I think it should continue.

"My personal opinion, and I've expressed it many times here on the Floor, is that I'm for competition and competition to me in this particular situation means breaking up the entrenched power of the current system and making us have local school boards. I think it's a good idea. And because I differ in my view than the good Senator from Kauai, I would like to see this measure ultimately played out as a measure on the ballot that will allow our voters to vote on this very important issue up or down, finally.

"I've seen something good happen in the last few days, colleagues, something that I think frankly is historic – and that is that the Governor has tossed the ball in the other court and asked the players to play. I guess that's a sports analogy and the players decided to play. And because it's a competition, there were some hard hits and there were some soft hits, and there was some tugging and some pulling, and through the art of compromise, we came up with what we did today. And because in the art of compromise, ultimately you don't get every single thing that you want, you know not everybody is going to go home happy, but it was historic. And that really is a good, good step, because ultimately, if we allowed everyone to come into the arena and play and everyone does listen, I think ultimately the students are better off for it.

"So, I say that I am for real reform, and to me real reform means change. Change is a very, very difficult thing to go through, and I think that's frankly why we got the responses that were brought up by the principals that the good Senator from Maui brought up. They're in the system. When you're in the system you're looking for the best way to do your job within that system. Real change means apprehension, anxiety, sometimes there's fear from real change. But real change, like competition, makes us all better, and that's what I'd like to see.

"This is a step in the right direction and I hope that what we've seen, Mr. President, in the last few days with the two sides getting together and talking about it, that's a good step.

"Thank you."

Senator Trimble rose to speak with reservations and said:

"Mr. President, I also rise with reservations, except at the moment, I'm leaning more toward the 'no' than the 'yes' side.

"It's probably because of the arguments . . ."

The Chair interjected:

"So are you up or down?" (Laughter.)

Senator Trimble responded:

"I'm speaking with reservations. But I might listen to myself talk and come to a different conclusion. (Laughter.)

“The first thing that I wanted to address was the comment that we’re spending more because the number of students are going up. I recall that when I worked on the issue of education down here 30 years ago we were having the same types of discussions we’re having today and that the enrollment has not changed significantly since that date.

“Number two, I’d like to remind you of the statement made by Bertolt Brecht who said that in this world we have to run as fast as we can to keep our pants from strolling out from under us. And the comment he was trying to make is that if we’re not moving forward rapidly, we’re actually slipping backward. And my concern is that regardless of what you call this, it’s not going to wind up with the guarantee that the children are going to have the materials and the school books that they need for the next two or three years.

“I would also like to have you look at governments one more time. We talked about the importance of the principal being the decision-maker. Have we formulated a process that will make the principal the decision-maker or have we formulated the process where in many cases decisions will be held in advance while it’s being run up the ladder to the area-wide superintendent? If that occurs in this system, then we will not have moved forward.

“Part of the intellectual problem between the two sides is that we both believe in collaboration but how do we measure that collaboration really occurred. I think we measure that collaboration really occurred if we allow the principal to put into effect her vision and judge the satisfaction of the community, the teachers and the parents. We get this process by allowing the principal to implement as rapidly as possible.

“The proposal that we have before us does not do that. It requires, quote, ‘meetings with the student council for formulation review of the process.’ And then it allows for, in cases of disagreement, it to go to the area superintendent. My sense is that this is a way of promoting stagnation and waiting, waiting, waiting. And when this happens, you don’t get change, you don’t get improvement.

“So, at the end I’m still going to vote with reservations, but I really wish that next year when you look again at governments try and work out a system where the principal is the decision-maker.

“Thank you, Mr. President.”

Senator Sakamoto rose again and said:

“I rise again in support, Mr. President.

“First, to clarify the points about the charter schools that the Senator from Hawaii Kai was talking about, as I read the Governor’s prototype bill related to charter schools, there were provisions to add them into the weighted student formula. But as I searched through the bill, I didn’t see any provisions to have them have more money to change their current funding formula. So I think maybe people aren’t sure about the equal funding charter schools receive.

“One of the measures we passed relating to charter schools, S.B. No. 2425, did start to clarify for those who are still not sure. Perhaps a better clarification is that as of the October 15th school date this coming year, the charters will get a per pupil amount that’s equal on average to all of the other students except that calculation is less federal dollars, less SPED dollars. Most of the federal dollars are directed based on how the federal government says and the SPED dollars are directed

based on individual student’s needs, so those couldn’t be averaged. But all the rest – 5,746 – is an average of what all of the other students get. So that is equal funding. This measure added \$2.5 million. Ways and Means put \$2.5 million because the previous Governor’s budget didn’t bring it up to the current correct dollar amount. That’s their funding.

“As far as facilities, we don’t take our CIP budget and our annual budget and divide it by 283 schools or 182,000 people. If we did that, how would we ever build a new school that cost \$50 million? How would we ever do anything if we said all of those dollars are dispersed into every little pocket and every little cubbyhole, every desk, and every teacher’s cabinet? We have to make decisions strategically on the facility’s dollars, and hopefully in the future we can address charter facilities, but they are getting equal funding.

“I said earlier I would address this. On the second page, charter schools, civil service status was a concern that’s been clarified with the efforts the Labor Committees. The charter school funding, again with the Finance and Ways and Means. H.B. No. 2911 clarifies that the charter school office will report on their charter schools and clarify some of the complaints that have been coming up regarding land use, etc. S.B. No. 3148 deals with the Hawaiian schools wanting to group up. In this initiative, in discussions with OHA as they decide to participate more in education, they hopefully will help to fund the effort to deal with issues – such as, how do you form a group of charters within another group? How will that relate to all of the schools in general? How will it relate if they are a separate agency in regard to the federal government? The SPRBs are in the middle. The University of Hawaii, the Chair from Water, Land, and Agriculture reviewed that and reminded us that H.B. No. 2009 included CTAHR 500,000. So if anyone feels that something is left out with any of these or is incorrect, please advise.

“Back to the front. Before I used the analogy of the Rubik’s cube, so it’s still six-sided – parents and community, teachers, principals, students, facilities, administration. Many times we’ve change one side of the Rubik’s cube and the other side gets affected. We’ve tried, with the good cooperation from all of us in here. Thanks to my Vice Chair and especially thanks to Ways and Means that early on gave us the green light to let us do many things. So we really appreciate everybody’s help. And my colleague here is suggesting perhaps that we could insert this in the Journal. I’m not sure if that’s possible, but to the extent possible because I believe we’ve tried to capture what all of us have been able to put forward.

“Thank you, Mr. President.”

The Chair having so ordered, Senator Sakamoto’s insert is identified as ATTACHMENT “B” to the Journal of this day.

The motion was put by the Chair and carried, H.B. No. 2002, H.D. 2, S.D. 1, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 2983, S.D. 2, H.D. 1:

Senator Taniguchi moved that S.B. No. 2983, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Slom rose in support of the measure with reservations and stated:

“Mr. President, I rise briefly in support of this bill with reservations.

“Every year it is the responsibility of the State Department of Taxation to submit a measure to place our tax law in conformity with federal law. That’s a good measure. But every year there seems to be a problem and the problem is this, that the conformity is not 100 percent. It’s not total. In other words, we don’t say we’re going to match all of the changes that were made in the federal law.

“There are two specific examples. One has to do with investment. We don’t have the same kind of investment treatment at the state level as we do at the federal level. It’s more generous at the federal. And secondly, which I think is what most people are aware of when they do their income tax is that the value or the amount for personal exemption is less in Hawaii than it is for the federal return. I think we figured out that the value of a spouse or a dependent child is about 72 percent of the federal average here in Hawaii.

“So, with those omissions, I support the bill with reservations but I would like to see that each year in fact when we do conformity, that we actually conform with federal law.

“Thank you.”

Senator Hogue rose and said:

“Please note my reservations. Thank you, Mr. President.”

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. 2983, S.D. 2, and S.B. No. 2983, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2474, S.D. 3, H.D. 2:

Senator English moved that S.B. No. 2474, S.D. 3, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Menor.

Senator English rose to speak in support of the measure and said:

“Mr. President, I rise in support.

“Mr. President, members, this is a very interesting situation we’re in with this bill, and I’m asking that we agree to it. But like I pointed out in earlier discussions, I consider this a micro-step forward. In fact, it may even be standing in place and leaning forward. But enough of it is there to make us want to move this forward. I looked back at the pattern of these types of bills before. By the way, this bill is for the renewable portfolio standard. Members, the Senate position was 30 percent by the year 20. This bill puts in 20 percent by the year 20. The administration was very convincing in their presentation to us in Committee and said they can meet the 20 percent. In fact, so convincing that we needed to move it up higher because they can meet it and it can be done.

“Unfortunately, if you read this bill, it includes fossil fuels as the renewable under certain circumstances, and that’s really

hard for me to swallow. In fact, I considered do we swallow this bitter pill or do we throw it out and be done with it. But in looking at it, I’ve decided that we have to take the homeopathic approach to it and absorb the poison so that we can become stronger in the next Session and fix some of these bad parts of this bill.

“Members, I’m going to insert into the Journal the C.D. 1 that I would have proposed in Conference because I think it incorporates our positions. It lays out what I think would have been good compromises, and it takes parts of our S.D. 3, it takes parts of the H.D. 1, and the H.D. 2 into consideration.

“I want to be really clear here that in asking everyone to agree to this House draft that we are fully cognizant of what it is. And in coming to this conclusion that we should agree, I took into consideration many factors, two important ones, very important ones – one is that it’s the administration that wants to do this, the administration that wants to make this happen, and I commend them for that. Hats off to the administration because they will make sure that the provisions here that are heinous will be read very narrowly. They will make sure that when we try to classify fossil fuels as a renewable, that it gets read very, very, very narrowly.

“The other factor is that we have a chairman of the Public Utilities Commission, Mr. Caliboso, that has shown through his actions that he’s willing to take on the challenges presented here, willing to take the PUC forward in dealing with the issues that were presented in here and willing to help to make a standard that works for all.

“I looked back at the pattern of energy bills in the past and observed something, and I’d like to share that with you. We often included very bad provisions in good energy bills. And usually a year later, we have what we call a cleanup bill that took those provisions out. Interestingly, it’s always the same types of provisions throughout the years. So I’m hoping that that pattern will hold true with this measure – that the areas that are bad will get taken out in a year or two and that we can be left with a truly workable real renewable portfolio standard.

“I’m also hoping that next year we can raise it to 30 percent, which is the Senate position and I think one that we can achieve that presents a challenge to everyone in Hawaii to conserve energy and to lean towards renewables.

“So with that, I ask for your support in moving this measure forward. Help us to take the micro-step or maybe even lean forward a little bit. But that momentum is important and for the record, I will insert into the Journal what would have been our proposed C.D. 1.

“Thank you, Mr. President.”

The Chair having so ordered, Senator English’s insert of the proposed C.D. 1 reads as follows:

“SECTION 1. Building a sustainable future in Hawaii requires the government to take a leadership role in developing programs and initiatives designed to encourage people to live within their means. The legislature finds that a significant impediment to the goal of sustainability is the large imbalance between the amount of goods and services exported from Hawaii in comparison to the amount of goods and services imported to Hawaii. Specifically, the legislature notes that Hawaii exports only \$2,000,000,000 a year in goods and services while importing \$15,000,000,000 a year in goods and services.

Enterprise Honolulu stated that “a key characteristic of a healthy economy is that it exports more than it imports. If

payments for imports exceed payments for exports, we have a 'trade deficit.' Just like a negative balance in your checking account impacts your household, if a trade deficit continues too long, the region's quality of life begins a downward slide."

The legislature also finds that Hawaii imports between \$2,000,000,000 and \$3,000,000,000 worth of oil annually. These figures represent a growing dependence on oil imports which allows electric utility companies to enjoy a financial windfall when they sell electricity to Hawaii consumers. The profits realized by electric utility companies lead to the continued importation and dependence on oil.

The legislature finds that economic diversification, import substitution, and export expansion are key to achieving sustainability. Further, import substitution may be achieved by increasing the use of renewable energy resources found in Hawaii, such as wind, solar, ocean thermal, wave, biomass resources, and others enumerated in section 269-91, Hawaii Revised Statutes, as amended by section 2 of this Act.

The purpose of this Act is to encourage import substitution by increasing the use of renewable energy resources found in Hawaii, thereby decreasing the need to import large amounts of oil annually.

In addition, renewable energy resources offer Hawaii important job creation, environmental protection, and energy security benefits. These efforts will contribute to the ultimate success of the State's efforts to develop the infrastructure for a future hydrogen energy economy based upon hydrogen produced primarily from renewable energy.

SECTION 2. Chapter 269, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§269- State support for achieving renewable portfolio standards. (a) The department of land and natural resources and department of business, economic development and tourism shall facilitate the private sector's development of renewable energy projects by supporting the private sector's attainment of the renewable portfolio standards in section 269-92. Both departments shall provide meaningful support in areas relevant to the mission and functions of each department as provided in this section, as well as in other areas the directors of each department may deem appropriate.

(b) The department of land and natural resources shall:

- (1) Develop and publish a catalog by December 31, 2006, and every five years thereafter, of potential sites for the development of renewable energy; and
- (2) Work with electric utility companies and with other renewable energy developers on all applicable planning and permitting processes to expedite the development of renewable energy resources.

(c) The department of business, economic development and tourism shall:

- (1) Develop a program to maximize the use of renewable energy and cost-effective conservation measures by state government agencies;
- (2) Work with federal agencies to develop as much research, development and demonstration funding, and technical assistance as possible to support Hawaii in its efforts to achieve its renewable portfolio standards; and
- (3) Biennially, beginning in January 2006, issue a progress report to the governor and legislature."

SECTION 3. Section 269-27.2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The rate payable by the public utility to the producer for the nonfossil fuel generated electricity supplied to the public utility shall be as agreed between the public utility and the supplier and as approved by the public utilities commission; provided that in the event the public utility and the supplier fail to reach an agreement for a rate, the rate shall be as prescribed by the public utilities commission according to the powers and procedures provided in this chapter.

In the exercise of its authority to determine the just and reasonable rate for the nonfossil fuel generated electricity supplied to the public utility by the producer, the commission shall establish that the rate for purchase of electricity by a public utility shall not be less than one hundred per cent of the cost avoided by the utility when the utility purchases the electrical energy rather than producing the electrical energy. [~~In determining the amount of the payment in relation to avoided cost, as that cost is or shall later be defined in the rules of the commission, the commission shall consider, on a generic basis, the minimum floor a utility should pay, giving consideration not only to the near-term adverse consequences to the ultimate consumers of utility provided electricity, but also to the long-term desirable goal of encouraging, to the greatest extent practicable, the development of alternative sources of energy.~~]

~~Nothing in this subsection shall affect existing contracts between public utilities and suppliers of nonfossil fuel generated electricity."~~

SECTION 4. Section 269-91, Hawaii Revised Statutes, is amended by amending the definition of "renewable energy" to read as follows:

"Renewable energy" means electrical energy produced by wind, solar energy, hydropower, landfill gas, waste to energy, geothermal resources, ocean thermal energy conversion, wave energy, biomass, including municipal solid waste, biofuels, or fuels derived ~~[entirely]~~ from organic sources, hydrogen fuels derived ~~[entirely]~~ from renewable energy, or fuel cells where the fuel is derived ~~[entirely]~~ from renewable sources. Where biofuels, hydrogen, or fuel cell fuels are produced by a combination of renewable and nonrenewable means, the proportion attributable to the renewable means shall be credited as renewable energy. Where fossil and renewable fuels are co-fired in the same generating unit, the unit shall be considered to produce renewable electricity in direct proportion to the percentage of the total heat value represented by the heat value of the renewable fuels. "Renewable energy" also means electrical energy savings brought about by the use of solar ~~[and heat pump]~~ water heating[-], seawater air conditioning district cooling systems, and solar air conditioning."

SECTION 5. Section 269-92, Hawaii Revised Statutes, is amended to read as follows:

~~"[§269-92]~~ **Renewable portfolio standards.** Each electric utility company that sells electricity for consumption in the State shall ~~[establish]~~ meet a [renewables] renewable portfolio standard [goal] of:

- (1) Seven per cent of its net electricity sales by December 31, 2003;
- (2) Eight per cent of its net electricity sales by December 31, 2005; ~~[and]~~
- (3) ~~[Nine]~~ Ten per cent of its net electricity sales by December 31, 2010[-];
- (4) Twenty per cent of its net electricity sales by December 31, 2015; and
- (5) Thirty per cent of its net electricity sales by December 31, 2020."

SECTION 6. The public utilities commission shall:

- (1) Develop and implement a utility rate structure, which may include but is not limited to performance-based ratemaking, by December 31, 2006, to encourage Hawaii's electric utilities to use renewable energy resources found in Hawaii to meet the requirements of section 3;
- (2) Gather, review, and analyze empirical data to determine the extent to which this proposed utility rate structure would impact electric utility companies' profit margins and to ensure that these profit margins do not decrease for a period of five years following the implementation of this rate structure;
- (3) Adopt rules to implement incentives and penalties to assist electric utility companies in meeting the renewable portfolio standards established in section

269-92, Hawaii Revised Statutes, while allowing deviation from the standard in the event of circumstances beyond the control of the utility, which could not have been reasonably anticipated or ameliorated;

- (4) Using funds from its special fund, contract with qualified technical experts to conduct independent studies to be reviewed by a panel of experts from among such entities as the U.S. Department of Energy, the National Renewable Energy Laboratory, the Rocky Mountain Institute, the Electric Power Research Institute, the University of Hawaii Natural Energy Institute, or other similar institutions with the required expertise. These studies shall:
- (A) Make findings and recommendations to the commission as to the capability of Hawaii's electric utility companies to increase the percentage of renewable energy established by the standard in a cost-effective manner, or whether circumstances require that the standard be adjusted. Cost effectiveness and capability shall be assessed by factors such as the impact on consumer rates, utility system reliability and stability, costs and availability of appropriate renewable energy resources and technologies, and other such criteria deemed appropriate by the commission; and
- (B) Make findings and recommendations to the commission for projected standards to be set five and ten years beyond the then current standard; and
- (5) Based on its own studies and those contracted under paragraph (4), the commission shall report its findings and recommendations, including, in particular, recommendations for new standards and goals, adjustments of percentages, and any proposed legislation, to the legislature no later than twenty days before the convening of the regular session of 2009, and every five years thereafter.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect on July 1, 2004."

Senator Slom rose to speak in support with reservations as follows:

"Mr. President, after the good words of the Chair of the Energy Committee, I have been swayed to support this bill with reservations.

"He wisely mentioned that the administration is committed to diversifying our energy as well as our economy. He also wisely pointed out the integrity of the PUC Chair both points of which I agree. He did kind of scare me a little bit when he talked about giving us poison, which we in the Minority hear a lot about. But fortunately Mr. President, as you know, I have a strong constitution and I'm not worried about the poison, so I'll accept it with reservations.

"Thank you very much."

Senator Hemmings rose to speak in favor of the measure as follows:

"Mr. President, I rise to speak in favor of this legislation.

"Mr. President, the young man from Hana, the good Senator, was extremely diplomatic in supporting this bill. And I'd like to say I commend him and the Majority Party for taking a stand along with the Governor for genuine reform in the energy portfolio, reform that is long overdue.

"We all know that Hawaii is blessed with incredible natural resources, not the least of which on the Big Island is geothermal. Our sun, the rhythm of our ocean, the wind all can contribute to making Hawaii the Petri dish of genuine energy self-sufficiency.

"But we would not be honest with ourselves and with the public who we're pledged to serve if we did not put on record the truth. And the truth is that we've allowed for close to 75 years now a monopoly to have a stranglehold on our energy here in Hawaii and that is Hawaiian Electric and its subsidiary companies. This company is traded on the stock exchange. This company's CEO is one of the highest paid in the State of Hawaii. This company's profits are amongst the highest of any corporation in Hawaii, all at the expense of the consumers of the State of Hawaii. We have electric rates that are 98 percent above the national average, far exceeding the rates of gasoline and other consumer products.

"This monopoly has done a good job of protecting its interest, and to its credit, this Senate took a stand for genuine reform. Unfortunately, when this bill was sent to the House of Representatives, the minions of the monopoly saw fit to take away its teeth. To imply in circumstances or to make law that says fossil fuels can be deemed renewable energy is an insult, yet this bill does it. But in this case I have to say if nothing else wasn't done, that the Chairman of the Senate Energy Committee along with the administration put on record this Senate's desire to promote genuine energy reform. And I believe that now that it is an issue, we will start down the path of doing just that.

"Thank you, Mr. President."

Senator Hogue rose in opposition and said:

"Mr. President, I stand in support of the Senate's position and in support of the administration's efforts, and because this is neither, I'm going to oppose this bill.

"Thank you."

Senator Sakamoto rose in support of the measure and said:

"Mr. President, I stand in support and also some comments relating to the comments related to our Hawaiian Electric.

"I guess I'm not happy when people aren't able to defend themselves in an action. And I'm not saying one monopoly is good, but I am saying that's why we have the PUC. We have been, for the most part, having good utility service, and I hope the PUC would look into any accusations regarding excessive or over this or over that.

"On the other hand, Hawaiian Electric has been a big proponent of solar energy. They sponsor competitions. They put solar products on schools. Certainly they have been working to have energy efficiency into places like the Maui Community College. So I would hope that if there are some excesses, the PUC can do their job, but in other areas I think we should recognize them for the efforts they are doing to try and accomplish what we all want, which is freedom from being bound up by the oil goblins.

"Thank you."

Senator Ihara rose and said:

"Mr. President, point of parliamentary clarification.

"Subject to your further clarification, Mr. President, I believe the vote we are about to take is Final Reading on this bill. We voted to agree to the House amendments on Monday, and if this vote succeeds today, we will own it completely. We cannot say it's the House's proposal. It will be ours if we vote to pass this right now.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2474, S.D. 3, and S.B. No. 2474, S.D. 3, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hogue, Ihara). Excused, 1 (Taniguchi).

FINAL ADOPTION

S.C.R. No. 199, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 199 and S.C.R. No. 199, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII WORK FORCE DEVELOPMENT COUNCIL, THE UNIVERSITY OF HAWAII, AND VSA ARTS OF HAWAII-PACIFIC TO JOINTLY CONVENE A TASK FORCE TO EXAMINE STRATEGIES FOR SYSTEMS CHANGE THAT WILL CREATE ACCESS TO SMALL BUSINESS DEVELOPMENT AND CAREERS IN CREATIVE INDUSTRIES FOR PEOPLE WITH DISABILITIES IN HAWAII," was Finally Adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM MONDAY, MAY 3, 2004

Stand. Com. Rep. No. 3535 (S.R. No. 40, S.D. 1):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3535 and S.R. No. 40, S.D. 1, be adopted, seconded by Senator Hanabusa.

Senator Chun Oakland offered the following amendment (Floor Amendment No. 17) to S.R. No. 40, S.D. 1:

Page 2, lines 7-20, are amended to read as follows:

"BE IT FURTHER RESOLVED that the Senate Committee on Human Services also consider any relevant laws and policies that other states have implemented to resolve similar problems[;] and consult with the National Council of Juvenile and Family Court Judges, the National Center for State Courts, and the National Children's Rights Council for their expertise in dealing with these sensitive issues; and

BE IT FURTHER RESOLVED that the Senate Committee on Human Services is requested to report its findings and any recommendation of legislative action to resolve these issues, no later than twenty days prior to the Regular Session of 2005; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the President of the Senate and the Senior Judge of the Family Court, Administrative Director of Courts, [and] the Chief Justice of the Supreme Court[;]

Executive Director of the National Council of Juvenile and Family Court Judges, the President of the National Center for State Courts, the President of the National Children's Rights Council, and a representative of the Hawaii Children's Rights Council."

Senator Chun Oakland moved that Floor Amendment No. 17 be adopted, seconded by Senator Hanabusa.

Senator Chun Oakland rose and said:

"Mr. President, this floor amendment includes reference to three national organizations that have expertise and resources that can assist the Committee with its interim work."

The motion to adopt Floor Amendment No. 17 was put by the Chair and carried.

Senator Chun Oakland moved that Stand. Com. Rep. No. 3535 be received and placed on file, seconded by Senator Hanabusa and carried.

On motion by Senator Chun Oakland, seconded by Senator Hanabusa and carried, S.R. No. 40, S.D. 2, entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON HUMAN SERVICES TO CONVENE INTERIM HEARINGS ON THE MISUSE OF LEGAL INTERVENTIONS AVAILABLE TO THE FAMILY COURT," was adopted.

At 1:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:26 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

S.B. No. 2895, S.D. 1, H.D. 1:

Senator Kanno moved that the Senate reconsider its action taken on April 13, 2004, in disagreeing to the amendments proposed by the House to S.B. No. 2895, S.D. 1, seconded by Senator Menor and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2895, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Kanno, Menor, Kokubun). Noes, none. Excused, 1 (Slom).

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.B. No. 2895, S.D. 1, seconded by Senator Menor.

Senator Kanno noted:

"Mr. President, the amendments the House made are technical in nature."

The motion was then put by the Chair and carried.

On motion by Senator Kanno, seconded by Senator Menor and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2895, S.D. 1, and S.B. No. 2895, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:30 o'clock p.m.

RECALL OF H.B. NO. 1029

Pursuant to Article II, Section 12, of the Hawaii State Constitution and Senate Rule 52, Senator Ihara moved to recall H.B. No. 1029, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," from the joint Committee on Transportation, Military Affairs, and Government Operations and the Committee on Ways and Means.

At 1:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:32 o'clock p.m.

At this time, Senator Ihara withdrew his motion to recall H.B. No. 1029 from the joint Committee on Transportation, Military Affairs, and Government Operations and the Committee on Ways and Means.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 127 to 134) were read by the Clerk and were disposed of as follows:

Senate Resolution

No. 127 "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE INDIVIDUALS WHO OPENED A DAY OF THE SENATE, TWENTY-SECOND LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 2004, WITH AN INSPIRATIONAL INVOCATION."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 127 was adopted.

No. 128 "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE TWENTY-SECOND LEGISLATURE, REGULAR SESSION OF 2004."

Offered by: Senators Hanabusa, Hemmings.

Senator Kawamoto moved that S.R. No. 128 be adopted, seconded by Senator Hogue.

Senator Slom rose to speak with reservations on the measure and said:

"Mr. President, I would like to express my deepest reservations on S.R. No. 128 which praises the media for its coverage.

"While I have no problem with some of the working media who actually work that were down here. I think this was the Session that got the least coverage by the media, and whether the discussion was made in the boardrooms or where it was made, they would not cover the issues that we have wrestled with for five months adequately. I think it is a disservice to the public, and to give, uniformly, appreciation for all the media, I think is incorrect.

"Thank you."

Senator Trimble rose in rebuttal and said:

"Mr. President, I rise in brief rebuttal. (Laughter.)

"Mr. President, I would like to cite three reasons:

1. We don't get the coverage because we are boring. (Laughter.) Mr. President, I was not meaning any individual member of the other party. I was talking about this Body as a whole. We come, we meet, and then you guys recess. You come back 45 minutes later and you actually expect them to sit in booth over there for 45 minutes while you're in recess. There are some days when the only discussion is between the Senator from Hawaii Kai and the Senator from Waikiki. Now that probably is not very interesting.
2. After a while, Trojan horses, disingenuous legislation, false facades, and fake reform are no longer news because we do it all the time.
3. It is not what the people of the media do down here, because they are professionals. What appears in the newspapers generally have gone through the cutting room and come out oftentimes quite differently than it was submitted.

"So, for those three reasons, I disagree with the good Senator from Hawaii Kai. Thank you."

The motion was then put by the Chair and carried, S.R. No. 128 entitled: SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE TWENTY-SECOND LEGISLATURE, REGULAR SESSION OF 2004, was adopted.

No. 129 "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 129 was adopted.

No. 130 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 130 was adopted.

No. 131 "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 131 was adopted.

No. 132 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 132 was adopted.

No. 133 "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE TWENTY-SECOND LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 133 was adopted.

No. 134 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Hanabusa, Hemmings.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, S.R. No. 134 was adopted.

Senator Baker rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, it was very late on Monday when we finally adjourned, and although I wanted to rise because it was perhaps more germane on that day than it is today to talk about and to insert some comments into the Journal about our override of H.B. No. 1043, C.D. 1, I knew that if I rose on that day at that late hour, I would have probably been lynched by my colleagues. And so I chose not to rise at that particular point. But you know, that was a very important bill. For those of you who don't remember numbers, and sometimes I don't either, this is the override of the HGEA arbitrated award veto.

"The concern on that day was that it came down quickly, some people have accused, and perhaps all of us were not prepared to answer. There were only two points of view. I believe that sometimes our colleagues across the way are correct – we don't respond; we don't put things into the Journal; we don't let people know how we feel. And I didn't want this Legislature to adjourn without inserting into the Journal some very important information that LRB provided for us.

"The concern was, well how could we override this veto so quickly when we hadn't really even had a chance to look at the Governor's veto message? Well I would just point out that on April 7th, the Governor in fact sent down a message to the Legislature that asked us not to pass it and basically outlined the same objections that she had in her veto message. So, we had fair warning and we could respond to what she had said.

"She talked about that the award should not have used CAFR, that they should have been more specific. But if you look at the law that's on the books, it doesn't specify that the arbitration panel could have used CAFR. It doesn't say that there are any specific or precise actions that they must take. So the arbitration panel was well within their prerogative to issue the award in the manner that they did.

"The one thing that's curious, Mr. President, is that there's a specified period of time when the employer can announce that there are problems with the way the award was done and ask for technical corrections. None of that was ever done.

"Finally, Mr. President, I must note for the record that all three members of the arbitration panel signed this award free

and clear. There were no reservations on the part of the employee member. There were no additional comments.

"So there are two things I'd like to have inserted into the Journal because I think it's important for the historic perspective. I'd like a copy of the entire arbitration award included in our Journal, and I'd also like a copy of the memo that was done for one of our colleagues, the Senator from Makiki, to be inserted. I received his permission as well as the researcher for LRB's permission to insert this into the Journal because it responds to the information that the Governor provided as to the errors and refutes some of that information.

"Thank you, Mr. President."

The Chair having so ordered, Senator Baker's inserts of the memo and the arbitration award are identified as ATTACHMENT "C" and ATTACHMENT "D," respectively, to the Journal of this day.

Senator Kawamoto rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, the good Lord willing and with all the faculties I have in my control, I hope to be back next year, but if I'm not, I'd just like to say, number one, thank you to my staff – Nora, Ross, Neil, Stacey, Art and Ken. I'd like to thank your staff for your support, and the supporting cast of this Senate who for 10 years have done a great job – starting from the print shop to the sergeant-at-arms. I thank my colleagues for an enjoyable 10 years.

"I have only one request. The only request I have is that all of those who are coming back ensure that you take care of this Body. This Body is the only we have in this State. It has a long and proud history, and I ask all of you to really remember this Senate. I ask all you Senators to live up to the golden rule, treat each other with love and respect and honor that you all deserve.

"I thank you for a long journey. Thank you."

Senator English rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"Members, I'd like to take this opportunity to thank a number of people, and I'll be very brief because I see we have the House waiting for us. I just have to note that this is one of the first years they came to our Chamber.

"First of all, I'd like to thank my office staff – Elsbeth Mckeen, my office manager; Jennifer Chow, the committee clerk; Libby Kimball, the receptionist; Michele Van Hessen, one of my analysts; and Chris Martelles, an analyst – for supporting all the work that we've done. I'm most grateful to them and I thank them for their dedication and for multi-tasking for all of the things that I had to get done.

"I'd also like to thank the members of the Energy and Environment Committee for serving on that Committee and for working. All of the other Committees that I served on, thank you to the Chairs and members.

"I'd like to thank this Body for the opportunity to serve and thank you for providing me with such insight, such support and guidance. We've all grown together . . . my have we grown together. I think we have done well for the people of Hawaii.

“Finally, Mr. President, I want to thank the people of Maui, Moloka'i, and Lana'i for this great privilege to serve in the Senate as their Senator and to thank them also for their support and their guidance throughout this entire process.

“Mahalo everyone and have a good interim.”

Senator Hemmings, Minority Leader, rose to deliver his closing remarks as follows:

“Mr. President, first of all I do want to have the record reflect that your Loyal Opposition, the Republican Minority, is grateful that you have started the tradition of having closing remarks reflect our point of view on what happened this last Legislative Session. And if nothing else, we have all fought hard for what we believe in our hearts is the right thing to do, and that's what this Legislature is best at doing.

“In my remarks I do want to point out what we feel we did, or more importantly may not have done. The pounding of the gavel will herald the close of this Legislature. I was passed out a quote or a poem yesterday that I wish to enter into the record. What happened is best summed up with these poignant words from the poet John Greenleaf Whittier: ‘For all sad words of tongue or pen, the saddest are these: it might have been.’

“Hawaii entered a new era of politics in the election of 2002. One political party no longer had absolute control over the executive, legislative and therefore the judicial branches of government. With the departure of a monopoly and an emergence of a fledgling two-party system, there were high hopes that we could work together cooperatively to find common solutions to the problems that challenge the people we serve. At the opening of Session, we, your Republican colleagues, offered the Majority Party our hand of cooperation. If you recall, I stated that we hoped our efforts would not be met with partisanship and blind allegiance to the status quo. I'm pleased to report that there were incidences where we cooperated and we did indeed make good things happen.

“Hawaii Rx is something we can all be proud of. During the final passage of Hawaii Rx, it was heartwarming for me to see the more ecumenical amongst the Majority Party recognize the Governor for her cooperation and leadership with this issue. Likewise, the Republicans in the Senate recognize the Majority Party's leadership and spirit of bipartisan cooperation on this issue. Mr. President and colleagues, when we work together everyone wins, especially the public. Unfortunately, incidences of us really working together to make good things happen were few and far between.

“The record should reflect, concerning education, in spite of the words uttered on this Floor today, no one denies that our children are not capable of achieving, and no one denies that our teachers are not devoted. The good news is the education establishment finally acknowledged that the system is broken, or in the words of Superintendent Pat Hamamoto, is obsolete. The numbers also show that the taxpayers of Hawaii, in spite of other's claims, are very generous with education spending. The education status quo for years would have us believe otherwise.

“The Governor, the CARE committee, along with community leaders and the House-Senate Republicans, proposed genuine and honest reform, and what emerged was S.B. No. 3238, what you see is not what you get.

“Ultimately, if S.B. No. 3238 were implemented, the system of governance would remain with the same cabal of leaders in the centralized system. The people of the neighbor islands and Oahu districts were denied the right to even vote on whether to dismantle the statewide system. S.B. No. 3238 was vetoed.

The Governor offered a genuine compromise by amending a bill that included five basic reforms. The compromise proposal, H.B. No. 2002, was passed. At best, the alleged compromise, H.B. No. 2002, represents little reform and much delay. The truth is honest and systemic education reform was a missed opportunity in many ways.

“There is good news – the Governor did negotiate a much-deserved pay raise, and I emphasize the word negotiate, for teachers and the University of Hawaii Professional Assembly. Speaking of salary increases, we are now paying the price for the flip-flop the Majority Party did on binding arbitration. As predicted, the decision on binding arbitration for the HGEA resulted in costs that future state budgets will have a difficult time covering. Once again the Majority Party overrode the veto of the HGEA 7.5 percent pay increases contained in S.B. No. 2724. The HGEA arbitrated pay raises will result in huge future deficits. The numbers cannot be denied. Unfortunately, this could result in layoffs. The Governor will do what needs to be done to keep vital services available to our citizens.

“Senate Republicans also advocated a budget that would get us back to paying our bills with existing cash flow. It always amazes me that the Majority Party claims to be advocates of the sick, the elderly and the keiki, and yet holds public-funded human service programs hostage in raid bills. Human services should be part of the state's operating budget, not an adjunct. We know that balancing the budget by raiding funds, depleting the rainy day fund, taking money out of the retirement system, dismantling one of the best run departments in state government, and other short-term tactics will eventually lead to financial hardship for all the citizens of Hawaii, including the members of the unions of government. Republicans agree some vacant positions should be eliminated, but not at the expense of human services.

“I believe we all now realize that parts of the state's hastily produced omnibus spending bill, H.B. No. 1800, created problems. Fortunately, our Governor offered to fix those problems and, I might add positively, with the cooperation of the Chairman of the Senate Ways and Means Committee and members of the Finance Committee in the House, something was done. The Majority Party could not muster the votes to override the ill-conceived legislation to dismantle the DCCA, though the subsequent raid of \$10 million from their compliance fund is problematic, especially for those businesses that pay into the fund. The Majority Party failed to bring stability and fiscal accountability to the states financial management. We seem to live from year to year. This is another missed opportunity.

“In the wake of Lt. Gov. Aiona's initiatives concerning the ice epidemic, the Majority Party picked up the gauntlet. After a summit and numerous hearings, it became obvious that the road to recovery incorporated two components. First, and we support this, rehabilitation when feasible, and second, law enforcement. Only half the job was done. The classic ploy of throwing more money at the problem addressed rehabilitation. Left out were a number of law enforcement initiatives supported by state and national law enforcement agencies. The Majority Party promptly overrode the Governor's veto of the problematic ice bill, S.B. No. 2003. It seems obvious that once again some in this Legislature are more concerned about criminals than protecting victims and law-abiding citizens.

“The long time ploy of the Majority Party to feign reform and delay it through an election cycle is evident again. If a gas cap, a bottle bill, and education reform are so critical, why was their implementation delayed? It must be noted that this Session was incredibly adversarial to the executive branch of state government. Much was done to try and erode the powers

of the Governor. After 40-years of one-party rule, suddenly the power of the executive branch needed to be changed. The Majority Party tried to dismantle her best-running department – DCCA. You tried to curtail the Governor’s appointments to boards and commissions, including the board of regents. You tried to take away her management of this building and abolish security guards that protect her Lt. Governor and his family. You tried to eliminate the pay of her advisors. In short, you tried to hamstring the Governor’s effectiveness rather than work with her cooperatively to move our State forward for the benefit of all. The question that must be asked is why? I believe that the people of Hawaii know the answer. It’s been enunciated on the editorial pages of our state’s newspapers – petty politics.

“The aging and effete agents of the status quo are being challenged by a bold Governor and the growing number of us across this state who support genuine change.

“Before I close I do want to say thank you. I want to say thank you to those who work with us, those hardworking members of the legislative staff, those legislative agencies, especially our Clerk, the Sergeant-at-Arms Office, the Legislative Reference Bureau who do an excellent job of rising above the fray of politics and do indeed treat each of us Legislators individually and aid us in every way possible. For that, your Minority Party is most grateful.

“An honest assessment of this Session has to be that the Majority Party did indeed stifle the reform this government so desperately needs. In closing, our quest was clear, we could have planted seeds whose shade would nurture future generations. Regrettably, some of the seeds have fallen on the fallow ground of petty politics. Mr. President, my colleagues, we’re proud to be here, we’re proud to be part of the process. We’re pleased, Mr. President, that you and the Majority Party has allowed us open and unabated debate on the issues that affect so many of our lives. We the Senate Republicans will continue to till the soil and nourish the seeds of genuine reform and a new beginning. Mr. President, we remain optimistic.

“Aloha.”

The President then delivered his closing remarks as follows:

“I have to say that we are concluding on a very successful Legislative Session. While some among us would prefer to dwell on their losses, their inability to have their ideas resonate with voters, the lack of success in moving their legislation forward in this arena, I say that is simply the nature of governance. I don’t think any of us ever enjoys complete success having his or her proposals enacted. We listen to our constituents, form the ideas, and hope that we can convince others of their merit. And that’s what we did this year.

“We approved major legislation on education, drug abuse, and prescription drugs. They are not the be-all and end-all of legislation. They are merely starting points for further work.

“What we achieved was thanks to all of you. I most especially would like to personally thank all of the Chairs for their creativity and hard work.

“Our Education Chairman Norman Sakamoto and his House counterpart, Representative Roy Takumi, boldly crafted landmark legislation that became a core element of our Senate-House Majority package for 2004. This reform measure will invigorate our schools and support student achievement by directing more money to the classroom, giving principals more authority, and involving parents and the community in school governance.

“Also at the heart of our Majority package was legislation giving us the tools and means to fight the epidemic of drug abuse, ice in particular. Our Joint House-Senate Task Force on Ice and Drug Abuse spent many months crisscrossing the islands to hear from those affected by, or involved in, the ice problem and its cures. The result was legislation which responded to input we received directly from the community and which represented an effective combination of tougher penalties, with more resources for education, prevention, and treatment.

“Senator Colleen Hanabusa, who Co-Chaired the task force along with Senator Melodie Aduja, was instrumental in drafting the ice bills and serving as a staunch champion of the proposals in the face of unreasonable opposition.

“A special recognition is due to the Ways and Means Committee Chairman Brian Taniguchi and his House counterpart, Dwight Takamine, who had the very difficult task of balancing the budget while accommodating the critical funding needs of the education and ice acts, as well as pay raises for teachers and other public employees. They are to be commended for their leadership in shaping a complex, solid budget framework for the coming year.

“Unfortunately, some have chosen to denigrate everything we’ve worked so hard to accomplish. A few vocal parties didn’t get everything they wanted in the ice bills so they got the Governor to veto one. Well, the bills were crafted from recommendations gathered from hundreds of people in hours of testimony across the state, countless site visits, and all manners of public input. The administration, meanwhile, held an invitation-only drug summit, and came to the conclusion that further study was warranted. As the Senator from Waianae pointed out, not only did we listen to the people, but we also knew we couldn’t wait another year before acting. The result was the ice bills, a comprehensive first step in attacking our drug problems.

“The debate over seven local school boards overshadowed the meaningful reform measures we adopted, even when the Governor’s own poll showed that folks care far more deeply about smaller classes, more textbooks, better classrooms, and teacher salaries than school boards.

“Our success this Session had its roots in our 2003 Session. At that time, our willingness to work together to support a common agenda resulted in our ability to help the needy and disadvantaged, to protect our precious farmlands, and to ensure public health and safety.

“Our accomplishments this year build on that foundation. We did so through a commitment to common goals . . . to believing in the necessity of compromise when consensus is unattainable . . . to a willingness to share ideas and approaches to problems affecting us all . . . and to upholding our duty to do our very best in serving the people of Hawaii.

“I hope these principles will inspire us into the 2005 Session of the Legislature and beyond.

“Mahalo.”

At 2:00 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:13 o’clock p.m.

ADJOURNMENT

Senator Kawamoto moved that the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, adjourn Sine Die, seconded by Senator Hogue and carried.

At 2:14 o'clock p.m., the President rapped his gavel and declared the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, adjourned Sine Die.

ATTACHMENT "A"



HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

A Survey of Public School Principals

April 28 – May 4, 2004

**By Rep. K. Mark Takai
and Rep. Roy Takumi**

2004050101

Representative K. Mark Takai
State Capitol, Room 403 • Honolulu, Hawaii 96813
Phone: (808) 586-8455 • Fax: (808) 586-8459 • Email: reptakai@capitol.hawaii.gov

Survey of School Principals
April 28 – May 4, 2004
Page 2

Survey Overview

On Wednesday, April 28, an email survey was sent to all public school principals throughout the State of Hawaii. A total of 252 school principals were contacted. By Friday, April 30, a total of 129 school principals responded (51.2 percent). On Friday, April 30, another email was sent to those principals who had not completed the survey. By Tuesday, May 4, a total of 152 school principals responded (60 percent).

Although the survey's authors have spoken to numerous principals over the past few months, they created and implemented this study to accurately assess the general thoughts of our school leaders.

As the governor and state legislators debate the issue of school reform, the authors believe that it is critical to understand how proposed changes to our state laws will impact our schools and how our school leaders feel about these proposed changes.

A total of five questions were asked. Respondents were given five answers for each question. There were Strongly Agree (SA), Agree (A), Neither Agree Nor Disagree (NA), Disagree (D), and Strongly Disagree (SD). No response to a question is listed as a Blank (BLK).

Special mahalo to Lenna Mulipola-Ayres for her assistance in compiling the data.

The survey tool is attached as Appendix A.

Survey of School Principals
 April 28 – May 4, 2004
 Page 3

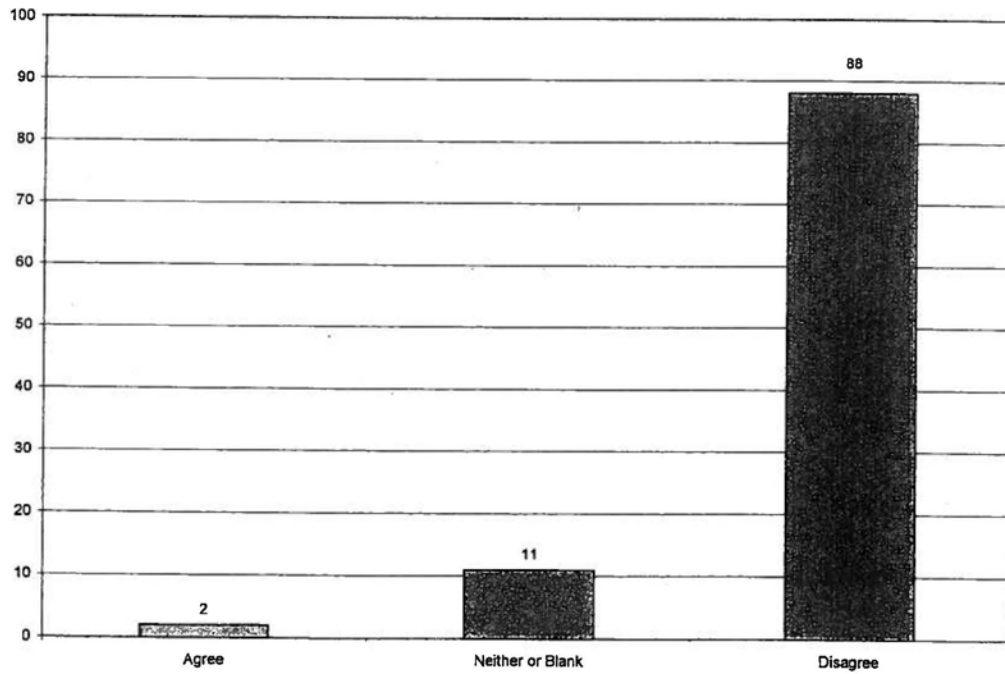
1. The Governor's proposal to replace a statewide school board with at least four (or seven) school boards will improve student achievement.

Strongly Agree	2	1 percent
Agree	1	1 percent
Neither Agree nor Disagree.....	16	11 percent
Disagree.....	46	30 percent
Strongly Disagree.....	87	57 percent
Blank	0	0 percent

Combined Responses

Strongly Agree or Agree	3	2 percent
Neither Agree nor Disagree or Blank.....	16	11 percent
Disagree or Strongly Disagree	133	88 percent

Nearly 90 percent (88 percent) of the respondents believe that creating local school boards will not improve student achievement. Only 2 percent believe that creating local school boards will improve student achievement.



Survey of School Principals
 April 28 – May 4, 2004
 Page 4

Responses by Principals:

Change the way schools are funded. Have our governor/legislators visit schools, spend the day and see what happens daily so they can see the difficulties we actually face. Four or seven school boards is not the answer at this time. – Lindsey Ball, King Kamehameha III Elementary

Timely delivery of educational program supports for our students is critical. In the case of seven school boards, I view it as another layer for the schools to go through. I question what is the difference between what we have now and these seven school boards. In my opinion, nothing. – Myron Brumaghim, Nanaikapono Elementary

Again, more bureaucracy? I believe the SCBM councils (or something like that) should be given that role. That way the voices of the vested public are heard. – Clayton Chun, Kau High and Pahala Elementary

Local school boards actually will work, but only if the funding is similar, i.e., basic funding from the state, but local control of the funds for both spending and raising them. That has always brought up the question of equity between rich and poor districts. Are we ready to use property taxes to fund schools? – Peter Chun, Kaiser High.

Keep the present BOE. The fact that there is only one board now does not determine student achievement either, there are other factors, such as the adequate resources, parent involvement, student responsibility, in addition to high expectations/teaching standards that our teachers have. – Elynne Chung, Pearl Harbor Kai Elementary

There has been no information presented that indicates how local school boards will improve education. Research actually indicates that student achievement is improved through specific efforts taken by the school community. Those efforts include an articulated vision on what we expect for our students, focused attention and alignment on the standards that are to be achieved, varied strategies and supports provided to students in order to facilitate achievement, consistent use of data to assess how well students are meeting the expectations, strong parental involvement in the educational process, and a professional development component. Therefore, I can't agree with local boards until I see how achievement will be impacted by them. – Maureen Duffy, Waiakea Intermediate

From all of the research that I have read, nothing has been found that shows that student achievement is directly or indirectly tied to the layers of governance. – Robert Ginlack, Mililani High

As far as I know, there is no compelling evidence to support this position. – Curtis Young, Honowai Elementary

If the Governor's position is that 'decision-making power' belongs closer to the school, then bring it directly to the school without an intermediary group. No one knows our school better than my faculty, staff and parents. Why create another group outside of our school that may have other interests, since they would represent an area not a school. – Heather Wilhelm, Mauka Lani Elementary

Survey of School Principals
April 28 – May 4, 2004
Page 5

Having more school boards definitely will not impact student achievement. Five years ago, our school adopted a Comprehensive School Reform Model that is Standards-based. Each year since the adoption of the model, our students have continued to make gains in achievement in the Hawaii State Assessment, as well as measures by school wide and classroom assessments. The decision, agreements, commitment, dedication to the hard work required in becoming standards-based was made by the faculty and school community. This was our school's choice, and not because of a school board. We strongly felt a responsibility to our students in preparing them for their future. Also, we are a rural school that is relatively geographically isolated. A school board, be it 1, 4 or 7, would still be a decision-making body that would be very distant from us anyway.
– *Lyndia Uchimura, Hookena Elementary*

Survey of School Principals
 April 28 – May 4, 2004
 Page 6

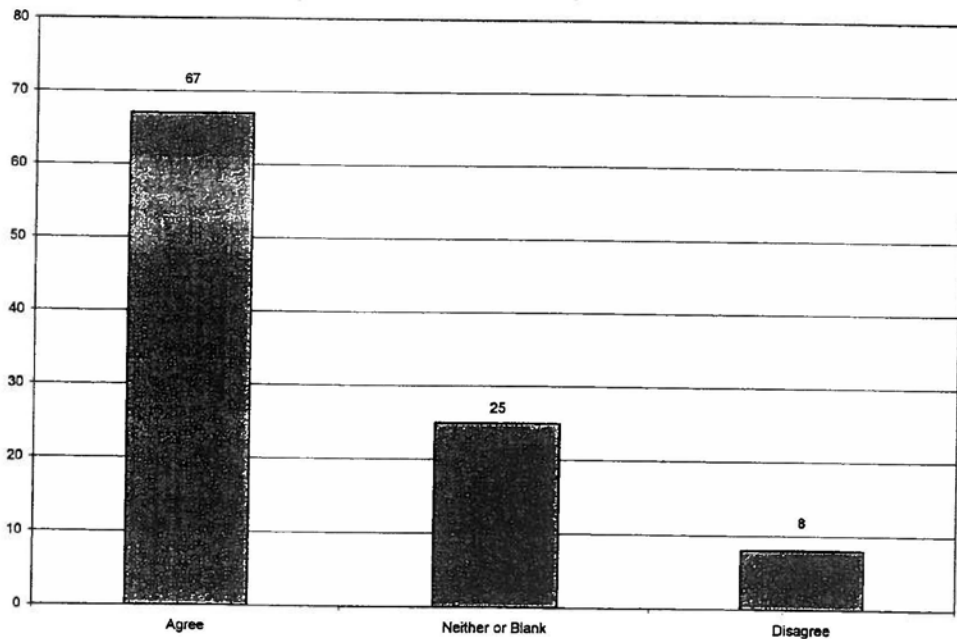
2. Giving principals more resources and greater flexibility and autonomy will improve student achievement at my school.

Strongly Agree	43.....	28 percent
Agree	59.....	39 percent
Neither Agree nor Disagree.....	38.....	25 percent
Disagree.....	8.....	5 percent
Strongly Disagree.....	4.....	3 percent
Blank	0.....	0 percent

Combined Responses

Strongly Agree or Agree	102.....	67 percent
Neither Agree nor Disagree or Blank.....	38.....	25 percent
Disagree or Strongly Disagree	12.....	8 percent

Nearly 70 percent (67 percent) of the respondents believe that student achievement will improve if principals are given more resources and greater autonomy. Nearly 10 percent (8 percent) believe that student achievement will not improve despite additional resources and flexibility. More than 20 percent (25 percent) are undecided.



Survey of School Principals
April 28 – May 4, 2004
Page 7

Responses by Principals:

It will improve only if funding is increased substantially. By that I mean schools getting funds to purchase additional teacher positions and part time teacher positions. With the current level of state funding at the school level we already have flexibility. The area of Special Ed has a life of its own which principals truly have very little control. Please keep the Special Ed funding at the State level. Also, I want state level to continue handle transportation, utilities, and school food services. These areas are purely business concerns. Principals do NOT need to deal with these areas to affect student achievement. – Susan Young, Heeia Elementary

I believe that having greater control of funds would enable us to use funding for staffing (hiring more PTT's for example) to target students who need extra help to reach proficiency levels. Having more resources will be the key. I look forward to having more flexibility with resources. A concern that I have is: I am not sure yet how my school will fare under the weighted student formula. That will be important for us to see. I am hoping that we will not lose resources under this system—that it won't take away from small schools that don't have really high levels of SPED, ESLL, etc. I do agree that funds should follow needs but there is a basic level of need that we all have. Small schools tend to have far fewer resources and it makes a big difference in how we can serve our children. – Ruth Holmberg, Sunset Beach Elementary

Often resources are allocated to programs that don't meet the unique needs of our school. As an example, we recently received \$4000 to educate students who are suspended for 92+ days, yet we have no students out on long-term suspensions. Given the choice, we would have used this money to purchase books for our reading program. Also, if I had a choice of who needs to be on campus year-round, I would have asked for a counselor to stick around during the summer, rather than a Student Activities Coordinator, as was recently passed in the Omnibus bill. Students request credit checks, letters of recommendation, and parents call all summer and principals usually pick up this responsibility. I also believe that public schools are funded for mediocrity and that, while principals often do Herculean fundraising efforts to supplement our budgets, it's very difficult to find funding for some positions we consider essential. Our 27:1 ratio doesn't allow for much discretion. Right now, for example, curriculum and testing/data coordinators would help us meet NCLB benchmarks, but I haven't yet found a grant source or community partner willing to fund such seemingly mundane initiatives as this. – Lisa DeLong, Kahuku High and Intermediate

On the whole it should help improve student achievement, but there are no guarantees. My school is small with a heavy percentage of special education students (SPED). Several are severely handicapped students and were programmatic placed here from other schools and cannot take any type of standardized test. Unfortunately their test scores, which will either be zero (0) or non-participating, will still count against my total school test scores and will bring my school's scores down. It will appear, on paper, that the school is failing but this is far from the truth. The non-Sped students are learning well and meeting AYP and HCPS goals, but having nearly 1/3 to 40% of those taking the test being SPED students and taking the same standardized test as their normally developing peers will obscure and distort what is really happening at school. I know I'm not alone with this issue, but it will really reflect more at my school due to how small our enrollment is. – James Toyooka, Queen Liliuokalani Elementary

Survey of School Principals
 April 28 – May 4, 2004
 Page 8

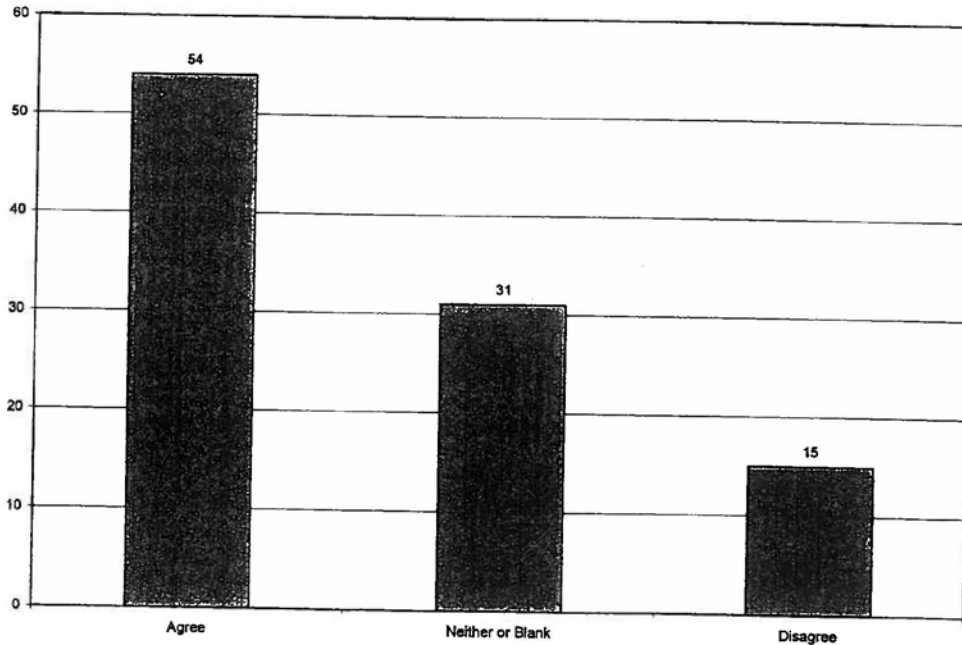
3. If I were given more resources and greater flexibility and autonomy, I would be willing to take on more responsibility for student achievement at my school.

Strongly Agree	44.....	29 percent
Agree	38.....	25 percent
Neither Agree nor Disagree.....	40.....	26 percent
Disagree.....	15.....	10 percent
Strongly Disagree.....	8.....	5 percent
Blank	7.....	5 percent

Combined Responses

Strongly Agree or Agree	82.....	54 percent
Neither Agree nor Disagree or Blank.....	47.....	31 percent
Disagree or Strongly Disagree	23.....	15 percent

More than half (54 percent) of the respondents would be willing to be more responsible for student achievement if they were provided with more resources and autonomy.



Survey of School Principals
 April 28 – May 4, 2004
 Page 9

Responses by Principals:

I am held accountable for student achievement as it is. – Joseph Theroux, Keaukaha Elementary

There is nothing 'wrong' with what is going on presently regarding student achievement. I am asked to do more with less. As a small school with a declining enrollment, each year I get fewer teachers, less money yet expected to improve student progress. This is not ok. I am very clear what staff and community need to do to help all children succeed, but unless we are given the resources- it will not happen. I resent the implication that more resources makes it ok for more responsibility or things to do. – Billi Smith, Kekaha School

I already feel that I have great responsibility for student achievement and I cannot be held to more. Teachers have a share in that responsibility, but moreover, students and parents need to be held accountable. It is a two way street. Society has changed from the years when the teachers could teach and students would learn. Now there are so many challenges that come with the students that teachers need to get through barriers before students will actually learn. If there is anything that will drive teachers or administrators to leave education it is the attitude of students and parents today. We educators cannot do the job alone. Every time we get "hit" with criticisms is another reason to go find another job or retire where we wont have to put up with %\$#@#\$ from people who have no clue of what it takes to teach or operate schools these days. – Annette Nishikawa, Kapolei Middle

I take full responsibility for the success of my students. It's an unwritten rule of our commitment and philosophy. – Amy Martinson, Highlands Intermediate

As the term, "more resources, greater flexibility and autonomy" become clearer, it appears that the principal's time will be spent procuring, monitoring, and evaluating services that are presently done by district and/or state personnel. The important "little details" are being done by the support staff. If principals are given those responsibilities, then even less time will be available to be a curriculum leader. It appears that principals may be expected to do both line and staff functions. Presently, I spend a lot of time at meetings that are related to Special Education, 504, student support teams. Preparation and follow up for each meeting takes time, and in-depth work with regular education teachers are difficult to come by; most are beyond the regular teacher's work day. It is through the goodness of their hearts that teachers are willing to meet with me. – Justin S.N. Mew, Aina Haina Elementary

My plate is overflowing right now. Flexibility in personnel matters would help me, however, I don't want full autonomy because I would have to pick up responsibilities which are currently being done by centralized experts. I am willing to improve for student achievement at my school no matter what. It's all about the students. – Marsha S. Nakamura, Lahaina Intermediate

I will accept more responsibility for student achievement if we are truly given more flexibility and autonomy. I want to be free of certain contractual obligations, e.g., removing bad employees after repeated attempts to remedy situation, I want procurement laws changed to give us more flexibility, I want to be able to hold parents accountable for certain situations that we have no control of, I want more authority over discipline problems, etc. I want to make it clear, as I have done so with the Governor and Randy Roth, we need more than just fiscal flexibility to have true reform. – Bruce Naguwa, Kipapa Elementary

Survey of School Principals
 April 28 – May 4, 2004
 Page 10

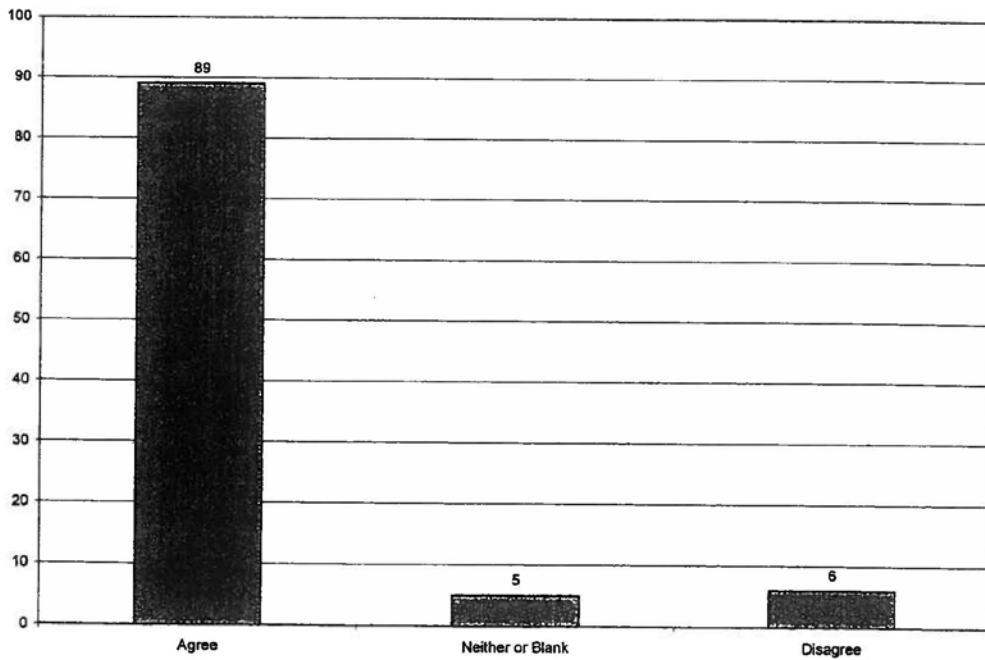
4. If schools receive more resources and greater flexibility and autonomy, there must be additional training provided for planning and managing the use of resources.

Strongly Agree	101.....	66 percent
Agree	34.....	22 percent
Neither Agree nor Disagree.....	6.....	4 percent
Disagree.....	3.....	2 percent
Strongly Disagree	6.....	4 percent
Blank	2.....	1 percent

Combined Responses

Strongly Agree or Agree	135.....	89 percent
Neither Agree nor Disagree or Blank.....	8.....	5 percent
Disagree or Strongly Disagree	9.....	6 percent

Nearly 90 percent (89 percent) of the respondents say that they need additional training if schools receive additional resources and greater flexibility. (This was the highest response category for the entire survey.) Only 6 percent do not believe that additional training should be provided.



Survey of School Principals
April 28 – May 4, 2004
Page 11

Responses by Principals:

You keep going back to resources and leaving out flexibility and autonomy. I would rather have more flexibility and autonomy with the dollar resources that I have now, than having more dollar that have to go to salary, fringe benefits, and so on. Having earmarked money only accounts for advanced bookkeeping -no additional money for the classroom. – Larry Biggs, Mokapu Elementary

Increased tasks amounts to increased responsibilities and increased personnel to implement this. If this is not met, it would be better to return to centralization of services. – Ruth Silberstein, Palolo Elementary

Not only training is needed. Please give the principals a business person to manage that aspect. Principal's primary responsibility is to be the instructional leader. This will lead to increased student achievement. Being a chief financial officer in addition will give principals 2 jobs. We are already being criticized for not doing one job well. Now we would be expected to do 2 jobs well? That doesn't make sense to me. – Susan Young, Heeia Elementary

If administrators are taking on additional responsibilities, there will need to be additional supports and trainings. I personally do not want to manage the cafeteria, buses, payroll, sped, and other things that are handled state wide. I cannot imagine having the time to do this. My school at 350 does not have a vice principal. There is only me, but, given the choice, I would not use funding for a vice principal if direct classroom services to students were impacted. More training will definitely be necessary. – Ruth Holmberg, Sunset Beach Elementary

Currently, I am not equipped to handle a large sum of money. My responsibilities are increasing but will my support increase? There needs to continuous on-going training. – Lindsay Ball, King Kamehameha III Elementary

Everyone is at different levels of expertise, so training cannot be the "one-size-fits-all" model that is the current approach. Furthermore, teachers are now being pulled out of school far too much for the training that is being mandated. This is not good for students. Some of the additional resources need to go to longer work years for principals and teachers so that training can be accomplished without substitutes replacing teachers on so many days. This would also make it possible for us to require teachers to attend the training without diminishing instructional time for students. – Catherine Payne, Farrington High

When will I have the time to dedicate my time to student achievement if I have to do all the procuring, maintenance of facilities, CIP, processing of personnel, etc.? We are educators first, not business managers. Our product is students with quality education. Does that mean we will have to hire more personnel to assist us? Will we be accused of being top heavy at the school level next? – Marsha S. Nakamura, Lahaina Intermediate

Survey of School Principals
 April 28 – May 4, 2004
 Page 12

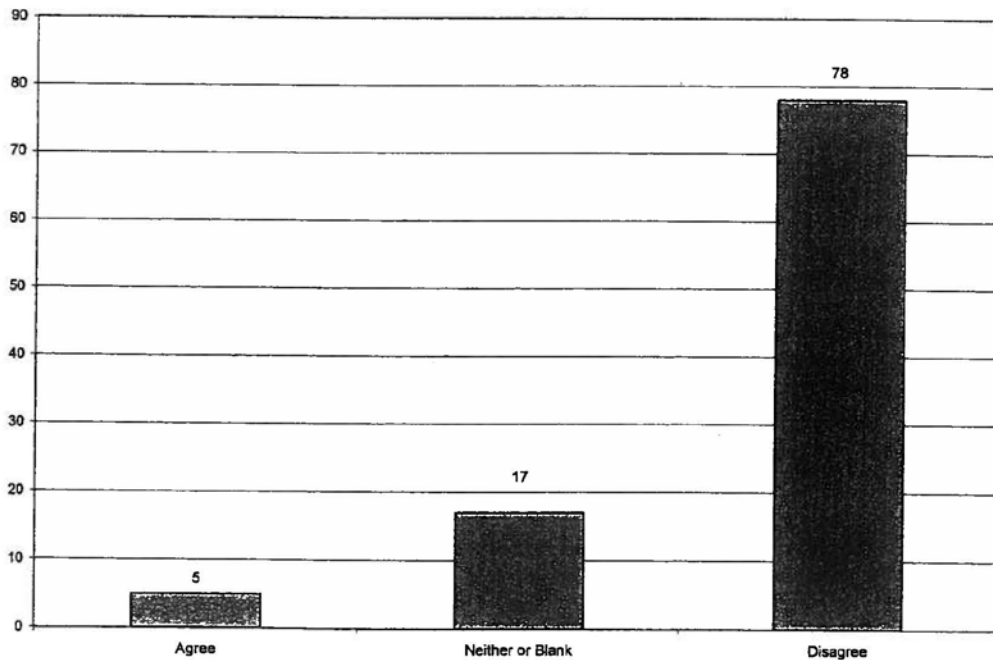
5. I support the Governor's proposal that a minimum of 90% of the DOE's operating budget must be controlled by the principal. (This would mean that principals will be directly responsible for transportation, special education, food service, adult education, A+, etc.)

Strongly Agree	5.....	3 percent
Agree	3.....	2 percent
Neither Agree nor Disagree.....	14.....	9 percent
Disagree.....	36.....	24 percent
Strongly Disagree.....	82.....	54 percent
Blank	12.....	8 percent

Combined Responses

Strongly Agree or Agree	8.....	5 percent
Neither Agree nor Disagree or Blank.....	26.....	17 percent
Disagree or Strongly Disagree	118.....	78 percent

Nearly 80 percent (78 percent) of the respondents do not support attempts to place a minimum of 90% of the DOE's operating budget under their control. Only 5 percent want to control these resources.



Survey of School Principals
 April 28 – May 4, 2004
 Page 13

Responses by Principals:

I am a principal, not a business manager. Please let me focus on attaining high student achievement. – Amy Martinson, Highlands Intermediate

These types of responsibilities would be an extra burden to an already demanding job. As it is now EOs (principals) are stretching their health and family lives due to the existing demand. – Beverly McCall, Waiakeawaena Elementary

I already put in 13 hours a day in school, plus a few hours at home. When am I expected to take on this additional responsibility? I am tasked with being a manager of the school, as well as the instructional leader. Realistically, the demands of managing 90 percent of the operational budget, as well as, being the instructional leader are unrealistic and unreasonable. This proposal demonstrates the lack of knowledge of what occurs at the school level and the level of responsibility that the principal is challenged with. – Randall Miura, Leihoku Elementary

There is NO WAY that I want these responsibilities. There is NO WAY that I can do service to the students and families if I was held responsible for everything. There is NO WAY that I will remain an educator in that scenario. I have surpassed the requirements for retirement (55/30). I am here because I want to be. I do not want to be in that scenario. – Annette Nishikawa, Kapolei Middle

I don't think that we should identify a percentage until we identify WHAT tasks the schools will be taking on. After all the talking about how important principals are to school reform and all the talk about making us accountable for our schools (performance contracts and all that), there has been NOTHING forthcoming from the DOE, the BOE, the legislature, HGEA, or the Office of Collective Bargaining that could be viewed as meaningful support or acknowledgement of our role as leaders. I worry about the future. We need to think through the consequences of the decisions that we make. My prediction is that lots of folks, including the governor, will take credit for 'doing something' and the blame for the problems, the failures, and the slow pace of change, will rest solely on the heads of principals. – Catherine Payne, Farrington High

If you want us to concentrate on student achievement, you can't have our time taken up with things that do not relate to student achievement. – Carol Petersen, Mililani Mauka Elementary

If all of these responsibilities are shouldered by the principal, each school will need a fiscal officer to handle all the additional responsibilities. There should be centralized services for particular services such as transportation, special education, food service, etc. – Jane Serikaku, Iliahi Elementary

I am more than willing to manage funding that links directly to student achievement. So much of what is included in this has nothing to do with education and I will not do it. I am trying to reduce the non-educational stuff so I can focus on teachers and what goes on in the classroom. – Billi Smith, Kekaha Elementary

I don't believe schools having 90 percent of the operational budget will result in greater student achievement. Presently, the centralized services we receive allow schools to concentrate on those factors that directly affect student instruction and academic improvement. School level administrators have only so much time and energy and placing additional responsibilities without additional appropriate personnel will not work for schools – Stan Tamashiro, Ewa Elementary

Survey of School Principals
 April 28 – May 4, 2004
 Page 14

APPENDIX A

SURVEY OF PRINCIPALS

Rep. Roy Takumi and Rep. K. Mark Takai are soliciting your comments on a few items as it relates to our education system and some of the proposals being considered by the State Legislature.

Both legislators have met with many principals and educators regarding these proposed changes. However, there has not been a survey on the opinions of our school leaders, the principals of our schools.

Your responses will be used for statistical purposes only. Attribution of your comments will be made only with your approval. (Should you wish to remain anonymous, please indicate by writing ANONYMOUS on "name.")

Please respond back as soon as possible and send directly to reptakai@capitol.hawaii.gov.

Thank you for taking the time to complete this survey. Your responses will be very helpful as we continue to debate education reform issues. If you choose to remain anonymous, please indicate by writing ANONYMOUS on "name."

Mahalo for all you do for our children and for assisting us with our efforts to improve our education system.

I will allow for the use of my name and my comments:

Name:

School:

Contact Phone Number:

Please indicate your opinion for each statement:

1. The Governor's proposal to replace a statewide school board with at least four (or seven) school boards will improve student achievement.

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Comments:

Survey of School Principals
April 28 – May 4, 2004
Page 15

2. Giving principals more resources and greater flexibility and autonomy will improve student achievement at my school.

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Comments:

3. If I were given more resources and greater flexibility and autonomy, I would be willing to take on more responsibility for student achievement at my school.

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Comments:

4. If schools receive more resources and greater flexibility and autonomy, there must be additional training provided for planning and managing the use of resources.

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Comments:

5. I support the Governor's proposal that a minimum of 90% of the DOE's operating budget must be controlled by the principal. (This would mean that principals will be directly responsible for transportation, special education, food service, adult education, A+, etc.)

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Comments:

ATTACHMENT "B"

**EDUCATION
BILLS
May 6, 2004**

<p>FACILITIES & REPAIRS & MAINTENANCE HB 1929 DOE; Repairs and Maintenance; Hawaii 3Rs HB 1900 STATE BUDGET. • \$180,000,000 State Educational Facilities Improvement Special Fund. Of these funds: • \$80,00,000 construction of new public school facilities & improvement & upgrade of existing facilities • \$100,000,000 major, bond-financed repairs to protect structural integrity and aesthetics of school buildings. Of this amount: • \$7,000,000 are previously authorized funds that are being transferred from the DAGS to DOE</p>	<p>TEACHERS HB 1926 Hawaii Teacher Standards Board Act 21 HB 2645 Retired Teachers; Counselor Waiver; Substitute Teachers SB 3238 Appropriates • \$480,000 for the National Board Certification Incentive Program • \$92,000 for the administration of the Hawaii Teacher Standards Board • \$2,143,350 to lower class sizes in grades K-2 (allow 75 additional teachers to be hired)</p>	<p>PRINCIPALS SB 3238 Appropriates: • \$2,000,000 for information technology • \$500,000 for a Hawaii principals academy • \$183,780 for the Administrator Certification for Excellence (ACE) program • \$400,000 to compensate principals for professional development</p>
<p>PARENT/COMMUNITY HB 1780 Family Leave-Limited to 2 hours HB 2286 Commission for National & Community Service; Appropriation (\$142,000) SB 3230 Early Childhood Care; (\$200,000) SB 3238 Appropriates • \$1,743,900 for Parent-Community Networking Centers; • \$350,000 for School Community Councils • \$100,000 for parent support programs • Requires BOE to hold community meetings within their districts SCR 133 BOE; Review policies that determine meeting sites to encourage community participation</p>	<p>STUDENTS SB 17 Two-Tiered Junior Kindergarten and Kindergarten Program; Entrance Age Education; Trust Fund; GEAR UP HB 1893 Textbook List; Textbook & Instructional Materials Fee Special Account SB 2063 Student Medical Self-Administ. Act 19 HB 2198 DOE; UH; Running Start SB 2200 Hawaiian Language HB 2667 Appropriates SB 3238 • \$2,500,000 for mathematics textbooks; • \$460,000 to provide year round Student Activities Coordinators; SCR 164 Establish Student Exchange Program for Hawaii/Philippine Sister-States SCR 131 Development and Support for Robotics Education in Hawaii HCR 60 Development, Relief, and Education for Alien Minors ("Dream") Act HCR 117 Support Perkins Act</p>	<p>ADMINISTRATION HB 1908 Federal Impact Aid; Military Liaison; School Repair (\$100,000) SB 2056 Auditor, Confidentiality of Records HB 2871 Tobacco Use in Public School Functions; Prohibited SB 3020 Multi-Track Schooling; Approp. (\$175,000) SB 3238 Appropriates: • \$2,000,000 for information technology • \$400,000 to pilot school community councils • Establishes a weighted student formula • Improves the accountability system • Transfers certain services to the DOE from DAGS, Budget & Finance, Health, Human Resources Development, AG, and HMS HB 2002 After-school Plus Program Revolving Fund; education reinvention. (S) HB 2002 clarifies SB 3238 HCR 63 Joint Senate-House Investigative Committee; Felix Consent Decree HCR 203 DOE; Therapists</p>

**EDUCATION
BILLS
May 6, 2004**

<u>CHARTER SCHOOLS</u>	<u>SPRBS</u>	<u>UNIVERSITY OF HAWAII</u>
SB 2424 DOE; New Century Conversion Personnel (Civil Service Status) SB 2425 New Century Charter Schools; Funding HB 2911 Education; Charter Schools SB 3148 Host Culture Charter School District.; Charter School District; Study(\$)	SB 2538 Special Purpose Revenue Bonds; Education; \$ (Iolani School) SB 2671 Damien Memorial High School; SPRB (\$) SB 2790 Haleakala Waldorf School; Special Purpose Revenue Bonds (\$) SB 2791 Montessori School of Maui; Special Purpose Revenue Bonds (\$) SB 3086 SPRBs; Island Pacific Academy (\$)	HB 1710 UH; Student Scholarship Assistance Special Fund SB 2073 University of Hawaii Optional Retirement Plan HB 2547 UH Foundation; Reports SB 2716 Higher education statutory analysis interim study group SB 3238 Appropriating \$500,000 for teacher education faculty positions at the University of Hawaii College of Education SCR 20 UH; update 1994 DAGS' Master Plan for College of Education SCR 92 UH; Rebuild School of Global and Public Health SCR 114 UH; Release funds for acquisition of Paradise Park in Manoa SCR 115 Management and Financial Audit of Lyon Athorium SCR 136 Establish Asia-Pacific Risk Management and Insurance Program at UH-Manoa

ATTACHMENT "C"

Subject: Governor's Comments on the Hawaii Government Employees Association Arbitration Award

This responds to your request regarding the Governor's Message requesting the Legislature to reject the HGEA arbitration award and determining the validity of her reasons stated therein, I submit the following for your review:

Governor Cites Three Errors

In her April 7, 2004, Governor's Message, Governor Lingle opined that the arbitration panel made at least three errors in assuming the State could afford the arbitrated award. The Governor's three reasons are as follows:

- (1) *The arbitrators mistakenly accepted that the State had a balance of \$972 million in unrestricted funds at the end of fiscal year 2003.*

According to the Governor, "the arbitrators mistakenly accepted that the State had a balance of \$972 million in unrestricted funds at the end of FY 2003. This figure represents the net of \$1.065 billion in assets from the Airports Fund, the Harbors Fund, and the Unemployment Compensation Special Fund, minus \$92.9 million from all other governmental activities. Balances in the airport, harbors, and unemployment funds must, by law, be used for the specific purposes named. It is neither fiscally or legally possible to use these monies for wage settlements. This misleading and incorrect assessment of the State's fiscal condition produced the erroneous conclusion that the State could pay for the wage increase."

- (2) *The arbitration panel incorrectly used the State of Hawaii Comprehensive Annual Financial Report (CAFR) to estimate available funds at the end of fiscal year 2003.*

The Governor also states that "the Arbitration Panel incorrectly used the State of Hawaii Comprehensive Annual Financial Report (CAFR) to estimate available funds at the end of FY 2003. The State's financial reports are published on an accrual basis. This means the end of year figures in 2003 included tax revenues generated in FY 2003 but not collected until FY 2004. The figures also included expenditure liabilities (such as Medicaid and payroll) incurred in FY 2003 but not paid out until FY 2004. To use the CAFR, which is a backward looking document, to project what funds may be available in a future year, is inaccurate and misleading."

- (3) *The arbitration panel referenced the State's good credit rating to conclude the State could pay for this award.*

Finally, the Governor argues that "the arbitration panel referenced the State's good credit rating to conclude the State could pay for this award. The fact of the matter is credit rating agencies consider a wide variety of factors in their analysis of a jurisdiction's creditworthiness. The credit rating process examines the State's economy, revenue collections, and the Administration's commitment to fiscal discipline. The willingness of the State to control expenditures during periods of slower economic growth, allowing the State to carryover sufficient financial reserves, also contributes to its positive credit rating. The rating is performed to assure bondholders that the State is able to pay its existing debts, not to indicate the State's ability to pay for future salary increases."

Discussion on the Governor's Perceived Errors***The arbitrators mistakenly accepted that the State had a balance of \$972 million in unrestricted funds at the end of fiscal year 2003***

Upon a review of the arbitration decision and award, there is no indication as to the weight that was given by the arbitration panel to this particular factor in rendering its decision on the employer's ability to pay. However, the panel did state that:

In sum, the Employer, in focusing its case on spending priorities, has not presented a convincing argument to the panel. Nor has the Employer rebutted the Union's evidence, i.e., that the CAFRs, when considered in tandem with the Union's last and final offer, establish an ability to pay on the part of each jurisdiction. *In re: Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (Bargaining Units 2, 3, 4, 6, and 13). HLRB Case No. I-02-96. p.20., (2004)*

Regardless of the issue as to whether the arbitration panel mistakenly accepted that the State had a balance of \$972 million in unrestricted funds at the end of fiscal year 2003, it does seem that the union's representation that the funds comprising the \$972 million were unrestricted was incorrect. In the interest arbitration decision and award, *In re: United Public Workers, AFSCME, Local 646, AFL-CIO. HLRB Case No. I-10-95. p.11., (2003)*, Gerald Bachecki, the certified public accountant that prepared the union's position on the employer's ability to pay, testified that "the State had a balance of \$959.2 million in its restricted assets as of June 30, 2002, that could be used for any purpose, implying that such monies could be used to fund the Union's wage proposal." However, the decision and award went on to note that "on cross examination, Mr. Bachecki conceded that the \$959.2 million figure included the Airports Fund, Harbors Fund, and Emergency and Budget Reserve ("EBR") Fund or "Rainy Day" fund, all of which are restricted funds that are set aside for special purposes." In light of this concession by Mr. Bachecki in the UPW decision and award, and not having access to Mr. Bachecki's actual testimony, it seems that the Governor is correct to the extent that the \$972 million is comprised, at least partially, of restricted funds that may not be used for salary or wage purposes.

However, it can also be argued that the presence of healthy special, revolving, and trust fund balances serve to relieve pressure on the need to divert general funds to a special, revolving, or trust fund in the event of a particular fund's insolvency or near insolvency. Although not related to this arbitration proceeding, the arbitration panel for *United Public Workers, AFSCME, Local 646, AFL-CIO. HLRB Case No. I-10-95. (2003)*, noted:

"There is also a need to assess the health of special funds. If these fund balances are healthy, there is no need for the General Fund to support them in meeting their designated obligations, thus freeing monies in the General Fund for other purposes, including the funding of collective bargaining increases. All of these special fund balances appear to be strong and healthy." *In re: United Public Workers, AFSCME, Local 646, AFL-CIO. HLRB Case No. I-10-95. p.32., (2003)*

The arbitration panel incorrectly used the State of Hawaii Comprehensive Annual Financial Report (CAFR) to estimate available funds at the end of fiscal year 2003

According to the arbitration panel's decision and award, the panel utilized the CAFR as a basis to determine an employer's ability to pay for the following reason:

Moreover, the Employer's case for inability to pay is based on conservative budgeting and future spending priorities, as opposed to the Employer's *audited* financial condition. . . . In the opinion of the panel, the CAFRs of each jurisdiction provide more persuasive evidence of the

financial condition of each separate jurisdiction than the budgetary documents presented by the employer. *In re: Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (Bargaining Units 2, 3, 4, 6, and 13). HLRB Case No. I-02-96. p.19., (2004)*

In a review of Chapter 89, Hawaii Revised Statutes, no provision of law prohibits an arbitration panel's use of CAFRs in rendering a decision. In a previous arbitration case to which the State was a party, a different arbitration panel similarly used CAFRs as a basis to determine an employer's ability to pay. In that instance, the Governor did not recommend that the Legislature reject appropriating moneys to fund the award. For further discussion on this particular arbitration award, see the discussion on section 89-11(f)(1), Hawaii Revised Statutes, below.

The arbitration panel referenced the State's good credit rating to conclude the State could pay for this award

Upon a review of the arbitration decision and award, the only reference to the State's credit rating in the decision and award is contained in the Union's position on refuting the employer's inability to pay. *In re: Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (Bargaining Units 2, 3, 4, 6, and 13). HLRB Case No. I-02-96. p.15., (2004)*. Nowhere in the arbitration panel's determination of the ability to pay issue section is the subject of the State's "good credit rating" mentioned as a reason for its award.

Governor Cites Five Legal Flaws

The Governor states that in addition to the three erroneous assumptions made by the arbitration panel, there are also legal concerns with the arbitration panel's findings. According to the Governor, the panel failed to adequately explain how it took into account at least five factors set forth in section 89-11(f), Hawaii Revised Statutes. They are:

- (1) *Section 89-11 (f)(1) - Lawful Authority of the Employer;*
- (2) *Section 89-11 (f)(3) - Interest and Welfare of the Public;*
- (3) *Section 89-11 (f)(4) - Ability to Pay;*
- (4) *Section 89-11 (f)(6) - Wage Comparisons; and*
- (5) *Section 89-11 (f)(8) - Overall compensation package.*

Discussion on the Governor's Legal Concerns

Lawful Authority of the Employer - Section 89-11 (f)(1), Hawaii Revised Statutes

The Governor argues that the arbitration panel violated section 89-11(f)(1), Hawaii Revised Statutes by substituting reliance on CAFR for the legally imposed process. A review of Chapter 89, Hawaii Revised Statutes, no provision of law prohibits an arbitration panel's use of CAFRs in rendering a decision. According to the decision and award, the arbitration panel stated:

After examining all of the evidence and the arguments of the parties, the panel must conclude that the Employer failed to meet its burden of establishing an inability to pay. (underscoring added) *In re: Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (Bargaining Units 2, 3, 4, 6, and 13). HLRB Case No. I-02-96. p.19., (2004)*

This passage would indicate that the arbitration considered the entirety of information

provided to it and did not solely rely upon CAFRs to render its decision.

In an arbitration proceeding for the United Public Workers Bargaining Unit 10 (UPW), to which the Governor was a party, a different arbitration panel came to the same conclusion that that the use of CAFRs was a legitimate fiscal tool to measure the State's fiscal health. In its award, the UPW arbitration panel stated:

Although the Employer does not rely on CAFR's, which are retrospective in nature, to calculate budgetary information prospectively, the arbitration panel finds that CAFR's are audited and give a more precise depiction of the State's actual finances and are therefore more useful than the budgetary tools relied upon by the Employer which are more reflective of budgeting priorities. CAFR's reflect the State's past utilization of resources and the use of such information to establish trends in order to ascertain how the State would utilize its resources in the future is accepted by the arbitration panel. Furthermore, use of the GAAP method, as required by the Government Accounting Standards Board ("GASB"), to make adjustments to the information contained in the CAFR's, is appropriate for purposes of assessing the Employer's financial condition. *In re: United Public Workers, AFSCME, Local 646, AFL-CIO. HLRB Case No. I-10-95. p.31., (2003)*

It may be interesting to note that in this particular instance, the Governor did not elect to petition the Legislature to reject this award nor has she made the argument that the arbitration panel's use of CAFRs was violative of section 89-11(f)(1), Hawaii Revised Statutes.

Interest and Welfare of the Public - Section 89-11 (f)(3), Hawaii Revised Statutes

The Governor argues that the arbitration panel: failed to consider competing interests, most notably the State's spending priorities as reflected in its printed budgets; did not provide a discussion or explanation as to which priorities were not justified or could be reduced to pay for collective bargaining increases; gave no indication or identification of where in the budget the moneys should come from to pay for the award; and cited as its only public interest, a "public interest" in public employees receiving a pay raise.

In its decision and award, the arbitration panel stated:

The panel's award effectuates the legislature's intent and purpose in enacting the law and, therefore, promotes the interests and welfare of the public by contributing to more effective government and the continuation of necessary services.

* * *

Bargaining unit employees covered by the panel's award are employed in every facet of governmental operations and provide services to the general public, thereby affecting the lives and well being of individuals, families and businesses throughout the state of Hawaii. In the opinion of the panel, recognizing these employees for their contributions through issuance of a fair and reasonable arbitration award serves the best interests and welfare of the public. *In re: Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (Bargaining Units 2, 3, 4, 6, and 13). HLRB Case No. I-02-96. p.29., (2004)*

In a review of Chapter 89, Hawaii Revised Statutes, no provision of law requires that an arbitration panel to specify any of the issues raised by the Governor other than that the panel give weight to the interests and welfare of the public. In a plain reading of the excerpted passage above, it would seem that

the panel fulfilled this obligation.

Ability to Pay - Section 89-11 (f)(4), Hawaii Revised Statutes

The Governor argues that "[t]he panel imposed a burden on the State to demonstrate inability to pay. Nowhere in Chapter 89, Hawaii Revised Statutes, is this burden placed on either party. To place a burden of persuasion without any authority or agreement is unlawful." Although Chapter 89, Hawaii Revised Statutes, indeed does not specify this burden, according to the arbitration decision and award, the arbitration panel notes:

"The Employer acknowledges the general rule that employers have the burden of producing sufficient evidence to support a claim of inability to pay. Elkouri & Elkouri, *How Arbitration Works*, (5th Edition 1997) at page 1126." *In re: Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (Bargaining Units 2, 3, 4, 6, and 13). HLRB Case No. I-02-96. p.8., (2004)*

In addition to the tacit acceptance of this evidentiary burden, upon a review of the decision and award, no mention is made of the State arguing against the imposition of this burden.

Wage Comparisons - Section 89-11(f)(6), Hawaii Revised Statutes

The Governor argues that "[t]he panel disregarded the wage comparison analysis conducted by the State's wage expert, despite evidence that she conducted careful job matches with private and public sector employees performing "similar services." Instead, the panel chose to focus its analysis on pay raises awarded to other State and county employees, most notably first responder personnel. In doing so, the panel failed to follow the statutory mandate that requires the panel to consider both the conditions of employment of other persons performing "similar services" and "of other state and county employees of Hawaii."

The Governor also argues that "the panel found that "each party, in presenting wage data pertaining to employees performing similar services, has selected data which is supportive of its own position." This is not borne out by the record. The State's wage expert presented objective wage data for classes where she could find appropriate job matches. She did not selectively present the data. In fact, the record indicates that she provided data that argued in both the affirmative and negative including job classifications where the State fell behind its private and public sector counterparts."

With regard to the Governor's allegation that the panel failed to meet its statutory responsibility to consider both the conditions of employment of other persons performing "similar services" and "of other state and county employees of Hawaii," upon a review of section 89-11(f)(6), Hawaii Revised Statutes, a plain English reading of the law only requires the panel to "give weight" to those factors. While section 89-11(f), Hawaii Revised Statutes, does require an arbitration panel to "give weight" and "include in its written report or decision an explanation of how the factors were taken into account", the statute does not set forth specific requirements as to the form or length at which a panel must elaborate on its deliberation over these factors. Based on the lack of statutory specificity regarding how these factors are to be weighted and reported upon and a review of the arbitration decision and award, it can be argued that panel's discussion of the two comparators could qualify as "giving weight" to the factors. See *Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (Bargaining Units 2, 3, 4, 6, and 13). HLRB Case No. I-02-96. pp.25-27., (2004)*

With regard to the Governor's assertion that the arbitration panel erroneously believed that the employer's expert selectively presented wage comparison data, based solely upon what is reported in the arbitration decision and award, it is not possible to ascertain the validity of this allegation.

Overall compensation package - Section 89-11 (f)(8), Hawaii Revised Statutes

The Governor argues that "[i]n evaluating the proposals, the panel only addressed wage comparisons, but it is mandated to consider the overall compensation package including medical and hospitalization benefits, vacation, sick leave, retirement benefits and the like. Additionally the panel was tasked to factor in the continuity and stability of employment. The panel did not incorporate these conditions into its final decision." The Governor also asserts that "[i]n ignoring this evidence, the panel erred in its evaluation of the true value of the State's complete compensation proposal."

Upon a review of the arbitration decision and order, it seems that specific discussion by the panel on this particular factor does not exist. However, whether or not the exclusion of specific discussion on this factor provides a legal basis upon which to nullify the award and absent any specific statutory language to determine the consequences of the exclusion would seem to leave this issue subject to judicial interpretation.

Responsibility of Parties Participating in the Arbitration Process

It should be noted that under section 89-11(e)(2)(D), Hawaii Revised Statutes, it is the responsibility of the parties to the arbitration to review for completeness, technical correctness, and clarity the draft arbitration decision prior to its finalization.

- "(D) Arbitration decision. Within thirty days after the conclusion of the hearing, a majority of the arbitration panel shall reach a decision pursuant to subsection (f) on all provisions that each party proposed in its respective final position for inclusion in the final agreement and transmit a preliminary draft of its decision to the parties. The parties shall review the preliminary draft for completeness, technical correctness, and clarity and may mutually submit to the panel any desired changes or adjustments that shall be incorporated in the final draft of its decision. Within fifteen days after the transmittal of the preliminary draft, a majority of the arbitration panel shall issue the arbitration decision." (underscoring added)

It could be argued that if the Governor or the Governor's representatives were truly concerned over the issue of including a recitation of the arbitration panel's consideration of each of the ten factors enumerated in section 89-11(f), Hawaii Revised Statutes, and if the Governor was participating in the arbitration process in good faith, then it could be assumed that this issue should have surfaced at this juncture. According to anecdotal information, given the short time period under which the arbitration process was to be executed, and to accommodate the employer's request for oral closing arguments, it was mutually agreed upon by both parties to waive the fifteen day review period required under this provision of law. However, regardless of the waiver, either party would have been able to apprise the panel of this concern,

Legislature's Role in the Arbitration Process

According to sections 89-10(b) and 89-11(g), Hawaii Revised Statutes, all items requiring any moneys shall be subject to appropriations by the appropriate legislative bodies.

Section 89-10(b), Hawaii Revised Statutes

"(b) All cost items shall be subject to appropriations by the appropriate legislative bodies. The employer shall submit within ten days of the date on which the agreement is ratified by the employees concerned all cost items contained therein to the appropriate legislative bodies, except that if any cost items require appropriation by the state legislature and it is not in session at the time, the cost items shall be submitted for inclusion in the governor's next operating budget within ten days after the date on which the agreement is ratified. The state legislature or the legislative bodies of the counties acting in concert, as the case may be, may approve or reject the cost items submitted to them, as a

whole. If the state legislature or the legislative body of any county rejects any of the cost items submitted to them, all cost items submitted shall be returned to the parties for further bargaining." (underscoring added)

Pertinent Part of Section 89-11(g), Hawaii Revised Statutes:

* * *

"Agreements reached pursuant to the decision of an arbitration panel and the amounts of contributions by the State and counties to the Hawaii public employees health fund, as provided herein, shall not be subject to ratification by the employees concerned. All items requiring any moneys for implementation shall be subject to appropriations by the appropriate legislative bodies and the employer shall submit all such items within ten days after the date on which the agreement is entered into as provided herein, to the appropriate legislative bodies." (underscoring added)

According to these provisions, the only duty the Legislature has in the arbitration process is to provide, or not provide adequate moneys to fund an award. As such, it seems that the only issue before the Legislature is whether to fund or not fund a collective bargaining agreement, regardless of whether the amount to be appropriated was reached through a negotiated settlement or an arbitrated agreement. The responsibility of representing the State in negotiating collective bargaining agreements, advocating the State's position as an employer in arbitration proceedings, and reviewing preliminary drafts of arbitration awards for completeness, technical correctness, and clarity, rests with the Governor.

Conclusion

In conclusion, the sole issue before the Legislature at this time is whether to fund, or not fund, the cost items contained in the arbitrated settlement between the State and the Hawaii Government Employees Association. If the Governor believes the amounts decided upon in the arbitration award and appropriated by the Legislature are in excess of what the State can afford, then she has the power to veto the appropriations and risk a veto override. If the Governor wishes to amend the public employment collective bargaining law in a manner that she believes would remedy her perceived flaws in the collective bargaining process, then such an amendment should be appropriately brought before the Legislature for its consideration in the form of legislation. If the Governor believes that the process by which the award was rendered was not executed in accordance with law, then the Governor should seek judicial relief. The circumstances being as outlined above, it appears that the appropriate venue for the legal issues raised by the Governor would be in a court of competent jurisdiction, not the Legislature.

ATTACHMENT "D"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IMPASSE ARBITRATION PROCEEDINGS

PURSUANT TO SECTION 89-11, HAWAII REVISED STATUTES

In the Matter of a Controversy between)
)
HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL 152,)
AFL-CIO (Bargaining Units 2, 3, 4, 6, 8, and 13),)
)
 Union,)
)
 and) **DECISION AND AWARD**
) **OF ARBITRATION PANEL**
) *HLRB Case No. 1-02-96*
LINDA LINGLE, Governor, State of Hawaii;)
JEREMY HARRIS, Mayor, City and County of) Order No. 2158
Honolulu; HARRY KIM, Mayor, County of)
Hawaii; JAMES APANA, Mayor, County of Maui,) Arbitration Panel:
BRYAN J. BAPTISTE, Mayor, County of Kauai,) Catherine Harris, Esq. Neutral Chair
RONALD T. Y. MOON, Chief Justice, Judiciary,) Lawrence Ishimi, Union Panel Member
State of Hawaii; HAWAII HEALTH SYSTEMS) Michael Ben, Employer Panel Member
CORPORATION BOARD; Board of Regents of)
the UNIVERSITY OF HAWAII, and the) Bargaining Units 2, 3, 4, 6, 8 & 13
BOARD OF EDUCATION,)
)
 Employers.)

APPEARANCES:

For the Union: Alan C. Davis, Esq.
 Davis & Reno
 San Francisco, CA

For the Employer: James E. Halvorson James K. Tagupa, Esq.
 Wendy Matsumoto Chun County of Kauai
 Daniel A. Morris
 Maria C. Cook John D. Kim, Esq.
 Deputy Attorneys General County of Maui

Duane W. H. Pang, Esq. Gary Hynds, Esq.
 City and County of Honolulu Hawaii Health Systems Corporation

Gerald A. Takase, Esq.
 County of Hawaii

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

The HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME,
LOCAL 152, AFL-CIO (herein "the Union") is the exclusive bargaining representative of
employees in the following six bargaining units which are the subject of this proceeding:

- Unit 2 Blue Collar Supervisory Employees¹
- Unit 3 White Collar Non-Supervisory Employees²
- Unit 4 White Collar Supervisory Employees³
- Unit 6 Educational Officers (Department of Education)⁴
- Unit 8 Administrative, Professional & Technical Employees (University of Hawaii and Community College System)⁵
- Unit 13 Professional and Scientific Employees⁶

The distribution of employees by jurisdiction is as follows:

Bargaining Unit 2 Bargaining Unit 3 Bargaining Unit 4 Bargaining Unit 13	State of Hawaii, Hawaii Health Services Corporation, Judiciary, City and County of Honolulu, County of Hawaii, County of Maui, and County of Kauai
Bargaining Unit 6	State of Hawaii, Board of Education, including the Department of Education
Bargaining Unit 8	State of Hawaii Board of Regents, University of Hawaii

¹ Within Unit 2 are approximately 425 full time equivalent (FTE) positions including school food service managers and institutional food service managers.

² Within Unit 3 are over 13,000 FTE positions including such wide ranging classifications as clerks, water safety personnel, police and fire dispatchers, and state deputy sheriffs.

³ Unit 4 has 834 FTE positions. Its largest classification is school administrative assistant.

⁴ Unit 6 includes 750 FTE positions, i.e., educational officers (Department of Education).

⁵ Unit 8 contains approximately 1086 FTE positions, i.e., institutional support employees of the University of Hawaii.

⁶ Unit 13 includes approximately 7200 FTE positions, i.e., professional and scientific employees working in more than 100 classifications including social workers, accountants, data processing analysts, and engineers.

1 After negotiations for renewed agreements reached impasse approximately one (1) year ago, the
2 Hawaii Labor Relations Board declared February 1, 2003 as the date of impasse. An Order
3 Appointing a Mediator was issued on February 24, 2003. On April 25, 2003, the parties
4 extended their existing agreements (which would have otherwise expired on July 1, 2003)⁷ to
5 and including June 30, 2004
6

7 On December 9, 2003, the parties agreed, in writing, to a joint alternate impasse
8 procedure, as specifically authorized by HRS 89-11 (a).⁸ By the terms of the alternate impasse
9 procedure, the panel (including the neutral chairperson) was selected, dates were designated for
10 the arbitration hearing, and deadlines were established for preparation of the reporter's
11 transcript,⁹ submission of final argument, and issuance of the panel's decision.
12

13 In accordance with the procedures set forth in HRS Section 89-11, evidentiary hearings
14 were held January 12, 13, 14, 15, 16, 17 and 19, 2004 at Honolulu. The parties were afforded
15 a full opportunity to present testimonial and documentary evidence, to cross-examine each
16 other's witnesses, and to make argument to the arbitration panel.¹⁰ With the full cooperation and
17 consent of the parties, the panel also exercised its authority under HRS Section 89-11, to assist
18

19
20 ⁷ Over the Governor's veto, HRS 89-11 (e) was revised effective July 8, 2003 to provide for
binding arbitration in bargaining units 2, 3,4, 6, 8, and 13

21 ⁸ This section provides: "A public employer and an exclusive representative may enter, at any
22 time, into a written agreement setting forth an alternate impasse procedure culminating in an arbitration
23 decision pursuant to subsection (f), to be invoked in the event of an impasse over the terms of an initial
or renewed agreement."

24 ⁹ By agreement of the parties, the proceedings were transcribed by the court reporting firm of
25 Donna N. Baba & Associates.

26 ¹⁰ The parties mutually agreed that the original of the transcript would be supplied to the
27 arbitrator with copies to the parties. In accordance with a stipulation reached at the hearing, post-
hearing briefs had been received by the chairperson as of February 25, 2004 at which time the record
28 was closed and the matter was taken under submission by the panel.

1 the parties in a voluntary resolution of the impasse through the mediation process.¹¹ After the
 2 briefs were submitted by the parties, the panel conducted its deliberations during telephonic
 3 conferences held on March 19, 20, 22, 23, 24, and 25, 2004.¹²

4 **Issues in Dispute**

5
 6 Prior to the arbitration hearing, i.e., in late December 2003 or early January 2004, the
 7 Employer and the Union exchanged final offer positions on the following Articles:

8 BU	Employer Proposals	Union Proposals
9 02	Art. 4-Personnel Policy Changes*	
10	Art. 14-Compensation Adjustments	Art. 14-Compensation Adjustments
11	Art. 23-Overtime	
12	Art. 31-Working Condition Differential	Art. 31-Working Condition Differential
13	Art. 35-Vacation Leave	
14	Art. 36- Sick Leave	
15	Art. 41-Travel	Art. 41-Travel
16	Art. 42-Other Leaves of Absence	
17	Art. 51-Salaries	Art. 51-Salaries
18	Art. 54-Duration	Art. 54-Duration
19		Art. (New)-Licenses*
20	03 Art. 4-Personnel Policy Changes*	
21	Art. 14-Compensation Adjustments	
22	Art. 23-Overtime	
23	Art. 31-Working Condition Differential	Art. 31-Working Condition Differential
24	Art. 35-Vacation Leave	
25	Art. 36-Sick Leave	
26	Art. 40-Other Leaves of Absence	
27	Art. 44-Travel	Art. 44-Travel
28	Art. 53-Salaries	Art. 53-Salaries
	Art. 56-Duration	Art. 56-Duration

24 ¹¹ Hawaii's public bargaining law provides for impasse procedures which authorize both
 25 mediation and arbitration by the panel . By agreement of the parties, mediation sessions were conducted
 by the panel on January 16, 17, 18, 20, and 21.

26 ¹² The parties specifically authorized the panel, either individually or collectively, to contact
 27 Gordon Chang, Department of Budget and Finance, State of Hawaii to ascertain any costs identified by
 28 members of the panel.

1	BU	Employer Proposals	Union Proposals (continued)
2	04	Art. 4-Personnel Policy Changes*	
3		Art. 14 Compensation Adjustments	
4		Art. 23-Overtime	
5		Art. 35-Vacation Leave	
6		Art. 36-Sick Leave	
7		Art. 40-Other Leaves of Absence	
8		Art. 44-Travel	Art. 44-Travel
9		Art. 53-Salaries	Art. 53-Salaries
10		Art. 56-Duration	Art. 56-Duration
11	06	Art. 30 Salaries	Art. 24-Travel
12		Article 33-Duration	Art. 30-Salaries
13		Art. 42-Duration	Art. 33-Duration
14	08	Art. 39 Salaries	Art. 35-Travel*
15		Art. 42 Duration	Art. 39-Salaries
16			Art. 42-Duration
17	13	Art. 4-Personnel Policy Changes*	
18		Art. 14-Compensation Adjustments	
19		Art. 25-Overtime	
20		Art. 36-Vacation Leave	
21		Art. 37-Sick Leave	
22		Art. 41-Other Leaves of Absence	
23		Art. 44-Working Condition Differential	Art. 44-Working Condition Differential
24		Art. 45-Travel	Art. 45-Travel
25		Art. 50- Salaries	Art. 50-Salaries
26		Art. 53-Duration	Art. 53-Duration

19 With regards to the proposals listed above with an asterisk, these articles have been withdrawn
 20 from bargaining.¹³ Based on the authority granted to the panel under HRS 89-11, the arbitration
 21 panel must now resolve all of the remaining open issues.

22 **The Statutory Criteria**

23 In accordance with the requirements of HRS Section 89-11 (f), the arbitration panel, in

25
 26 ¹³ The parties agree that where a proposed modification of an existing article has been
 27 withdrawn, the existing article will be carried over into the successor contract without modification
 28 except that the proposed new article entitled "Licenses for Bargaining Unit 2" (as proposed by the
 Union) will *not* be included in the new Bargaining Unit 2 contract.

1 reaching its decision, must give weight to the following enumerated factors:
2

3 (1) The lawful authority of the employer, including the ability of the employer to use
4 special funds only for authorized purposes or under specific circumstances because of
limitations imposed by federal or state laws or county ordinances, as the case may be.

5 (2) Stipulations of the parties.

6 (3) The interests and welfare of the public.

7 (4) The financial ability of the employer to meet these costs; provided that the
8 employer's ability to fund cost items shall not be predicated on the premise that the
9 employer may increase or impose new taxes, fees, or charges, or develop other sources
of revenues.

10 (5) The present and future general economic condition of the counties and the State.

11 (6) Comparison of wages, hours, and conditions of employment of the employees
12 involved in the arbitration proceeding with the wages, hours, and conditions of
13 employment of other persons performing similar services, and of other state and county
employees in Hawaii.

14 (7) The average consumer prices for goods or services, commonly known as the cost of
15 living.

16 (8) The overall compensation presently received by the employees, including direct wage
17 compensation, vacation, holidays and excused time, insurance and pensions, medical and
18 hospitalization benefits, the continuity and stability of employment, and all other benefits
received.

19 (9) Changes in any of the foregoing circumstances during the pendency of the arbitration
20 proceedings.

21 (10) Such other factors, not confined to the foregoing, which are normally or
22 traditionally taken into consideration in the determination of wages, hours, and
23 conditions of employment through voluntary collective bargaining, mediation, fact-
finding, arbitration, or otherwise between the parties, in the public service or in private
24 employment.

25 In accordance with HRS 89-11, the arbitration panel is also required to include in its written
26 report an explanation of how the statutory factors were taken into account in resolving the
27 disputed issues.
28

1 **The Parties' Final Offer Positions (Compensation Issues)**

2 In its final offer (submitted prior to arbitration), the Union proposed a two-year
3 agreement with a four percent (4%) salary increase effective July 1, 2003 and another four
4 percent (4%) increase effective July 1, 2004 (for all six bargaining units). The Union also
5 proposed step movements as follows:
6

7 **Bargaining Unit 2:** movement from Step A to Step B during the first year of the
8 agreement, drop Step A and designate Step B as Step A, and implementation of
9 longevity steps (L1 and L2) during the second year

10 **Bargaining Unit 3:** continuation of step movement plan

11 **Bargaining Unit 4:** continuation of step movement plan

12 **Bargaining Unit 6:** grant step increases to eligible employees in each fiscal year

13 **Bargaining Unit 8:** grant step increases to eligible employees in each fiscal year

14 **Bargaining Unit 13:** continuation of step movement plan

15 Additionally, the Union proposed an extension of a working condition differential in Bargaining
16 Units 2, 3 and 13. In its final offer (submitted prior to arbitration), the Employer opposed any
17 extension of the working condition differential and proposed a zero percent (0%) wage
18 increase effective July 1, 2003 and a one percent (1%) across the board increase effective July
19 1, 2004.¹⁴ The Employer has not proposed a continuation of step movement plans, or any new
20 step movements.¹⁵
21

22 At the hearing and in post-hearing brief, the Union highlights the undisputed fact that its
23

24
25 ¹⁴ As further explained herein, the parties agree as to the duration of the contract but disagree as
to the language to be included in the Duration article.

26
27 ¹⁵ According to data supplied by Gordon Chang, the increase to base associated with the
Union's proposal is 10.33% for those employees paid out of the State's General Fund, as compared to
28 an increase to base of 1% associated with the Employer's wage proposal.

1 salary proposals closely parallel three out of four arbitration awards issued over the last year in
2 Bargaining Units 11 (firefighters), 9 (registered professional nurses) and 10 (institutional, health,
3 and correctional workers).¹⁶ Moreover, the Union urges the panel to find that its members are
4 underpaid in comparison to other employees performing similar services. On the other hand,
5 the Employer has taken the position (in hearing and in final argument) that it cannot afford to
6 pay for the Union's wage proposals, that comparisons with mainland jurisdictions are
7 inappropriate, and that the Union has failed to establish that its members' salaries have not kept
8 pace with the cost of living. As a threshold matter, the panel addresses the parties' contentions
9 with regard to the "inability to pay" issue.
10

11 **I. The Claim of Inability to Pay/The Employer's Position**

12 ***A. The State of Hawaii***

13
14 The Employer acknowledges the general rule that employers have the burden of
15 producing sufficient evidence to support a claim of inability to pay. Elkouri & Elkouri, *How*
16 *Arbitration Works*, (5th Edition 1997) at page 1126. In an effort to meet its burden, the
17 Employer offered an overview of the state's finances through the testimony of the State's
18 Budget and Finance Director Georgina Kawamura. Kawamura explained that her department is
19 mandated by the Hawaii Constitution and statutory law to consider revenue estimates prepared
20 by the Council on Revenues (an independent body) in budget preparation, funding authorization,
21 and expenditure controls and to insure that General Fund expenditures for any fiscal year do not
22
23
24
25

26 ¹⁶ The Union further notes that its salary proposals also mirror the cost of the first two years of
27 the Unit 12 (SHOPO) arbitration award. The Union presented un rebutted evidence that the average
28 increase to base of these four arbitration awards for the period July 1, 2003 to June 30, 2005 is 10.38%.

1 exceed the State's General Fund resources.¹⁷ In her testimony before the panel, she testified that
2 since FY 2002, the State has been operating with annual deficits and that while the annual
3 General Fund revenue has increased nearly \$600 million from FY 1996 to FY 2003, over the
4 same period collective bargaining appropriations have totaled over \$710 million.¹⁸ Kawamura
5 further noted that 83% of the General Fund operating budget is dedicated to non-discretionary
6 expenses, thus severely limiting the State's flexibility with general fund revenues. She also
7 cautioned the panel that, while the State has transferred excess special fund balances to the
8 General Fund (approximately \$669 million from FY 1997 to FY 2004), these one-time measures
9 are not a dependable or recurring sources of revenue. According to Kawamura, the State
10 continues to operate at an annual deficit, which is projected to continue through FY 2006, and
11 these deficits will occur *even absent implementation of the Union's proposed wage increases*.¹⁹
12
13 The State also presented evidence of the current administration's priorities, e.g., addressing a
14 backlog of \$613 million in repair and maintenance for public school classrooms and repair and
15 maintenance of University of Hawaii facilities.
16

17 ***B. City and County of Honolulu***

18 The City and County of Honolulu (herein "Honolulu") presented evidence through its
19 Director of Budget and Fiscal Services Ivan Lui-Kwan that it has no present ability to fund the
20

21 ¹⁷ The Hawaii Constitution also mandates that growth in government spending be limited to a
22 level supportable by the economy.

23 ¹⁸ The Employer has emphasized that even the Union's ability to pay expert (Gerald Bachecki)
24 has acknowledged that the State has been operating at a deficit in six of the eight last fiscal years, for a
25 total of \$361 million in deficits on a GAPP basis. However, as explained by the Union's expert, the
26 long-term liabilities portion of the offset against current unrestricted assets can give a false impression
27 as to the true health of the State's unrestricted financial status.

28 ¹⁹ The State will also have to make retirement contributions of \$333 million in FY 2004 and
\$408 million in FY 2005, as well as expected increases in health benefit contributions from \$300
million in FY 2004 to \$330 million in FY 2005.

1 Union's wage proposal for a 4% increase in each year of the proposed two-year contract. No
2 evidence was presented regarding the ability, or lack thereof, of Honolulu to fund any other
3 economic package. Emphasizing that Honolulu's charter requires a balanced budget, Director
4 Lui-Kwan testified that the "bare bones" budget for the fiscal year ending June 30, 2004 leaves
5 no room for an approximately \$7.3 million salary increase during FY 2004 and approximately
6 \$16 million salary increase during FY 2005. Lui Kwan informed the panel that Honolulu, in
7 order to balance the FY 04 budget, had to cut all vacant but funded positions (totaling 33
8 million), close two Satellite City Halls and one Mobile Satellite City Hall, finance equipment
9 purchases with short term general obligation bonds, refinance 8 million in debt service, and use
10 47.8 million in unreserved fund balances from the sewer fund and the solid waste fund, i.e., a
11 non-recurring source of revenue. Lui Kwan also opined that escalating pension and health
12 fund contributions are another barrier to implementing the Union's economic proposals, i.e.,
13 for FY 2005, he is projecting an increase in retirement contributions of \$13.1 million and an
14 increase in health fund contributions of \$10.3 million. Lui Kwan is forecasting decreases in
15 revenues from the Transient Accommodations Tax (TAT), the public utility and franchise tax,
16 federal grants and interest income. He is also projecting a shortfall of 87.3 million *without the*
17 *proposed increases from bargaining units 2, 3, 4 and 13.* Thus, Lui-Kwan opined that the
18 only way that the Union's final economic offer could be funded would be to resort to layoffs,
19 i.e., totaling approximately 657 employees, or approximately 16% of the non-public safety
20 work force.²⁰

21
22
23
24
25 ²⁰ Lui Kwan testified that as a result of the Unit 11 (firefighters) award, Honolulu was forced to
26 use funds from a provisional account (accrued vacations and salary adjustments) to pay firefighter pay
27 increases. He further testified that as a result of the Unit 12 (SHOPO) award, Honolulu was forced to
28 increase the motor vehicle tax to generate an additional \$19 million over two years to fund two of the
four years of SHOPO pay increases. Both the Unit 11 and Unit 12 awards have been fully funded.

1 *C. County of Maui*

2 The Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30,
3 2002 reflects that, as of the close of the fiscal year, the County of Maui's governmental funds
4 reported combined ending fund balances of \$81.7 million, an increase of \$6.1 million in
5 comparison with the prior year. Approximately 33 percent (33%) of this total amount, or
6 \$26.7 million, was available for spending at the government's discretion per the CAFR.²¹
7
8 Deficits which have occurred in Maui's General Fund in the last two fiscal years are directly
9 related to transfers that have been made to the capital projects fund, i.e., an unreserved fund
10 balance in the capital projects fund of \$9.5 million. Maui leads all other counties in 2003
11 visitor growth, i.e., visitor arrivals were up 7% during the first half of 2003, and total air seats
12 were up by 15% despite declines in visitor arrivals on Oahu, the Big Island and Kauai. The
13 County of Maui has conceded that it has the financial ability to fund the Union's wage
14 proposals but requests that the panel fashion its award based on the collective *and* individual
15 financial conditions of all jurisdictions who comprise the Employer.
16

17 *D. The County of Kauai*

18 Michael Tresler, Director of Finance, testified that the total unreserved undesignated
19 fund balance as of June 30, 2003 was \$9, 816, 103. Tresler testified that approximately \$6
20 million of that amount has been used to balance the fiscal year 2004 budget and another \$.5
21 million has been designated by legislation. Therefore, as of January 9, 2004, Kauai has a net
22 unreserved undesignated fund balance in the amount of 3.285 million. Tresler opined that an
23
24

25 _____
26 ²¹ At the end of FY 2002, the unreserved fund balance for the general fund was \$8.2 million, or
27 7.2% of total general fund expenditures. The CAFR for the fiscal year ended June 30, 2002 notes that
28 First Hawaiian Bank in its *Economic Forecast* has reported that Maui County was even more insulated
than other parts of the State from the 2001 recession and the economic fallout associated with 9-11.

1 increase in retirement contributions of approximately \$1.7 million, as well as firefighter raises,
2 will exhaust a large portion of the remaining fund balance. He further opined that, with
3 expected increases in mandated costs and a decrease in real property tax revenue (due to
4 legislation giving a tax break to low income property owners), the remaining ending funding
5 balance will be a negative. Thus, Kauai argues that it cannot afford the proposed wage
6 increases as set forth in the Union's last and final offer. Tresler also expressed concern that a
7 growing movement on Kauai for a rollback of real property values to 1998, i.e., similar to
8 California's Proposition 13, will, if enacted, further deplete Kauai's resources.

9
10 *E. County of Hawaii*

11 Mayor Harry Kim presented an overview of Hawaii's financial situation to the panel.
12 While the County of Hawaii has struggled in the past few years with budget shortages, on
13 September 18, 2003, Mayor Kim notified all departments and agencies that they would be
14 allowed to submit budget estimates to maintain current levels of service, thus allowing for
15 inflationary increases of uncontrollable cost items to be included in the budget. As with other
16 jurisdictions, the trend in the Employee Retirement System (ERS) requirements is a major
17 budgetary concern to the County of Hawaii.
18

19
20 *F. Hawaii Health Services Corporation (HHSC)*

21 Edward Chu, HHSC's Corporate Controller, testified that HHSC was established by
22 the Hawaii state legislature in 1996 to operate twelve (12) hospitals on five islands.²² A
23 thirteen-member board appointed by the governor oversees HHSC's operations. HHSC is the
24 fourth largest public hospital system in the nation with an FY 03-04 budget of over \$335
25

26
27 ²² These functions were formerly performed by the Division of Community Hospitals,
28 Department of Health.

1 million. HHSC accepts all patients regardless of financial situation. Since 1998 and continuing
2 through 2002, HHSC has been operating at a loss due in large part to the decline in
3 government reimbursement for programs such as Medicare and Medicaid. Thus, HHSC
4 depends on general fund appropriations to be able to continue to deliver mandated levels of
5 service. HHSC was required to request an emergency appropriation of approximately \$20
6 million to cover increases in employee retirement costs. Chu testified that in the event that any
7 economic improvements are ordered as part of the panel's award, HHSC will have to seek a
8 state appropriation.
9

10 **II. The Claim of Inability to Pay/the Union's Position**

11 Gerald Bachecki, a certified public accountant for more than thirty (30) years, has been
12 performing analyses of the financial condition of public employers to determine the availability
13 of funds to pay wage and benefit increases since the early seventies. Bachecki principally relies
14 on the CAFRs because these are the audited financial statements of the entity that are certified
15 to present fairly the financial condition of the employer at a particular point in time.²³ Using
16 the CAFRs and other materials, e.g., budgetary analyses and reports by bonding agencies,
17 Bachecki separately analyzed the financial condition of each jurisdiction and rendered an
18 opinion regarding ability to pay.
19
20

21 *A. State of Hawaii*

22 Using State Budget Analyst Gordon Chang's worksheet, Bachecki determined the cost
23
24

25 ²³ Bachecki noted that the budgetary analyses presented by the Employer in this proceeding are
26 prepared on a cash basis or modified cash basis and that his analysis, performed in accordance with
27 GASB 34, provides a truer picture of how revenues are budgeted and expended. The Employer
28 criticizes Bachecki's methodology because it relies principally on historical data whereas, from the
Employer's perspective, a budget analysis is more forward looking.

1 of the Union's wage proposal for both years to be \$119, 388, 316.²⁴ Under new GASB 34
2 reporting requirements, there has been a decrease in net assets during the year ending June 30,
3 2003 when compared to the previous fiscal year, i.e., a decline attributable to depreciation
4 allowances which are now offset against historical costs. However, the unrestricted net assets
5 were \$972 million at the end of FY 2002, i.e., an increase of \$13 million from the previous
6 year. Moreover, while tax revenues declined in FY 2002 from the prior fiscal year (after 9-11),
7 revenues rebounded in FY 2003 by \$135 million, i.e., nearly 4% over the previous fiscal year,
8 and total tax collections increased by approximately \$209 million, an increase of 5.9% over the
9 previous fiscal year. Bachecki further noted that the Council on Revenues reported a 4.4%
10 increase in General Fund revenue for FY 2003 (actual) and has estimated growth rates of 5.2%
11 in FY 2004 and 7.9% in FY 2005. This is consistent with the projections of the Department of
12 Business Economic Development and Tourism (DBEDT), as contained in its quarterly forecast
13 dated December 18, 2003, that estimates of income and employment growth were being
14 revised upwards. The Council on Revenues is also forecasting tax revenue growth for the
15 years 2005 through 2010 which will exceed 5.2%. The State's General Fund maintains a
16 strong asset to liability ratio and unreserved fund balance well in excess of the 5% benchmark
17 for both revenues and expenditures.²⁵ Special revenue funds, and the two major enterprise
18
19
20
21
22

23
24 ²⁴ This includes the cost of the Union's final offer wage proposal to HHSC, the Judiciary, and
25 the University of Hawaii. Most of this cost would be absorbed by the General Fund; however, some
26 wages are paid by special funds, federal funds, and other smaller funds.

27 ²⁵ As of June 30, 2003 (based on unaudited data), the unreserved fund balance as a percentage
28 of revenues was 8.51% and was 8.78% of expenditures. This ratio does not include the unrestricted
fund balance of approximately \$53 million contained in the Emergency Budget Reserve Fund, i.e., the
Rainy Day Fund.

1 funds (airports and harbors) are healthy.²⁶ After reviewing the financial condition of the State,
2 Moody's Investor Services gave the State an Aa3 rating and both Standard & Poors and Fitch
3 gave the State an AA- rating.²⁷ Based on all of the information he reviewed, Bachecki opined
4 that the State of Hawaii has the ability to fund the Union's wage proposals for employees in
5 bargaining units 2, 3, 4, 6, 8 and 13.
6

7 *B. Honolulu*

8 Using State Budget Analyst Gordon Chang's worksheet, Bachecki determined the cost
9 of the Union's wage proposal for both years to be approximately \$21.4 million. As with the
10 State of Hawaii, net assets decreased in FY 2002 from the previous fiscal year; however,
11 Bachecki explained that this calculation is misleading because it includes long term liabilities
12 (which are generally not paid out of current resources). Bachecki also noted Honolulu's
13 history of conservative budgeting, i.e., forecasting expenditures which exceed actual final
14 budgeted expenditures. These favorable expenditure variances offset the negative effects of
15 unfavorable revenue variances. Until FY 2003, Honolulu failed to maintain property tax
16 revenues by raising rates to offset the decline in property values; however, the rise in assessed
17 property values in 2003 will increase property tax revenues for FY 2003 by approximately \$20
18 million. Recent changes in tax rates, i.e., 2.7% increase for single family homes, 15% increase
19 for commercial property, and 4.5% decrease for condominiums, is expected to increase
20 property tax revenues by another \$23 million. Although Honolulu has, on the average, had an
21 unreserved fund balance of less than 5% over the past eleven years, this has not negatively
22
23
24

25 ²⁶ The Union makes the point that not only are these special funds able to pay salary increases
26 to employees whose wages are paid in whole or in part by these funds, but that the unrestricted fund
27 balances in these funds can be used for other purposes, thus "freeing up" other available assets.

28 ²⁷ All of these ratings are the second highest investment grade ratings of the respective agencies.

1 impacted Honolulu's bond ratings, i.e., Honolulu has maintained its AA bond rating from
2 three agencies (Fitch, Standard & Poors and Moody's).²⁸ The Special Reserve Funds are
3 healthy and have reimbursed the General Fund for general and administrative expenses, debt
4 service, and other transfers. Several of the Special Revenue Funds are the funding source for
5 wages. The Department of Water, a component unit of Honolulu, has significant resources
6 and is another funding source for wages. Increases in bus fares are also expected to generate
7 additional revenues of more than \$1 million annually. Based on his review of the financial
8 data, Bachecki concluded that Honolulu has the ability to pay the increases being proposed by
9 the Union for employees in Bargaining Units 2, 3, 4, and 13.

11 *C. County of Maui*

12 Using the Employer's cost accounting, Bachecki determined the cost of the Union's
13 proposal for the life of the two-year contract to be approximately \$5.5 million. Although the
14 County of Maui is not claiming inability to pay the proposed wage increases, Bachecki noted
15 that the Budget Ordinance for FY 2004 reflects that \$2 million has been allocated for collective
16 bargaining increases. Bachecki performed his analysis prior to learning that Maui would not
17 raise the ability to pay issue. He observed that while net assets had increased from \$509, 071
18 to \$572, 852 from FY 2002 to FY 2003, the ratio of assets to liabilities had decreased from
19 5.15 in 2001-2002 to 3.84 in 2002-2003. During this same period of time, the unreserved
20 general fund balance also decreased from \$8, 200,000 to \$4, 457,000 and the ratios between
21 unreserved fund balances to revenues (and to expenditures) declined to 3.29% and 3.63%

27 ²⁸ This is the second highest investment rating given by the three agencies.

1 respectively, i.e., below the 5% benchmark.²⁹

2 *D. County of Hawaii*

3 Using the Employer's cost accounting, the cost of the Union's wage proposals for the
4 two-year contract is approximately \$5 million. In his report and in his testimony before the
5 panel, Bachecki noted that the County of Hawaii, as of the fiscal year ended June 30, 2002,
6 had unrestricted net assets of approximately \$55.8 million. For each fiscal year since 1996,
7 the County of Hawaii has had net positive variances in revenue and expenditures. While the
8 County of Hawaii has had net positive variances in revenue and expenditures. While the
9 County of Hawaii had a GAPP deficit in FY 2001 and FY 2002, for the fiscal year 2003,
10 unaudited data reflects an approximately \$6.2 million surplus largely attributable to increases in
11 assessed values of property. In the fiscal year ending June 30, 2002, County of Hawaii's ratio
12 of unreserved general fund balances to revenues and to expenditures declined to 2.63% and to
13 2.52% respectively; however, unaudited data from the fiscal year ending June 30, 2003 shows
14 substantial increases to 5.61% and 5.8% respectively. Moody's has given the County of
15 Hawaii an A2 rating, i.e., its third highest investment grade rating. Based on his review of the
16 financial data, Bachecki opined that the County of Hawaii has the ability to fund the wage
17 increases being proposed in Bargaining Units 2, 3, 4, and 13.
18
19

20 *E. County of Kauai*

21 Using the Employer's cost accounting, the cost of the Union's wage proposal for the
22 two year contract is approximately \$3 million. Like the County of Hawaii, the County of
23 Kauai has experienced positive net variances in expenditures and revenues on a consistent
24

25 ²⁹ Bachecki is of the view that, in general, public employers should maintain an unreserved
26 fund balance in excess of 5% of prior year expenditures. In his testimony before the panel, Bachecki
27 noted that the deficits in Maui's general fund for the last couple of years are directly related to the
28 transfers that have been made to the capital projects as previously discussed at page 11.

1 basis. Unlike Honolulu, the County of Kauai increased its tax rates when assessed values were
2 declining after Hurricane Iniki in an effort to maintain "revenue neutrality." Excluding long
3 term debt, the County of Kauai has unrestricted net assets in the amount of \$32.6 million. The
4 unreserved fund balance of the General Fund as of 2003 (unaudited) is \$11.9 million.
5 Comparison of the fund balances to general fund revenues and expenditures since 1996 vary
6 from a low of 13.10% to a high of 24.29% (with percentages mostly in the 20s for the last
7 three or four years). Special revenue funds and the capital projects fund are sufficiently funded
8 so that they will not be a drain on the General Fund balance. The County of Kauai has
9 received the third highest investment grade bond rating, i.e., an "A" rating from Fitch and
10 Standard & Poors and an "A1" rating from Moody's. Based on his review of the financial
11 data, Bachecki opined that the County of Kauai has the ability to fund the Union's proposed
12 wage increases in Bargaining Units 2, 3, 4, and 13.
13

15 F. University of Hawaii

16 The University of Hawaii, a component of the State of Hawaii, has maintained strong
17 cash and investments over the period covered by Bachecki's report.³⁰ As of June 30, 2003, the
18 University's total cash and investments were \$476.9 million of which \$166 million was
19 unrestricted. Unrestricted net assets as of June 30, 2003 totaled \$220.8 million. State
20 appropriations to the University of Hawaii have increased dramatically in recent years.
21 Although the State's General Fund is the main source of funding for any proposed wage
22 increases to Unit 8 employees,³¹ Bachecki opined that to the extent that funding for Unit 8
23

25 ³⁰ The Employer presented no specific evidence regarding the financial condition of the
26 University of Hawaii.

27 ³¹ Gordon Chang's cost analysis reflects that any increases to Unit 8 employees would be
28 funded out of the State's General Fund, as well as by "special funds, federal funds and other funds."

1 wage increases may be obtained from University of Hawaii funds, the University of Hawaii is
2 able to fund the Union's proposed increases.

3 **G. Hawaii Health Services Corporation (HHSC)**

4 No one disputes that HHSC, a component of the State of Hawaii, has been operating at
5 a deficit since its inception.³² Thus, HHSC will essentially be relying on the state to pay for
6 collective bargaining increases. In his testimony before the panel, Bachecki opined that the
7 State's financial condition is such that it can afford to fund the requested wage increases
8 for employees of HHSC in Bargaining Units 2, 3, 4, and 13.

10 **III. The Panel's Determination of the Ability to Pay Issue**

11 After examining all of the evidence and arguments of the parties, the panel must
12 conclude that the Employer failed to meet its burden of establishing an inability to pay. Here,
13 the State's Budget and Finance Director has projected that even if the Employer's proposal is
14 accepted, it will lead to negative ending fund balances in the State's General Fund. In offering
15 this opinion, the Employer detracts from its credibility by implying that the Employer's last and
16 final offer is *not* a reasonable position. Moreover, the Employer's case for inability to pay is
17 based on conservative budgeting and future spending priorities, as opposed to the Employer's
18 *audited* financial condition. On the other hand, the Union has presented a case based on *actual*
19 revenue and expenditure patterns as demonstrated by the audited financial statements of each
20 jurisdiction. In the opinion of the panel, the CAFRs of each jurisdiction provide more
21 persuasive evidence of the financial condition of each separate jurisdiction than the budgetary
22 documents presented by the Employer. While the panel recognizes the constitutional and
23

24
25
26
27 ³² HHSC did report a profit in the fiscal year ended June 30, 2000 after a \$28.3 million
28 appropriation from the General Fund.

1 statutory obligations of the Employer with regard to budgeting, the panel is not persuaded that
2 the Union's proposal will preclude compliance with constitutional or statutory mandates. In
3 sum, the Employer, in focusing its case on spending priorities, has not presented a convincing
4 argument to the panel. Nor has the Employer rebutted the Union's evidence, i.e., that the
5 CAFRs, when considered in tandem with the Union's last and final offer, establish an ability to
6 pay on the part of each jurisdiction.
7

8 **IV. The Issue of Duration**

9 Both parties are proposing a two-year agreement effective July 1, 2003 to June 30,
10 2005. However, the Union additionally proposes that: 1) Written notice to amend, modify or
11 terminate the agreement be given no later than March 15, 2004 (for BU 2 and BU 3) and no
12 later than May 15, 2004 (for BUs 4, 6, 8 and 13); and 2) After such written notice is given, the
13 parties be required to exchange their specific written proposals, if any, no later than April 15,
14 2004 (for BU 2 and BU 3) and June 14, 2004 (for BUs 4, 6, 8 and 13). Neither party
15 presented any testimonial evidence concerning this issue.
16

17 In the case of Bargaining Units 2 and 3, the proposal for a written notification date of
18 March 15, 2004 would precede the date of issuance of the panel's decision. The proposed
19 deadlines for written notice to amend and for exchange of written proposals, as proposed for
20 Bargaining Units 4, 6, 8 and 13, are more realistic, i.e., May 15, 2004. The panel is convinced
21 that the proposed schedule will be of mutual benefit to the parties in facilitating an exchange of
22 written proposals with sufficient time to prepare for negotiations. Thus, as set forth in the
23 panel's award, the agreement shall be renewed in accordance with applicable statutes unless
24 written notice to amend is given by May 15, 2004 with written proposals to be exchanged by
25
26
27
28

1 June 14, 2004.³³

2 **V. Comparison of Wages, Hours and Conditions of Employment**

3 HRS § 89-11 (f)(6) requires comparisons with both other state and county employees
4 and with other persons performing similar services. Consistent with the determinations of
5 other panels who have considered this issue, the panel does not accept the Employer's
6 interpretation of the statutory language, i.e., that any comparisons of compensation should be
7 limited to public and private employees in the State of Hawaii, because the plain language of
8 the statute does not impose this geographical limitation.
9

10 **A. The Union's Comparability Expert**

11 The Union's comparability expert Michael Messina, a Senior Labor Economist in the
12 AFSCME Department of Research and Collective Bargaining Services, has extensive
13 experience in conducting wage surveys to be used in interest arbitration proceedings in Hawaii
14 and the mainland. He began his investigation by looking at how much the salaries of
15 representative classes within all bargaining units had increased since July 1, 1993. He then
16 compared the salaries of employees in the Pacific Rim states, i.e., large metropolitan cities in
17 the western states of Alaska, California, Oregon and Washington and large west coast
18 counties, to see where Hawaii falls in the salary hierarchy. Factoring in the high cost of living
19 in Hawaii, he found that, during the period from October of 1992 to March 2002, Hawaii had
20
21
22

23 ³³ The parties' exchanged proposals regarding duration across all six units are as follows:

24 BU 02 - Article 54 (Employer and Union Proposals)
25 BU 03 - Article 56 (Employer and Union Proposals)
26 BU 04 - Article 56 (Employer and Union Proposals)
27 BU 06 - Article 33 (Employer and Union Proposals)
28 BU 08 - Article 42 (Employer and Union Proposals)
BU 13 - Article 53 (Employer and Union Proposals)

1 slipped from #21 to #37 in the hierarchy. He also conducted wage surveys in which he
2 matched the job duties of representative classes from each unit (BU 2, 3, 4, 6, 8, and 13) with
3 comparable positions in other jurisdictions. Messina selected his comparators because they
4 were "contiguous" to Hawaii and because there is a history, dating back to 1990, of using
5 these same jurisdictions in bargaining and arbitration. Written job descriptions were used to
6 make a match but, if there was any question based on the job description, personnel directors
7 were contacted to determine whether or not a position was comparable. In Bargaining Units
8 2, 3, 4, 6, 8, and 13, Messina typically found that Hawaiian job titles were lagging well behind
9 their counterparts on the mainland.³⁴

11 The Employer claims that Messina improperly compared the Hawaii labor market with
12 the labor market of west coast states, i.e., there was no evidence that the jurisdictions herein
13 were recruiting employees from the mainland except in rare cases. The Employer was also
14 critical of Messina for failing to compare the populations and tax bases of the purported
15 comparable jurisdictions, the size of their school districts, whether schools were operated
16 locally by counties or state-wide as in Hawaii, and for failing to consider other U.S. island
17 jurisdictions such as Guam, Puerto Rico and the Virgin Islands. The Employer also challenges
18 Messina's comparisons because he did not determine the wages paid to private sector workers
19 in Hawaii, i.e., to evaluate to what extent the Employer is competing with private employers
20 for the local labor force.

23 ///

25
26 ³⁴ Due to the large number of classifications involved in six different bargaining units, it was
27 impossible for Messina to match every job. Similarly, it would not be possible for the panel to
28 summarize or quantify Messina's findings. Suffice it to say that the discrepancies noted by Messina in
many cases far outweigh the "catch-up" which would be achieved by the Union's final offer.

1 ***B. The Employer's Comparability Expert***

2 The Employer offered the testimony of Personnel Management Specialist Joy Inouye of
3 the Classification and Compensation Division of the Department of Human Resources
4 Development. Inouye conducts wage studies to determine the competitiveness of the State's
5 wages against the relevant labor market. She also makes "shortage category designations"
6 where departments are having difficulty recruiting or retaining employees. Like Messina,
7 Inouye also has substantial experience conducting compensation analyses for previous interest
8 arbitrations for the State of Hawaii, including the recent arbitrations involving HGEA
9 Bargaining Unit 9 and United Public Workers Union Bargaining Unit 10. In addition to doing
10 her own surveys, Inouye uses wage surveys from the Hawaii Employer's Council. Inouye
11 rejected the use of mainland data because competition is primarily within the state due, in large
12 part, to residency requirements for public employment.³⁵ Inouye's wage survey reflects that, in
13 general, wages of public sector employees are competitive with the private sector. She opined
14 that the preferred method of adjusting salaries is not an across-the-board increase tied to other
15 public sector raises but rather a more focused effort to adjust salaries, e.g., the shortage
16 category designations.³⁶

17
18
19
20 **VI. Cost of Living**

21 Personnel Management Specialist Inouye also presented evidence that in the past ten
22 years, employee salaries have increased more than the cost of living in Honolulu. Specifically,
23

24 ³⁵ Inouye presented data that for Units 2 and 4, there have been no non-resident hires within the
25 past two years; for Unit 3, there were only four (4) non-resident hires out of a total of approximately
26 13, 122 employees, and for Unit 13, there were only 30 non-resident hires out of a total of 7230
employees.

27 ³⁶ The panel's determination of the wage comparison factor will be discussed at part VIII of the
28 panel's decision.

1 her data reflects:

- 2 • that Bargaining Unit 2 salaries have increased 7.4% more than the cost of living
- 3 • that Bargaining Unit 3 salaries have increased 12.8% more than the cost of living
- 4 • that Bargaining Unit 4 salaries have increased 12.7% more than the cost of living
- 5 • that Bargaining Unit 8 salaries have increased 6.4% more than the cost of living
- 6 • that Bargaining Unit 13 salaries have increased 11.2% more than the cost of living

7 On the other hand, the Union's comparability expert (Messina) presented cost of living indices as follows:

8	STATE	CITY	COST OF LIVING INDEX
9	Hawaii	Honolulu	161.6
10	California	San Francisco	162.0
11	California	Los Angeles	135.6
12	California	San Diego	130.9
13	California	San Jose	129.3
14	California	Long Beach	125.5
15	Alaska	Anchorage	119.7
16	Washington	Seattle	118.4
17	Oregon	Portland	113.7
18	Oregon	Eugene	106.1

19 Messina also documented cost of living allowances for federal employees working in Hawaii:
 20 City and County of Honolulu (25.00%); County of Hawaii (16.50%); County of Kauai
 21 (23.25%) and County of Maui (23.75%).³⁷ As previously discussed, Messina also presented
 22 U.S. Census Bureau data showing that during the period from October of 1992 to March of
 23 2002, Hawaii's average monthly payroll for full time government workers (when compared to
 24 the other 49 states) fell from #21 to #37 in the hierarchy.³⁸

25 ///

26 ³⁷ The Union's economic expert Sumner La Croix, Ph.D. testified that Honolulu consumer price
 27 inflation is expected to be at 2.0% in 2004 and at 2.0% in 2005.

28 ³⁸ The panel will apply this statutory factor (cost of living) at part VIII of this decision.

1 **VII. Present and Future General Economic Condition of the Employer**

2 Sumner La Croix, Ph.D., the Chair of the Department of Economics, University of
3 Hawaii was called as a witness by the Union. La Croix performed an analysis of the Hawaii
4 economy for use in this proceeding. In his report to the panel, La Croix opined that Hawaii
5 has shown strong economic growth during the last six months of 2003. He attributes this
6 positive trend to a resurgence of mainland visitors from post 9-11 lows, the persistence of low
7 interest rates contributing to growth in the construction and finance industries, and to growth
8 in other Hawaii service industries. Moreover, he relates his optimistic outlook on Hawaii's
9 economy to expected improvements in economic growth in the United States, Japanese and
10 California economies. Based on the recent appreciation of the yen and the Federal Reserve
11 Board's continuation of a low interest policy, Dr. La Croix is forecasting an increase in real
12 personal income in Hawaii at a slightly higher rate than the DBEDT forecasts: 3.6% in 2004
13 and 3.1% in 2005. The Employer did not present an economics expert.³⁹

16 **VIII. The Panel's Determination of the Salary and Step Issues**

17 HRS 89-11 (f) requires the arbitration panel, in reaching its decision, to give weight to
18 the statutory factors and to include in its written report or decision an explanation of how the
19 factors were taken into account. However, the panel is precluded from predicating the
20 Employer's ability to fund cost items on the premise that the Employer may increase or impose
21 new taxes, fees, or charges, or develop other sources of revenue. Having reviewed all of the
22 evidence and arguments of the parties and after due consideration of the statutory factors, the
23 panel has determined that neither party's final offer position is an appropriate resolution of
24
25

26 _____
27 ³⁹ The panel will apply this statutory factor (general economic condition) in its determination of
28 the salary and step issues at part VIII of this decision.

1 the impasse. Rather, the panel, as authorized by HRS 89-11, will order an economic package
2 which represents a compromise between Employer and HGEA final offer positions.

3 In fashioning its award, the panel has accepted the Employer's primary concept that no
4 economic improvements of any kind, including step movements, will be granted for the first
5 fiscal year of the contract. Likewise, the panel has accepted the Union's concept of step
6 movements; however, the step movements will be deferred until the second fiscal year of the
7 contract. In addition to the deferred step movements, the panel has also determined that a 5%
8 across the board wage increase effective January 1, 2005 will fairly compensate employees
9 without compromising the ability of the State, or any other jurisdiction, to accomplish its
10 mission.⁴⁰ The panel is aware that this back loaded wage increase will not be warmly received
11 by either party to this arbitration proceeding but, in light of the statutory factors, it represents
12 a reasonable compromise.
13
14

15 In reaching this conclusion, the panel begins with the observation that each party, in
16 presenting wage data pertaining to employees performing similar services, has selected data
17 which is supportive of its own position. Moreover, the inevitable selection of certain
18 classifications for comparison purposes in such heterogeneous bargaining units makes it
19 extremely difficult to analyze the true impact of wage comparisons across six different
20 bargaining units with a myriad of classifications. While each party may have endeavored to
21 select the most populated classifications for comparison with mainland jurisdictions (Messina)
22 or with Hawaii's private sector (Inouye), a question still arises as to whether these
23 comparisons would be the same with regard to other classifications in the same bargaining unit.
24
25

26
27 ⁴⁰ According to Gordon Chang, the panel's award results in a 4.77% out of pocket cost and a
28 7.84% increase to base as to included employees.

1 Indeed, the insurmountable challenges faced by the panel in interpreting the real significance of
2 wage comparisons made by Messina and Inouye have caused the panel to shift its attention
3 away from both parties' wage comparisons and to look more closely at the wages of other
4 public employees in Hawaii.

5 As a threshold matter, the panel is in complete agreement with the Employer's position
6 that, in the post 9-11 era, "first responders" should be given special recognition for their
7 important contribution to the public safety. However, the panel cannot agree that the
8 discrepancy between public safety raises and non-public safety raises should be of the
9 magnitude proposed by the Employer, i.e., more than a 9% differential. In the panel's
10 judgment, such a huge differential would unduly trivialize the significant contributions of
11 employees working in the HGEA units. Such an enormous differential would only be justified
12 if the financial circumstances of the Employer had deteriorated sharply during the past year. In
13 fact, the evidence is to the contrary.

14 The record establishes to the panel's satisfaction that overall the Hawaii economy is
15 experiencing sustained growth. The Union's economic expert presented an optimistic view of
16 Hawaii's present and future economic condition and no contrary evidence was presented by
17 the Employer. Deferring any economic improvements until the second year of the contract,
18 and deferring the across the board wage increase until the mid-point of the second year of the
19 contract, is a reasonable approach given the economic indicators which all point to increased
20 revenues in fiscal years 2004 and 2005. For all of these reasons, the panel has concluded that
21 the present and future economic condition of the State and the counties clearly justifies the
22 panel's award of a modest increase.

23 Turning to the cost of living, the panel notes that evidence presented by the
24
25
26
27
28

1 parties can be harmonized. While the Union emphasizes that the cost of living has always been
2 high in Hawaii and remains so, the Employer emphasizes that in the past decade, wage
3 increases have outpaced the rise in the cost of living. These positions are not irreconcilable. In
4 any event, the panel is persuaded that expected consumer price inflation in 2004 of 2% and of
5 an additional 2% in 2005 (per the unrebutted testimony of Dr. LaCroix), provides additional
6 support for the panel's award of a 5% increase at the midpoint of the second fiscal year of the
7 contracts, as well as for the award of step increases.

9 The record as a whole establishes that the purpose of the step movement proposals is
10 to recognize years of service. To reward the contributions of long-term employees, the Union
11 has proposed two longevity steps in Bargaining Unit 2 (1.5% at 10 years of service and
12 another 1.5% at 15 years of service), two step movements (one in each year of the contract) in
13 Units 6 and 8 (effective 7/1/03 and 7/1/04) and the continuation of the existing step
14 movement plans in Units 2, 3, 4, and 13. Other than its overall presentation regarding the
15 financial condition of each of the jurisdictions, the Employer did not present specific evidence
16 to justify its position, i.e., that existing step movement plans should be eliminated and that no
17 new step movements should be granted. While the 5% across the board increase will be
18 received by unit member without regard to longevity, step movements recognize experience
19 and growth on the job, help to promote employee morale, and contribute to work force
20 stability. Thus, the panel determines that the award of step increases, in lieu of other economic
21 improvements, is in the best interests of both parties.

24 **IX. The Interests and Welfare of the Public**

25 In enacting Hawaii's public bargaining law, the legislature included a "Statement of
26 findings and policy" (HRS 89-1) which provides in pertinent part:
27

1 Where public employees have been granted the right to share in the decision-making
2 process affecting wages and working conditions, they have become more responsive
3 and better able to exchange ideas and information on operations with their
4 administrators. **Accordingly, the government is more effective.** The legislature
5 further finds that the enactment of positive legislation establishing guidelines for public
6 employment relations is **the best way to harness and direct the energies of public
7 employees eager to have a voice in determining their conditions of work; to
8 provide a rational method for dealing with disputes and work stoppages; and to
9 maintain a favorable political and social environment** (emphasis supplied).

7 The panel's award effectuates the legislature's intent and purpose in enacting the law and,
8 therefore, promotes the interests and welfare of the public by contributing to more effective
9 government and continuation of necessary services.

10 In its closing brief, the Employer argues that the Union's wage proposals do not
11 consider the interests and welfare of the public. Specifically, the Employer argues that the
12 Union's proposal, if accepted by the panel, inexorably leads the State towards a negative
13 ending fund balance in its General Fund and triple-digit negative fund balances thereafter. The
14 Employer goes so far as to state: "It would be a pyrrhic victory for the Union to get what it
15 wants now, only to suffer layoffs and a California-like disaster soon." Obviously, a California-
16 like budgetary crisis would not serve the interests and welfare of the public; however, for
17 reasons already explained, the Employer has failed to establish that the Union's proposal, or
18 much less the panel's award, would bring about layoffs, or any similar negative consequences.

21 Bargaining unit employees covered by the panel's award are employed in every facet of
22 governmental operations and provide services to the general public, thereby affecting the lives
23 and well being of individuals, families and businesses throughout the state of Hawaii. In the
24 opinion of the panel, recognizing these employees for their contributions through issuance of
25 a fair and reasonable arbitration award serves the best interests and welfare of the public.

27 ///

1 **X. Compensation Adjustments**

2 The Employer has proposed modifications to Article 14 in Bargaining Units 2, 3, 4
3 and 13 as follows:

4 BU 2, 3, 4, and 13: Paragraph A, 4-The Employer is proposing to clarify days that
5 are counted towards a leave of absence without pay.

6 BU 2, 3, and 4: Paragraph P-The Employer proposes to generically identify the
7 various chief personnel or human resources executives, rather
8 than list the respective titles of those positions.

9 BU 13: Paragraph P, 1-The Employer is proposing to correct the
10 misspelled word "ths" to read "this."
11 Paragraph Q (same as paragraph P for BU2, 3, and 4).

12 BU 3 and 4: Paragraph H, 5-The Employer is proposing to require that
13 whenever a BU 3 or 4 employee accepts a temporary assignment
14 to an excluded managerial position, the employee's
15 compensation shall be adjusted in accordance with the provisions
16 applicable to Excluded Managerial employees.

17 The Union proposes only one change to Article 14 in BU 2 as follows:

18 BU 2: Paragraph O- The Union is proposing to provide the procedure
19 to effectuate the longevity movement plan as being proposed by
20 the Union in its Article 51, Salaries proposal.

21 Here the Employer did not provide testimony or documents in support of its proposal
22 for Bargaining Units 2, 3, 4, and 13. Consequently, the Employer's proposal to amend
23 paragraph A, 4 for BU 2, 3, 4, and 13 and paragraph H, 5 for BU 3 and 4 are denied.

24 However, the panel will grant the following Employer's proposals on compensation
25 adjustments effective July 1, 2004 which are changes in form rather than substance:

26 BU 2, 3, & 4 Paragraph P-Delete phrase "director of personnel services,
27 director of civil service, or the administrative director of the
28 courts" and replace it with the phrase "chief personnel or human
resources executive"

BU 13 Paragraph P, 1-Delete the misspelled word "ths" and replace it

1 with "this"

2 Paragraph Q-Delete the phrase "director of personnel services,
3 director of civil service, or the administrative director of the
4 courts" and replace it with the phrase "chief personnel or human
5 resources executive."

6 In light of the panel's award of the longevity step in BU 2, the BU 2 Compensation
7 Adjustment article shall be amended by the parties to effectuate such award as reflected in the
8 Union's BU 2 compensation proposal and as supported by testimony at arbitration.

9 **XI. The Vacation and Sick Leave Issue in Bargaining Units 2, 3, 4 and 13**

10 For Bargaining Units 2, 3, 4 and 13, the Employer has affirmatively proposed
11 two new provisions which would permanently establish a two-tier formula for accrual of sick
12 leave and vacation. The language of the proposal is similar to the terms of existing side letters
13 entitled "memoranda of agreement" which were entered into by the Union and the Employer
14 in June of 2002.⁴¹ The Employer contends that if the panel does not accept its proposal, the
15 language of the memoranda of agreement will carry over into the successor agreement (as an
16 unmodified term of the predecessor agreement).⁴² On the other hand, the Union has made no
17 proposal in reliance on its position that the *temporary* provisions of the memoranda of
18 agreement will expire on June 30, 2004, thus returning the parties to the contract language
19 which pre-existed adoption of the two-tier program.⁴³

20 _____
21
22 ⁴¹ For each of the affected bargaining units the proposals are as follows:
23 Bargaining Unit 2: Article 35 (Vacation Leave) and Article 36 (Sick Leave);
24 Bargaining Unit 3: Article 35 (Vacation Leave) and Article 36 (Sick Leave);
25 Bargaining Unit 4: Article 35 (Vacation Leave) and Article 36 (Sick Leave);
26 Bargaining Unit 13: Article 36 (Vacation Leave) and Article 37 (Sick Leave).

27 ⁴² The Employer claims to have made the proposal to clarify the status quo and insists that the
28 proposal was not necessary in order to retain the two-tier system.

⁴³ Pursuant to a recent arbitration award, the two-tier program was implemented in Unit 9
pursuant to a separate memorandum of agreement.

1 *A. History of the Two-Tier Program-the Employer's Perspective*

2 The Employer presented the testimony of Henry Kanda, the HHSC Personnel Program
3 Administrator for the last six (6) years, who formerly worked for the Office of Collective
4 Bargaining for almost twenty (20) years. Kanda testified that prior to 2001, the HGEA units
5 (Units 2, 3, 4, 9 and 13) had vacation and sick leave provisions in their contracts which
6 provided for twenty-one (21) days of vacation per year and (21) days of sick leave per year
7 effective the first year of employment. On July 2, 2001, *after the 2000 arbitration award had*
8 *already issued but before it was funded by the legislature,* the Employer⁴⁴ and the Union
9 entered into a memorandum of agreement which confirmed their agreement to negotiate a new
10 vacation and sick leave accrual program *once the 2000 award was funded.* After the award
11 was funded by the legislature, the parties then agreed to a two-tier program which reduced the
12 vacation and sick leave accruals for employees hired after July 2, 2001, placing them on a
13 graduated scale of vacation and sick leave benefit accruals.⁴⁵ Kanda testified that it was his
14 understanding that the provisions of the memoranda of agreement, unless modified by mutual
15 agreement, would be carried over into subsequent contracts.
16

17
18 By looking at how many employees are enrolled in the new benefit structure in the
19 affected units, Kanda estimated that the cost to the Employer would be approximately \$7
20 million in lost productivity during the first year and approximately \$8.9 million in lost
21 productivity during the second year, i.e., representing the cost of employing individuals who
22

23
24 ⁴⁴ As previously noted, the State of Hawaii, the HHSC, the Judiciary, Honolulu, and the
25 Counties of Hawaii, Maui, and Kauai employ members of bargaining units 2, 3, 4, and 13.

26 ⁴⁵ Under the two-tiered program, new employees earn twelve (12) days of vacation during the
27 first year of employment and the number of vacation days increases with service so that after twenty
28 (20) years of service, employees can earn 24 vacation days.

1 are not performing their duties while using vacation and sick days (which would be recouped if
2 the Union's position is accepted, i.e., eliminating the two-tier program). The Employer's
3 costing did not attempt to capture any out of pocket costs associated with hiring replacements
4 or paying overtime.

5 *B. History of the Two Tier Program-the Union Perspective*

6 The Union's Executive Director Russell Okata testified that after his initial exhilaration
7 at receiving a favorable arbitration award in 2000, he learned that then governor Ben
8 Cayetano was taking the position that he would not recommend funding the award.

9 Consequently, the Union was faced with the specter of court litigation, including a thorny issue
10 as to whether the court or the legislature has jurisdiction and whether or not retroactive pay
11 could be funded. During a meeting with Governor Cayetano during the spring of 2001,
12 Governor Cayetano told Okata that United Public Workers (Units 1 and 10) had agreed with
13 him to alter their vacation and sick leave. According to Okata, Governor Cayetano then told
14 him that if HGEA would agree to this modified vacation and sick leave plan, he (Cayetano)
15 would be willing to go to the legislature to fund the agreement. Okata asked Cayetano, "what
16 about the other units?" to which Cayetano replied, "I'll take care of them" and "I will treat you
17 (HGEA) fairly." So Okata went to his membership and told them that an agreement to
18 negotiate a new vacation and sick leave program was necessary in order to get the contract
19 funded and that Governor Cayetano had assured Okata that all public employees would be
20 treated equally. The legislature acted to fund the 2000 arbitration award before the close of
21 the legislative session, and, shortly thereafter, various memoranda of agreement (modifying the
22 vacation and sick leave to a two-tier program) were signed by the HGEA and representatives
23 of the various jurisdictions on a unit by unit basis. Okata further testified that, contrary to
24
25
26
27
28

1 Governor Cayetano's representations, there was never any discussion with other units, e.g.,
2 Unit 11 or Unit 12, about the two-tier program.

3 Evidence was produced by the Employer that the State proposed the reduced vacation
4 and sick leave schedule in Unit 12 but was unable to secure the votes (from other jurisdictions)
5 for the proposal to go across the table.⁴⁶ With regard to Unit 11, a proposal was passed
6 across but it was withdrawn prior to the arbitration hearing. No persuasive evidence that the
7 Employer sought to introduce the two-tiered program into other bargaining units was
8 presented. A reasonable inference to be drawn from Okata's testimony is that it was his
9 understanding that bringing the two-tiered program to all units (and not just the HGEA units)
10 was a condition precedent to making it a *permanent* provision of the HGEA contracts.

12 **XII. The Panel's Determination of the Vacation and Sick Leave Issue**

13
14 In its final offer, the Employer proposes new language regarding vacation and sick
15 leave accrual without regard to the existing side letters. Indeed, the final offer states on its
16 face that each of the existing articles (referring to Articles 35 and 36 in BU 2, 3, and 4 and
17 Articles 36 and 37 in BU 13) is deleted in its entirety and is to be replaced with proposed
18 language. The final offer does *not* state that the Employer seeks to replace the language in the
19 memoranda of agreement with its proposed new article. All of the documentary evidence,
20 including the Employer's final offer, corroborates Okata's testimony that the memoranda of
21 agreement were temporary and that, as such, they would not be carried over into the new
22 agreements.

23
24 In reaching this conclusions, the panel notes that the memoranda of agreement either
25

26
27 ⁴⁶ By the express terms of HRS 89-6 (d) (2), the Governor has four votes while each of the
28 mayors has one vote.

1 do not explicitly provide a duration or, in some cases, state that the agreement shall have the
2 same expiration date as does the 1999/2003 agreement. The absence of clarifying language,
3 together with the expiration date which appears in some of the memoranda, lends additional
4 support to the panel's conclusion that the parties did not intend a permanent agreement *at least*
5 *not until such time as the new vacation and sick leave program was introduced in all*
6 *bargaining units*. The paucity of evidence demonstrating that the Employer advocated for the
7 two-tiered program in other units is consistent with the panel's interpretation, i.e., that the
8 two-tier program never became permanent. Finally, the fact that the two-tier system was
9 recently bargained in Unit 9 also supports the Union's interpretation, i.e., that the memoranda
10 of agreement did not permanently establish a two-tier system.

11
12 For all of these reasons, the panel concludes that it must consider the Employer's
13 proposal to be a request for a change in the vacation and sick leave accrual program as
14 described in the existing contracts without reference to the soon to expire side letters. Based
15 on the record evidence, the Employer has not met its burden of demonstrating that its proposal
16 should be accepted. In the first place, the Employer has not demonstrated to the satisfaction of
17 the panel the true costs of the vacation and sick leave programs described in the existing
18 contracts. Nor has the Employer demonstrated that the two-tier program has improved
19 efficiency, cut overtime costs, or reduced the use of sick leave and/or vacation days, or that the
20 vacation and sick provisions of the existing agreements will adversely impact its operations.
21 For all of these reasons, the panel must conclude that the Employer's proposals for a change in
22 Articles 35 and 36 (BU 2, 3, and 4) and Articles 36 and 37 (BU 13) are denied. The two-tier
23 program will continue up to the extension date of June 30, 2004, and effective July 1, 2004,
24 employees shall be covered by the vacation and sick leave provisions which are contained in
25
26
27
28

1 the 1999/2003 agreements.

2 **XIII. The Employer's Overtime Proposals**

3 Under the existing agreements covering Bargaining Units 2, 3, 4, and 13, there is no
4 limitation on the number of compensatory time off (CTO) credits that an employee may
5 accumulate, except under the Fair Labor Standards Act. Hence, the Employer is proposing in
6 new paragraphs H and I⁴⁷ that a maximum CTO credit accrual be set at 160 hours and a
7 procedure be established to reduce amounts in excess of the maximum accrual.
8

9 Evidence was presented by both parties regarding Bargaining Unit 3 negotiations. This
10 evidence established that during negotiations, the Union made a counterproposal #1 which
11 contained, among other things, a 160-hour cap on CTO earnings. In response to this
12 counterproposal, the Employer submitted additional language which the Union then rejected.
13 After the Union rejected the proposed additional language, the Employer "accepted" the
14 counterproposal #1. At the next negotiating session, the Union withdrew counterproposal #1.
15

16 The Employer presented evidence that a survey (which was not introduced) reflects that
17 "some employees among the various bargaining units had an average of approximately 250
18 hours of comp. time hours" and that when these employees separate from service they will be
19 compensated for their compensatory time off credits at their current rate of compensation, thus
20 creating a liability for the employer. This was the only testimony offered by the Employer in
21 support of its proposed cap on the number of compensatory time off credits which an
22 employee may accumulate. This evidence is not the quality or quantity of evidence which
23 would support the granting of the Employer's proposals. Therefore, the Employer proposals
24
25

26 ⁴⁷ The Employer is proposing modifications to the following articles: BU 02 – Article 23;
27 BU 03 – Article 23; BU 04 – Article 23; and BU 13-Article 25.

1 to modify the Overtime articles for Bargaining Units 2, 3, 4, and 13 are denied and the existing
2 Overtime articles shall be continued in the successor contracts without modification.

3 **XIV. Working Condition Differential**

4 This issue involves proposals by both parties to amend the following articles:

5 **BU 02 – Article 31 (Employer and Union Proposals)**

6 **BU 03 – Article 31 (Employer and Union Proposals)**

7 **BU 13 – Article 44 (Employer and Union Proposals)**

8 Specifically, the Employer is proposing the following modifications to existing language:

9 Paragraph A - Grant the differential to all employees working at the Hawaii
10 State Hospital who have contact with certain patients. Current provisions only
mention employees in a specific ward of the hospital that no longer exist.

11 Paragraph B-Clarify the provisions pertaining to employees of other hospitals
12 who will also receive the differential when working with certain patients.

13 Paragraph F – Change the “director of personnel services” to the “Employer”
14 because the director of personnel services no longer exercises jurisdiction over
15 employees in the various hospitals throughout the state except for the Hawaii
State Hospital.

16 With regard to Bargaining Units 2 and 3, the Union is proposing essentially the same
17 language as the Employer (as set forth above), except that it is proposing to increase the
18 amount of the differential from 40 cents to 50 cents per hour for employees covered by
19 paragraphs A and B. In paragraph D which covers employees assigned to correctional
20 facilities, the Union is proposing to increase the amount of the differential from 30 cents to 50
21 cents per hour.
22

23 In Bargaining Unit 13, the Union is proposing:

24 In paragraphs A and B, the Union is proposing that the amount of the
25 differential remain at 50 cents per hour. However, in paragraph A, the Union is
26 proposing to expand coverage by **including employees who must visit the**
27 **patient care units at Hawaii State Hospital in carrying out their assigned**
duties and responsibilities.

1 In paragraph D which covers employees assigned to correctional facilities, the
2 Union is proposing to **include those employees who must visit such**
3 **correctional facilities** in the course of carrying out their duties and
responsibilities and to keep the amount of the differential at 50 cents per hour.

4 In paragraph F, the Union is proposing that the 50 cents per hour **differential**
5 **be extended to social workers in Child Protective Services.**

6 In paragraph G, the Union is proposing that the 50 cents per hour **differential**
7 **be extended to employees who are assigned to community mental health**
settings.

8 Preliminarily, the panel notes that the only difference between the proposals being made by the
9 parties in Bargaining Units 2 and 3 is in the amount of the working condition differential. The
10 Employer is proposing that the amount remain the same; whereas, the Union is proposing
11 increases of 40 cents to 50 cents in Paragraphs A and B and 30 cents to fifty cents in Paragraph
12 D. The Union through direct testimony has requested an increase in the differential to 50 cents
13 per hour for BU 02 and 03 employees based on comparison with the BU 09 and 13 contracts
14 which currently have a working condition differential at 50 cents per hour for employees
15 assigned to (1) certain units at the Hawaii State Hospital and (2) correction facilities. The
16 panel has determined that an increase in the amount of the differential is justified because
17 Bargaining Unit 2 and Bargaining Unit 3 employees are exposed to similar "unusual and unique
18 working conditions" as those employees in Bargaining Unit 9 and 13 when assigned to the
19 same work environment, and the working condition differential is already established at 50
20 cents per hour for the Bargaining Unit 9 and 13 employees. As more fully set forth in the
21 award, the requested increase in differential will be granted, as well as the Employer's proposed
22 changes to Paragraph F.⁴⁸

26 ⁴⁸ The change in paragraph F is necessary to clarify that the director of personnel services no
27 longer exercises jurisdiction over employees in the various hospitals throughout the state except for the
28 Hawaii State Hospital.

1 With regard to the Union's proposals regarding Unit 13, no evidence was offered to
 2 sufficiently explain the justification for extending the working condition differential to
 3 employees who must visit patient care units at Hawaii State Hospital, to employees who must
 4 visit correctional facilities, to social workers in Child Protective Services, or to employees who
 5 are assigned to community mental health settings. Therefore, the panel will deny these
 6 proposals.
 7

8 **XV. The Parties' Travel Proposals**

9 The parties have made the following travel proposals in five out of the six bargaining
 10 units as follows:

- 11 BU 02- Article 41 (Employer and Union Proposals)
- 12 BU 03- Article 44 (Employer and Union Proposals)
- 13 BU 04 - Article 44 (Employer and Union Proposals)
- 14 BU 06 - Article 24 (Union Proposal)
- 14 BU 13 - Article 45 (Employer and Union Proposals)

15 Specifically, the Employer is proposing the following:⁴⁹

- 16 Paragraph B, 2-Clarify how the \$20 per day allowance is to be calculated
- 17 Paragraph B, 3- This is a new paragraph to give the Employer the option of utilizing
 18 non-commercial lodging for its employees whenever such non-commercial lodging is
 19 available.
- 19 Non-substantive editorial changes are made throughout this article.

20 On the other hand, the Union is proposing that:

- 21 Paragraph D, 2 - Change the starting time in computing the amount of per diem from
 22 30 minutes to 90 minutes before the scheduled flight departure time.
- 23 Paragraph G - Mandatory advanced per diem for all official travel is being proposed in
 24 lieu of "whenever possible." Also, an employee shall be reimbursed for excess lodging
 25 expenses within 30 days after filing a request rather than "as soon as possible."
- 25 Paragraph H - Increase the mileage allowance from 37 cents per mile to 50 cents per
 26 mile for employees who are authorized to use their private vehicles to carry out their
 27 duties and responsibilities.

27 ⁴⁹ The Employer made proposals in only four out of six bargaining units (2, 3, 4, and 13) and
 28 made no proposal in Bargaining Unit 6.

1 The Union proposal is an agreement with some but not all of the "non-substantive
2 editorial changes" proposed by the Employer
3 BU 06- Paragraph I, 1- The Union withdrew its proposal to include "motorcycles"
4 as part of the definition of "vehicles" during the arbitration hearing since the Employer
5 indicated that motorcycles are covered by the Department of Accounting and General
6 Services travel rules for mileage reimbursement at one-half (½) the rate for automobiles.

7 At the hearing, the Employer presented testimony to the effect that its proposal was to clarify
8 language. However, the proposal for a modification of B, 3, as discussed above, is a substantive
9 change from sleeping in tents or cabins (under paragraph B, 2) to the use of non-commercial
10 lodging.

11 The panel will accept the Employer's reasonable proposal for a change in this
12 language. However, the panel is not persuaded by the testimony offered to support the Union's
13 proposals. In referring to the increase in time allowed for the purpose of calculating per diem,
14 the Union focused on airline requirements and recommendations on passenger check-in times.
15 No testimony was offered as to what additional travel expenses would be incurred to justify any
16 additional per diem allowance. While the Employer offered in its post-hearing brief a proposal
17 to increase the starting time in computing per diem from 30 to 60 minutes, it did so with the
18 proviso that the "per diem clock" starts to run at the start of the sixty minute time period. No
19 explanation was given as to the effect of this proposal.

20 With regard to the mileage reimbursement allowance, the Union's proposal for 50 cents
21 per mile is rejected based on the fact that the Employer would be required to add the excess
22 over the IRS mileage reimbursement rate of \$.375 (thirty-seven and a half cents) to employee
23 income for tax purposes. Considering the fact that the existing mileage rate has not been
24 changed for many years, the panel deems it appropriate to change the mileage allowance rate
25 to 37.5 cents per mile. As more fully set forth in the Award, Articles 41 (BU 2), 44 (BU 3),
26
27
28

1 Article 44 (BU 4), Article 26 (BU 6) and Article 45 (BU 13) will be modified to conform to the
2 panel's decision.

3 **XVI. Other Leaves of Absence**

4 The Employer has proposed to incorporate a separate supplemental agreement into the
5 following Other Leaves of Absence Articles found in Article 42 (BU 2), Article 40 (BU 3),
6 Article 40 (BU 4) and Article 41 (BU 13). However, the Employer did not present any
7 compelling testimonial or documentary evidence to justify inclusion of certain provisions
8 contained in the supplemental memorandum into the Other Leaves of Absence Articles. As set
9 forth in the Award, these proposals are denied.
10

11 Based on the foregoing findings and conclusions, the following award is made:

12 **AWARD**

13 All articles and provisions of the 1999-2003 collective bargaining agreements (as set
14 forth in Joint Exhibits "2" through "7") not herein revised (including Vacation and Sick
15 Articles) and all provisions already agreed to by the parties shall be incorporated into the
16 successor agreement. The parties shall adopt the following revised contract language which
17 shall replace only those articles or sections affected:
18

- 19
- 20 1. The Duration articles for Bargaining Units 2, 3, 4, 6, 8 and 13 shall be amended to
21 include the following:
 - 22 a) The agreement shall become effective as of July 1, 2003 and shall remain in effect
23 to and including June 30, 2005.
 - 24 b) The agreement shall be renewed in accordance with statutes unless either party
25 gives written notice to the other party of its desire to amend, modify, or terminate
26 the agreement, and such written notice is given no later than May 15, 2004.
 - 27 c) After such written notice is given, the parties shall exchange their specific written
28 proposals, if any, no later than June 14, 2004.

1 d) Negotiations for a new agreement shall commence on a mutually agreeable date
 2 following the exchange of written proposals, as applicable.

3 2. The Salary articles for Bargaining Units 2, 3, 4, 6, 8, and 13 shall be amended to reflect:

4 **BU 02:** **Article 51 – Salaries**

5 **Effective Date** **Salary Award**

6 7/1/03 Continue the step movement plan but defer the step movements due
 7 in the first fiscal year until 7/1/04. As a result of such deferral, there
 8 shall be no retroactive adjustment and no loss of service time credit
 by affected employees.

9 7/1/04 Employees who were eligible for step movement during the first
 10 fiscal year shall be placed on Step B on this date. Delete Step A and
 designate Step B as Step A.

11 Establish the two-step longevity plan as proposed by the Union and
 12 place employees who have the required years of service as of 6/30/04
 13 on the appropriate longevity step. Amend Article 14-Compensation
 Adjustments, as appropriate, to effectuate the longevity step plan.

14 Employees who are eligible for a longevity step movement during the
 15 second fiscal year shall be placed on the appropriate step on their
 16 eligibility date.

17 1-1-05 Increase the rates on the salary schedule by **5.0%**

18 **BU 03:** **Article 53-Salaries**

19 **BU 04:** **Article 53-Salaries**

20 **BU 13:** **Article 50-Salaries**

21 **Effective Date** **Salary Award**

22 7/1/03 Continue the step movement plan but defer the step movements due
 23 in the first fiscal year until 7/1/04. As a result of such deferral, there
 24 shall be no retroactive adjustment and no loss of service time credit
 by affected employees.

25 7/1/04 Employees who were eligible for step movement during the first
 26 fiscal year shall be placed on their appropriate step on this date.

27 Employees who are eligible for step movement during the second

28

1 fiscal year shall be placed on the appropriate step on their eligibility
2 date.

3 1/1/05 Increase the rates on the salary schedule by 5.0%

4 **BU 06:** **Article 30 - Salaries**

5 Effective Date Salary Award

6 7/1/04 Employees move two steps without exceeding the maximum step.

7 1/1/05 Increase the rates on the salary schedule by 5%
8 Employees move one step without exceeding the maximum step.

9 **BU 08:** **Article 39 - Salaries**

10 Effective Date Salary Award

11 7/1/04 Employees move one step without exceeding maximum step.

12 1/1/05 Increase the rates on the salary schedule by 5%
13 Employees move one step without exceeding the maximum step.

14
15 3. The Compensation Adjustments articles for BU 2, 3, 4 and 13 shall be amended in
16 accordance with the panel's decision. The BU 2 Compensation Adjustment article shall be
17 amended by the parties to effectuate such award as shown in the Union's BU 2 compensation
adjustment proposal.

18 4. The Employer's proposals for a change in Articles 35 and 36 (BU 2, 3, and 4) and Articles
19 36 and 37 (BU 13) are denied. The two-tier program shall continue up to the extension date of
20 June 30, 2004, and, effective July 1, 2004, employees shall be covered by the vacation and sick
leave provisions as contained in the 1999/2003 agreements.

21 5. The Employer proposals to modify the Overtime articles for Bargaining Units 2, 3, 4, and 13
22 are denied and the existing Overtime articles shall be continued in the successor contracts
without modification.

23 6. Article 31 (Working Condition Differential) in Bargaining Units 2 and 3 shall be amended
24 effective July 1, 2004 as follows:

25 Paragraph A-Grant the differential to all employees working at the Hawaii
26 State Hospital who have contact with certain patients as proposed by the Employer and the
27 Union but increase the amount of the differential to 50 cents per hours as proposed by the
Union; and amend paragraph C as appropriate.

28

1 Paragraph B- Grant the differential to employees of the Hawaii Health Systems Corporation
2 Corporation as proposed by the Employer and the Union but increase the amount of the
3 differential to fifty cents per hour as proposed by the Union; and amend paragraph C as
4 appropriate.

4 Paragraph D- Increase the amount of the differential to 50 cents per hour for employees
5 assigned to correctional facilities as proposed by the Union and amend paragraph E
6 as appropriate.

6 Paragraph F- As proposed by the Employer, change the "director of personnel services" to
7 the "Employer."

8 Article 44 (Working Condition Differential) in Bargaining Unit 13 shall be amended
9 effective July 1, 2004 as follows:

10 Paragraph A- Grant the differential to all employees working at the Hawaii State Hospital
11 who have contact with certain patients as proposed by the Employer and the Union; and
12 amend paragraph C as appropriate.

12 Paragraph B- Grant the differential to employees of the Hawaii Health Systems Corporation
13 as proposed by the Employer and the HGEA; and amend paragraph C as appropriate.

14 Paragraph F- As proposed by the Employer, change the "director of personnel services"
15 to the "Employer."

16 7. Effective July 1, 2004, all of the proposals made by the Employer to the Travel Articles in
17 BU 2, 3, 4, and 13 are granted. (Employer made no travel proposal in BU 6).

18 The Union's proposal in paragraph D, 2 of the Travel articles (BU 2, 3, 4, 6, and 13) to
19 change the starting time in computing the amount of per diem before the scheduled flight time
20 is denied.

20 The Union's proposals in paragraph G of the Travel articles (BU 2, 3, 4, 6, and 13) to
21 require advance payment of per diem and reimbursement for excess lodging expenses within 30
22 days are denied.

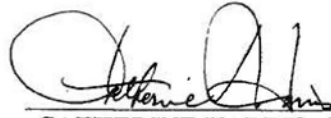
22 The Union's proposal in paragraph H of the Travel articles (BU 2, 3, 4, 6, and 13) to
23 increase the mileage from 37 cents to 50 cents is denied. Effective July 1, 2004, the mileage
24 allowance (BU 2, 3, 4, 6, and 13) is increased to 37.5 cents per mile.

25 8. The Employer proposals for Article 42 (BU 2), Article 40 (BU 3 and 4)), and Article 41
26 (BU 13) are denied, and the existing articles on Other Leaves of Absence for BUs 2, 3, 4 and
27 13 shall be continued without modification.

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

March 26, 2004



CATHERINE HARRIS, Chairperson

March 26, 2004

LAWRENCE ISHIMI
Union Panelmember

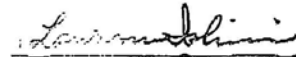
March 26, 2004

MICHAEL BEN
Employer Panelmember

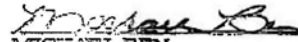
March 26, 2004


CATHERINE HARRIS, Chairperson

March 26, 2004


LAWRENCE ISHIMI
Union Panel Member

March 26, 2004


MICHAEL BEN
Employer Panel Member

**GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT
OF THE LEGISLATURE SINE DIE**

Gov. Msg. No. 549, letter dated April 20, 2004, notifying the Senate that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Human Services in the increased amount of \$215,645 for Title IV-E (foster care) and Title XIX (Medicaid) programs, pursuant to Act 200, Section 129, SLH 2003.

Gov. Msg. No. 550, letter dated April 20, 2004, notifying the Senate that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Human Services in the increased amount of \$2,321,987 for Title IV-E (foster care) and Title XX (child welfare services block grant) programs, pursuant to Act 200, Section 129, SLH 2003.

Gov. Msg. No. 551, dated April 22, 2004, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree Made to the United States Ninth District Court, the Felix Special Monitor, the Felix Monitoring Project, or Any Other Agent of the United States Judiciary for the Month of April, 2004, prepared by the Department of Health pursuant to Act 200, Section 30, SLH 2003.

Gov. Msg. No. 552, letter dated April 27, 2004, notifying the Senate that she has approved the expenditure of non-appropriated federal funds for the Department of Hawaiian Home Lands in the increased amount of \$100,000, pursuant to Act 200, Section 129, SLH 2003.

Gov. Msg. No. 553, letter dated April 28, 2004, notifying the Senate that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Human Services in the increased amount of \$394,666 for the Vocational Rehabilitation and Services for the Blind Division, pursuant to Act 200, Section 129, SLH 2003.

Gov. Msg. No. 554, dated April 28, 2004, transmitting the Department of Taxation's Progress and Expenditure Report on the design, development and implementation of the integrated tax information management system, pursuant to Act 273, SLH 1996, and Act 155, SLH 1999.

Gov. Msg. No. 555, dated April 30, 2004, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree Made to the United States Ninth District Court, the Felix Special Monitor, the Felix Monitoring Project, or Any Other Agent of the United States Judiciary for the Month of February, 2004, prepared by the Department of Health pursuant to Act 200, Section 30, SLH 2003.

Gov. Msg. No. 556, dated May 11, 2004, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree Made to the United States Ninth District Court, the Felix Special Monitor, the Felix Monitoring Project, or Any Other Agent of the United States Judiciary for the Month of November, 2003, prepared by the Department of Health pursuant to Act 200, Section 30, SLH 2003.

Gov. Msg. No. 557, dated May 11, 2004, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree Made to the United States Ninth District Court, the Felix Special Monitor, the Felix Monitoring Project, or Any Other Agent of the United States Judiciary for the Month of December, 2003, prepared by the

Department of Health pursuant to Act 200, Section 30, SLH 2003.

Gov. Msg. No. 558, dated May 6, 2004, transmitting her statement of objections to Senate Bill No. 2395 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

May 6, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2395

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2395, entitled 'A Bill for an Act Relating to Information Practices.'

The purpose of this bill is to prohibit disclosure of booking records of Hawaii Convention Center licensees until ten days after the event has occurred or when it is canceled. The prohibition would apply when requested by a potential licensee if disclosure could reveal confidential business information or result in the loss of a convention center booking. Booking information could, however, be disclosed to the Legislature.

This bill is objectionable because, first, it would significantly change the public's ability to access records maintained by the Hawaii Tourism Authority (HTA). Presently, under the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes, commonly referred to as the 'UIPA,' the HTA's records are presumed to be public, and most of the records that could be withheld under this bill are now available upon request by members of the public.

Second, existing law allows the HTA to withhold records that must be confidential in order to avoid the frustration of a legitimate government function. Therefore, confidential business information that is submitted by convention center licensees may be withheld under existing law if the facts warrant.

Third, one of the primary purposes of the Uniform Information Practices Act is to open government processes to public scrutiny by allowing public access to government records. Contracts between convention center licensees and the HTA may contain incentives in the form of discounts and subsidies. The public's right to scrutinize HTA's operation and management of the Hawaii Convention Center will be greatly restricted if the public is denied timely access to the records.

Fourth, nondisclosure of records would require only a finding that disclosure 'may' result in loss of a convention center booking or disclosure of confidential information, without any determination that this would actually be the case or that the reasons provided outweigh the advantages of full disclosure.

Fifth, a licensee's name could be withheld under this bill even though such information is not normally considered to be

confidential business information or proprietary information. Controversial organizations might, therefore, schedule conventions at the Hawaii Convention Center without the public being aware of the fact and having an opportunity to object. By withholding licensees' names until after an event has occurred, members of the public would also be deprived of the ability to review information about an upcoming convention to, for example, compete with exhibitors, market products or services in connection with the event, or simply to examine how well the Hawaii Convention Center is doing in terms of advance bookings.

For the foregoing reasons, I am returning Senate Bill No. 2395 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 559, dated May 6, 2004, transmitting her statement of objections to House Bill No. 2061 which she has returned to the House of Representatives without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

May 6, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2061

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. 2061, entitled ‘A Bill for an Act Relating to Transient Accommodations Tax.’

The purpose of this bill is to establish an ‘Aloha Aina Patrol’ under the jurisdiction of the respective police departments in each county. The patrol would help curtail crime in high tourist traffic areas.

This bill proposes to fund the operating expenses of the Aloha Aina Patrol by diverting over \$1.1 million out of the counties’ portion of the transient accommodations tax (TAT) revenues. Currently, section 237D-6.5(b)(3), Hawaii Revised Statutes, provides that 44.8 percent of TAT revenue is distributed to the respective counties. Under this bill, 1.3 percent of that 44.8 percent of TAT revenue is to be transferred to a sub-account in the tourism special fund for the Aloha Aina Patrol.

While I support measures to ensure Hawaii is safe for visitors and residents, including the concept of the Aloha Aina Patrol, this bill is objectionable for the following reasons:

1. This bill reduces the amount of TAT revenues currently distributed to the counties that can be designated for other county programs. If the counties so desired, the counties could use their TAT revenue allocations for additional security at beaches and parks without this bill. Moreover, this bill establishes a precedent for funding additional programs from the limited TAT revenues that could result in the eventual reduction of the TAT revenues distributed to the convention center enterprise special fund, the tourism special fund, and the respective counties.

2. Three of the four counties objected to this bill because it constitutes a violation of the principle of ‘Home Rule.’ It would place the Hawaii Tourism Authority in the position of telling the county police departments where they should deploy their officers. As stated by Mayor Jeremy Harris of Honolulu, ‘staffing and patrol determinations must fully remain with our police department and should not be dictated by the Hawaii Tourism Authority.’

3. As pointed out by the Hawaii Tourism Authority, the cost of the Aloha Aina Patrol is unknown. The bill resulted from the Senate Tourism Committee gutting a House-passed measure and substituting the Aloha Aina Patrol language without giving adequate time for all parties to cost out and analyze the operational implications of this mandate. Further, the program duplicates similar efforts already underway on the islands of Kauai, Maui, and Oahu.

4. This bill requires that TAT revenues be distributed to the appropriate parties in four quarterly allotments, as opposed to semiannual allotments as is currently the practice. The Financial Administration Division of the Department of Budget and Finance has indicated that the State Treasury may be deprived of interest income due to the more frequent distributions. Further, there are no provisions to restore the TAT allocation to the counties to the former levels should the program not be continued.

For the foregoing reasons, I am returning House Bill No. 2061 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 560, informing the Senate that on May 10, 2004, she signed into law Senate Bill No. 2842 as Act 59, entitled: “RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES.”

Gov. Msg. No. 561, informing the Senate that on May 10, 2004, Lt. Gov. signed into law House Bill No. 2789 as Act 60, entitled: “RELATING TO SEXUAL ASSAULT.”

Gov. Msg. No. 562, informing the Senate that on May 10, 2004, Lt. Gov. signed into law House Bill No. 2254 as Act 61, entitled: “RELATING TO CHAPTER 707, HAWAII REVISED STATUTES.”

Gov. Msg. No. 563, informing the Senate that on May 10, 2004, Lt. Gov. signed into law Senate Bill No. 2861 as Act 62, entitled: “RELATING TO CRIMINAL PROCEDURE.”

Gov. Msg. No. 564, informing the Senate that on May 11, 2004, Lt. Gov. signed into law Senate Bill No. 2424 as Act 63, entitled: “RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS.”

Gov. Msg. No. 565, informing the Senate that on May 11, 2004, Lt. Gov. signed into law House Bill No. 2446 as Act 64, entitled: “MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING INCREASES.”

Gov. Msg. No. 566, informing the Senate that on May 11, 2004, Lt. Gov. signed into law Senate Bill No. 2976 as Act 65, entitled: “MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY.”

Gov. Msg. No. 567, informing the Senate that on May 11, 2004, Lt. Gov. signed into law House Bill No. 2354 as Act 66, entitled: "MAKING AN EMERGENCY APPROPRIATION TO RISK MANAGEMENT."

Gov. Msg. No. 568, informing the Senate that on May 11, 2004, Lt. Gov. signed into law House Bill No. 2397 as Act 67, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII STATE DISASTER REVOLVING LOAN FUND."

Gov. Msg. No. 569, informing the Senate that on May 12, 2004, Lt. Gov. signed into law Senate Bill No. 2556 as Act 68, entitled: "RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS."

Gov. Msg. No. 570, informing the Senate that on May 12, 2004, Lt. Gov. signed into law Senate Bill No. 2897 as Act 69, entitled: "RELATING TO THE DENTAL EXAMINATION."

Gov. Msg. No. 571, informing the Senate that on May 13, 2004, Lt. Gov. signed into law House Bill No. 1560 as Act 70, entitled: "RELATING TO DISPOSITION OF VESSELS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES."

Gov. Msg. No. 572, informing the Senate that on May 13, 2004, Lt. Gov. signed into law House Bill No. 2296 as Act 71, entitled: "RELATING TO THE USE OF CREDIT AND DEBIT CARDS."

Gov. Msg. No. 573, informing the Senate that on May 13, 2004, Lt. Gov. signed into law Senate Bill No. 2009 as Act 72, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES."

Gov. Msg. No. 574, informing the Senate that on May 17, 2004, Lt. Gov. signed into law Senate Bill No. 3135 as Act 73, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES."

Gov. Msg. No. 575, informing the Senate that on May 17, 2004, Lt. Gov. signed into law Senate Bill No. 2551 as Act 74, entitled: "MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS."

Gov. Msg. No. 576, informing the Senate that on May 17, 2004, Lt. Gov. signed into law Senate Bill No. 2550 as Act 75, entitled: "MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS."

Gov. Msg. No. 577, informing the Senate that on May 17, 2004, Lt. Gov. signed into law House Bill No. 2439 as Act 76, entitled: "RELATING TO CIVIL DEFENSE SIRENS."

Gov. Msg. No. 578, informing the Senate that on May 17, 2004, Lt. Gov. signed into law House Bill No. 2295 as Act 77, entitled: "RELATING TO COLLECTIONS ON DELINQUENT COURT-ORDERED PAYMENTS."

Gov. Msg. No. 579, informing the Senate that on May 18, 2004, Lt. Gov. signed into law House Bill No. 2293 as Act 78, entitled: "RELATING TO INTERSTATE ADULT OFFENDER SUPERVISION."

Gov. Msg. No. 580, informing the Senate that on May 18, 2004, Lt. Gov. signed into law Senate Bill No. 1362 as Act 79, entitled: "RELATING TO MENTAL HEALTH."

Gov. Msg. No. 581, informing the Senate that on May 18, 2004, Lt. Gov. signed into law House Bill No. 2385 as Act 80, entitled: "RELATING TO ACCESS TO VITAL STATISTICS RECORDS BY CHILD SUPPORT ENFORCEMENT AGENCIES."

Gov. Msg. No. 582, informing the Senate that on May 19, 2004, Lt. Gov. signed into law House Bill No. 2337 as Act 81, entitled: "RELATING TO NAME CHANGES."

Gov. Msg. No. 583, informing the Senate that on May 19, 2004, Lt. Gov. signed into law House Bill No. 2020 as Act 82, entitled: "RELATING TO PROSTITUTION."

Gov. Msg. No. 584, informing the Senate that on May 19, 2004, Lt. Gov. signed into law Senate Bill No. 2377 as Act 83, entitled: "RELATING TO PRIVACY."

Gov. Msg. No. 585, informing the Senate that on May 19, 2004, Lt. Gov. signed into law House Bill No. 1828 as Act 84, entitled: "RELATING TO PUBLIC ORDER."

Gov. Msg. No. 586, informing the Senate that on May 25, 2004, she signed into law House Bill No. 2683 as Act 85, entitled: "RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA."

Gov. Msg. No. 587, informing the Senate that on May 25, 2004, she signed into law Senate Bill No. 1302 as Act 86, entitled: "MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Gov. Msg. No. 588, informing the Senate that on May 25, 2004, she signed into law House Bill No. 2871 as Act 87, entitled: "RELATING TO TOBACCO."

Gov. Msg. No. 589, informing the Senate that on May 25, 2004, she signed into law Senate Bill No. 2899 as Act 88, entitled: "RELATING TO NURSES."

Gov. Msg. No. 590, informing the Senate that on May 26, 2004, she signed into law Senate Bill No. 2983 as Act 89, entitled: "RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."

Gov. Msg. No. 591, informing the Senate that on May 26, 2004, she signed into law House Bill No. 2250 as Act 90, entitled: "RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT."

Gov. Msg. No. 592, informing the Senate that on May 28, 2004, she signed into law House Bill No. 2569 as Act 91, entitled: "RELATING TO NIIHAU SHELL PRODUCTS."

Gov. Msg. No. 593, informing the Senate that on May 28, 2004, she signed into law House Bill No. 2674 as Act 92, entitled: "RELATING TO IDENTITY THEFT."

Gov. Msg. No. 594, informing the Senate that on May 28, 2004, she signed into law Senate Bill No. 2839 as Act 93, entitled: "RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES."

Gov. Msg. No. 595, informing the Senate that on May 28, 2004, she signed into law House Bill No. 2421 as Act 94, entitled: "RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS."

Gov. Msg. No. 596, informing the Senate that on June 2, 2004, she signed into law Senate Bill No. 2474 as Act 95, entitled: "RELATING TO RENEWABLE ENERGY."

Gov. Msg. No. 597, informing the Senate that on June 2, 2004, she signed into law Senate Bill No. 1239 as Act 96, entitled: "RELATING TO ENERGY."

Gov. Msg. No. 598, informing the Senate that on June 2, 2004, she signed into law Senate Bill No. 3162 as Act 97, entitled: "RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT."

Gov. Msg. No. 599, informing the Senate that on June 2, 2004, she signed into law House Bill No. 2049 as Act 98, entitled: "RELATING TO ENERGY."

Gov. Msg. No. 600, informing the Senate that on June 2, 2004, she signed into law House Bill No. 2048 as Act 99, entitled: "RELATING TO NET ENERGY METERING."

Gov. Msg. No. 601, informing the Senate that on June 3, 2004, she signed into law Senate Bill No. 3113 as Act 100, entitled: "RELATING TO VOTING."

Gov. Msg. No. 602, informing the Senate that on June 3, 2004, she signed into law House Bill No. 2523 as Act 101, entitled: "RELATING TO PASSENGER FACILITY CHARGES."

Gov. Msg. No. 603, informing the Senate that on June 3, 2004, she signed into law House Bill No. 1770 as Act 102, entitled: "RELATING TO MOTOR VEHICLES."

Gov. Msg. No. 604, informing the Senate that on June 3, 2004, she signed into law Senate Bill No. 2995 as Act 103, entitled: "RELATING TO COMMERCIAL DRIVER LICENSING."

Gov. Msg. No. 605, informing the Senate that on June 3, 2004, she signed into law Senate Bill No. 2887 as Act 104, entitled: "RELATING TO INTERSTATE INSURANCE COMPACT."

Gov. Msg. No. 606, informing the Senate that on June 9, 2004, she signed into law Senate Bill No. 3156 as Act 105, entitled: "RELATING TO EMERGENCY MEDICAL SERVICES."

Gov. Msg. No. 607, informing the Senate that on June 9, 2004, she signed into law Senate Bill No. 2791 as Act 106, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC."

Gov. Msg. No. 608, informing the Senate that on June 9, 2004, she signed into law Senate Bill No. 2790 as Act 107, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL."

Gov. Msg. No. 609, informing the Senate that on June 9, 2004, she signed into law Senate Bill No. 2538 as Act 108, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL."

Gov. Msg. No. 610, informing the Senate that on June 9, 2004, she signed into law Senate Bill No. 3086 as Act 109, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY."

Gov. Msg. No. 611, informing the Senate that on June 9, 2004, she signed into law Senate Bill No. 2671 as Act 110, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL."

Gov. Msg. No. 612, informing the Senate that on June 10, 2004, she signed into law House Bill No. 2578 as Act 111, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU."

Gov. Msg. No. 613, informing the Senate that on June 10, 2004, she signed into law House Bill No. 2170 as Act 112, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC."

Gov. Msg. No. 614, informing the Senate that on June 10, 2004, she signed into law House Bill No. 2511 as Act 113, entitled: "RELATING TO INCOME TAX WITHHOLDING."

Gov. Msg. No. 615, informing the Senate that on June 10, 2004, she signed into law Senate Bill No. 2994 as Act 114, entitled: "RELATING TO THE USE TAX."

Gov. Msg. No. 616, informing the Senate that on June 10, 2004, she signed into law Senate Bill No. 2990 as Act 115, entitled: "RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION."

Gov. Msg. No. 617, informing the Senate that on June 15, 2004, she signed into law Senate Bill No. 1318 as Act 116, entitled: "RELATING TO BUSINESS REGISTRATION."

Gov. Msg. No. 618, informing the Senate that on June 15, 2004, she signed into law Senate Bill No. 2906 as Act 117, entitled: "RELATING TO CERTIFICATES OF GOOD STANDING."

Gov. Msg. No. 619, informing the Senate that on June 15, 2004, she signed into law House Bill No. 2408 as Act 118, entitled: "RELATING TO INSURANCE."

Gov. Msg. No. 620, informing the Senate that on June 15, 2004, she signed into law Senate Bill No. 2358 as Act 119, entitled: "RELATING TO CONSTRUCTION CLAIMS."

Gov. Msg. No. 621, informing the Senate that on June 15, 2004, she signed into law Senate Bill No. 2882 as Act 120, entitled: "RELATING TO ALIEN INSURERS."

Gov. Msg. No. 622, informing the Senate that on June 15, 2004, she signed into law Senate Bill No. 2908 as Act 121, entitled: "RELATING TO BUSINESS REGISTRATION."

Gov. Msg. No. 623, informing the Senate that on June 15, 2004, she signed into law House Bill No. 2411 as Act 122, entitled: "RELATING TO INSURANCE."

Gov. Msg. No. 624, informing the Senate that on June 15, 2004, she signed into law House Bill No. 851 as Act 123, entitled: "RELATING TO TAXATION APPEALS."

Gov. Msg. No. 625, informing the Senate that on June 16, 2004, she signed into law House Bill No. 1820 as Act 124, entitled: "RELATING TO MOTOR VEHICLE INSURANCE."

Gov. Msg. No. 626, informing the Senate that on June 16, 2004, she signed into law Senate Bill No. 2380 as Act 125, entitled: "RELATING TO THE STATE ART MUSEUM."

Gov. Msg. No. 627, informing the Senate that on June 16, 2004, she signed into law Senate Bill No. 2021 as Act 126, entitled: "RELATING TO STREET ROD VEHICLES."

Gov. Msg. No. 628, informing the Senate that on June 16, 2004, she signed into law House Bill No. 1824 as Act 127, entitled: "RELATING TO ELECTRICIANS AND PLUMBERS."

Gov. Msg. No. 629, informing the Senate that on June 16, 2004, she signed into law House Bill No. 1786 as Act 128, entitled: "RELATING TO EXEMPT EMPLOYEES."

Gov. Msg. No. 630, informing the Senate that on June 17, 2004, she signed into law House Bill No. 1756 as Act 129, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HIGH TECHNOLOGY INDUSTRIAL ENTERPRISES."

Gov. Msg. No. 631, informing the Senate that on June 17, 2004, she signed into law House Bill No. 2739 as Act 130, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS BY THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION."

Gov. Msg. No. 632, informing the Senate that on June 17, 2004, she signed into law House Bill No. 2322 as Act 131, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING ENTERPRISES."

Gov. Msg. No. 633, informing the Senate that on June 17, 2004, she signed into law Senate Bill No. 2425 as Act 132, entitled: "RELATING TO EDUCATION."

Gov. Msg. No. 634, informing the Senate that on June 18, 2004, she signed into law House Bill No. 2667 as Act 133, entitled: "RELATING TO HAWAIIAN LANGUAGE MEDIUM EDUCATION."

Gov. Msg. No. 635, informing the Senate that on June 18, 2004, she signed into law Senate Bill No. 3148 as Act 134, entitled: "RELATING TO EDUCATION."

Gov. Msg. No. 636, informing the Senate that on June 21, 2004, she signed into law House Bill No. 2223 as Act 135, entitled: "RELATING TO BOXING."

Gov. Msg. No. 637, informing the Senate that on June 21, 2004, she signed into law House Bill No. 2143 as Act 136, entitled: "RELATING TO BUSINESS REGULATION."

Gov. Msg. No. 638, informing the Senate that on June 21, 2004, she signed into law House Bill No. 2645 as Act 137, entitled: "RELATING TO EDUCATION."

Gov. Msg. No. 639, informing the Senate that on June 21, 2004, she signed into law House Bill No. 1710 as Act 138, entitled: "RELATING TO THE UNIVERSITY OF HAWAII."

Gov. Msg. No. 640, informing the Senate that on June 22, 2004, she signed into law House Bill No. 2137 as Act 141, entitled: "RELATING TO A ONE CALL CENTER."

Gov. Msg. No. 641, informing the Senate that on June 23, 2004, she signed into law Senate Bill No. 2968 as Act 142, entitled: "RELATING TO NATURAL RESOURCE VIOLATIONS."

Gov. Msg. No. 642, informing the Senate that on June 23, 2004, she signed into law House Bill No. 2375 as Act 143, entitled: "RELATING TO SOLID WASTE CONTROL."

Gov. Msg. No. 643, informing the Senate that on June 23, 2004, she signed into law Senate Bill No. 2782 as Act 144, entitled: "RELATING TO THE FUNDING OF A HABITAT CONSERVATION PLAN."

Gov. Msg. No. 644, informing the Senate that on June 24, 2004, she signed into law Senate Bill No. 3092 as Act 145, entitled: "RELATING TO SOLID WASTE MANAGEMENT."

Gov. Msg. No. 645, informing the Senate that on June 24, 2004, she signed into law House Bill No. 2013 as Act 146, entitled: "RELATING TO POLYBROMINATED DIPHENYL ETHERS."

Gov. Msg. No. 646, informing the Senate that on June 24, 2004, she signed into law House Bill No. 1908 as Act 147, entitled: "RELATING TO EDUCATION."

Gov. Msg. No. 647, informing the Senate that on June 22, 2004, she signed into law House Bill No. 1944 as Act 139, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES."

Gov. Msg. No. 648, informing the Senate that on June 22, 2004, she signed into law Senate Bill No. 3207 as Act 140, entitled: "RELATING TO ETHANOL TAX CREDIT."

Gov. Msg. No. 649, dated June 25, 2004, transmitting the proclamations giving notice of her plans to return with her objections Senate Bill Nos. 459, 469, 1491, 2056, 2077, 2134, 2281, 2528, 2608, 3020, 3025, 3170 and 3182; which reads as follows:

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 459, entitled 'A Bill for an Act Relating to Campaign Spending,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 459 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 459 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 469, entitled 'A Bill for an Act Relating to Employment Practices,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 469 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 469 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1491, entitled 'A Bill for an Act Relating to State Government,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16, of Article III, the Governor may veto any specific item or items, except for items to be expended by the Legislative and Judicial Branches, in any bill that appropriates money for specific purposes by striking out or reducing the same; and

WHEREAS, Senate Bill No. 1491 appropriates money for specific purposes and certain appropriation items in that bill are unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1491 with my objections to certain appropriation items contained therein, to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2056, entitled 'A Bill for an Act Relating to the Auditor,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2056 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2056 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2077, entitled 'A Bill for an Act Relating to Planning,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2077 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2077 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2134, entitled ‘A Bill for an Act Relating to the Environment,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2134 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2134 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2281, entitled ‘A Bill for an Act Relating to the High Technology Development Corporation,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2281 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate

Bill No. 2281 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2528, entitled ‘A Bill for an Act Relating to Insurance,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2528 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2528 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2608, entitled ‘A Bill for an Act Relating to Critical Access Hospitals,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2608 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2608 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3020, entitled 'A Bill for an Act Relating to Education,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3020 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3020 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3025, entitled 'A Bill for an Act Relating to the Office of Planning,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3025 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3025 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3170, entitled 'A Bill for an Act Relating to Petroleum Products,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3170 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3170 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th
day of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3182, entitled 'A Bill for an Act Relating to the State of Hawaii,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3182 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3182 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 650, dated June 25, 2004, transmitting the proclamations giving notice of her plans to return with her objections House Bill Nos. 1374, 1743, 1774, 1793, 1840, 1919, 2025, 2740, 2741, 2748, 2773, 2774, 2786, 2859 and 2911; which reads as follows:

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1374, entitled 'A Bill for an Act Relating to Workers' Compensation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1374 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1374 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1743, entitled 'A Bill for an Act Relating to Light Pollution,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1743 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1743 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to

give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1774, entitled 'A Bill for an Act Relating to Unemployment Benefits,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1774 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1774 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1793, entitled 'A Bill for an Act Relating to Land Exchange,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1793 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1793 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this _____
day of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii”

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1840, entitled 'A Bill for an Act Relating to Air Pollution Control,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1840 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1840 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1919, entitled 'A Bill for an Act Relating to Public Employees,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1919 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1919 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this _____
day of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2025, entitled 'A Bill for an Act Relating to Equal Pay,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2025 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2025 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2740, entitled 'A Bill for an Act Relating to Notification of Employment Changes,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2740 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2740 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2741, entitled 'A Bill for an Act Relating to Executive Departments,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2741 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2741 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2748, entitled ‘A Bill for an Act Relating to State Finances,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2748 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2748 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2773, entitled ‘A Bill for an Act Relating to Condominium Property Regimes,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2773 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House

Bill No. 2773 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2774, entitled ‘A Bill for an Act Relating to Subdivisions,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2774 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2774 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii

“P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor’s plan to return with the Governor’s objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2786, entitled ‘A Bill for an Act Relating to Arbitration,’ passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2786 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2786 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day

of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2859, entitled 'A Bill for an Act Relating to the Development of an International Equestrian Facility,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2859 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2859 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2911, entitled 'A Bill for an Act Relating to Charter Schools,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2911 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2911 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 651, informing the Senate that on June 27, 2004, she signed into law Senate Bill No. 2929 as Act 148, entitled: "RELATING TO MEDICAID REIMBURSEMENT."

Gov. Msg. No. 652, informing the Senate that on June 29, 2004, she signed into law Senate Bill No. 2834 as Act 149, entitled: "MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES."

Gov. Msg. No. 653, informing the Senate that on June 29, 2004, she signed into law Senate Bill No. 3085 as Act 150, entitled: "RELATING TO NURSES."

Gov. Msg. No. 654, informing the Senate that on June 29, 2004, she signed into law House Bill No. 2472 as Act 151, entitled: "RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE."

Gov. Msg. No. 655, informing the Senate that on June 29, 2004, she signed into law Senate Bill No. 2748 as Act 152, entitled: "RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS."

Gov. Msg. No. 656, informing the Senate that on June 29, 2004, she signed into law Senate Bill No. 2930 as Act 153, entitled: "RELATING TO HOME AND COMMUNITY-BASED SERVICES."

Gov. Msg. No. 657, informing the Senate that on July 1, 2004, she signed into law Senate Bill No. 2936 as Act 160, entitled: "RELATING TO MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS."

Gov. Msg. No. 658, informing the Senate that on July 1, 2004, she signed into law House Bill No. 2883 as Act 159, entitled: "RELATING TO WIRELESS ENHANCED 911 SERVICE."

Gov. Msg. No. 659, informing the Senate that on July 1, 2004, she signed into law Senate Bill No. 2690 as Act 158, entitled: "RELATING TO EMERGENCY MEDICAL SERVICES."

Gov. Msg. No. 660, informing the Senate that on June 30, 2004, she signed into law Senate Bill No. 1491 as Act 154, entitled: "RELATING TO STATE GOVERNMENT."

Gov. Msg. No. 661, informing the Senate that on June 30, 2004, she signed into law House Bill No. 2703 as Act 155, entitled: "RELATING TO IMPACT FEES."

Gov. Msg. No. 662, informing the Senate that on June 30, 2004, she signed into law Senate Bill No. 2840 as Act 157, entitled: "RELATING TO TOBACCO."

Gov. Msg. No. 663, informing the Senate that on June 30, 2004, she signed into law Senate Bill No. 2045 as Act 156, entitled: "MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL."

Gov. Msg. No. 664, informing the Senate that on July 2, 2004, she signed into law Senate Bill No. 2951 as Act 167, entitled: "RELATING TO RADIOLOGIC TECHNOLOGY."

Gov. Msg. No. 665, informing the Senate that on July 2, 2004, she signed into law Senate Bill No. 2586 as Act 166, entitled: "RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING."

Gov. Msg. No. 666, informing the Senate that on July 2, 2004, she signed into law House Bill No. 2140 as Act 165, entitled: "RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS."

Gov. Msg. No. 667, informing the Senate that on July 2, 2004, she signed into law Senate Bill No. 2210 as Act 164, entitled: "RELATING TO CONDOMINIUMS."

Gov. Msg. No. 668, informing the Senate that on July 2, 2004, she signed into law House Bill No. 2147 as Act 163, entitled: "RELATING TO THE UNIFORM COMMERCIAL CODE."

Gov. Msg. No. 669, informing the Senate that on July 2, 2004, she signed into law House Bill No. 1259 as Act 162, entitled: "RELATING TO THE UNIFORM COMMERCIAL CODE."

Gov. Msg. No. 670, informing the Senate that on July 2, 2004, she signed into law House Bill No. 2297 as Act 161, entitled: "RELATING TO GUARDIANSHIP AND PROTECTIVE PROCEEDINGS."

Gov. Msg. No. 671, informing the Senate that on July 6, 2004, she signed into law Senate Bill No. 2909 as Act 168, entitled: "RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000."

Gov. Msg. No. 672, informing the Senate that on July 6, 2004, she signed into law Senate Bill No. 3044 as Act 169, entitled: "RELATING TO PUBLIC PROPERTY."

Gov. Msg. No. 673, informing the Senate that on July 6, 2004, she signed into law Senate Bill No. 2246 as Act 170, entitled: "RELATING TO AGRICULTURE."

Gov. Msg. No. 674, informing the Senate that on July 6, 2004, she signed into law House Bill No. 2363 as Act 171, entitled: "RELATING TO PUBLIC BENEFIT CORPORATIONS."

Gov. Msg. No. 675, informing the Senate that on July 6, 2004, she signed into law Senate Bill No. 3049 as Act 172, entitled: "RELATING TO CHARITABLE ANNUITIES."

Gov. Msg. No. 676, informing the Senate that on July 6, 2004, she signed into law Senate Bill No. 2948 as Act 173, entitled: "RELATING TO PUBLIC HEALTH NURSING SERVICES."

Gov. Msg. No. 677, informing the Senate that on July 6, 2004, she signed into law House Bill No. 2459 as Act 174, entitled: "RELATING TO PUBLIC ASSISTANCE."

Gov. Msg. No. 678, informing the Senate that on July 6, 2004, she signed into law Senate Bill No. 2895 as Act 175, entitled: "RELATING TO PEST CONTROL."

Gov. Msg. No. 679, informing the Senate that on July 7, 2004, she signed into law Senate Bill No. 3175 as Act 176, entitled: "RELATING TO FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES."

Gov. Msg. No. 680, informing the Senate that on July 7, 2004, she signed into law Senate Bill No. 3018 as Act 177, entitled: "RELATING TO PENSION AND RETIREMENT SYSTEMS."

Gov. Msg. No. 681, informing the Senate that on July 7, 2004, she signed into law Senate Bill No. 3106 as Act 178, entitled: "RELATING TO COUNTIES."

Gov. Msg. No. 682, informing the Senate that on July 7, 2004, she signed into law Senate Bill No. 779 as Act 179, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Gov. Msg. No. 683, informing the Senate that on July 7, 2004, she signed into law Senate Bill No. 2073 as Act 180, entitled: "RELATING TO THE UNIVERSITY OF HAWAII."

Gov. Msg. No. 684, informing the Senate that on July 7, 2004, she signed into law Senate Bill No. 2873 as Act 181, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Gov. Msg. No. 685, informing the Senate that on July 7, 2004, she signed into law Senate Bill No. 2879 as Act 182, entitled: "RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM."

Gov. Msg. No. 686, informing the Senate that on July 7, 2004, she signed into law Senate Bill No. 2878 as Act 183, entitled: "RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM."

Gov. Msg. No. 687, informing the Senate that on July 7, 2004, she signed into law Senate Bill No. 2355 as Act 184, entitled: "RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS."

Gov. Msg. No. 688, informing the Senate that on July 8, 2004, she signed into law Senate Bill No. 2926 as Act 185, entitled: "RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS."

Gov. Msg. No. 689, informing the Senate that on July 8, 2004, she signed into law Senate Bill No. 2704 as Act 186, entitled: "RELATING TO MANDATORY SELLER DISCLOSURES."

Gov. Msg. No. 690, informing the Senate that on July 8, 2004, she signed into law Senate Bill No. 2440 as Act 187, entitled: "RELATING TO PUBLIC LANDS."

Gov. Msg. No. 691, informing the Senate that on July 8, 2004, she signed into law Senate Bill No. 2869 as Act 188, entitled: "RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT."

Gov. Msg. No. 692, informing the Senate that on July 9, 2004, she signed into law House Bill No. 1839 as Act 189, entitled: "RELATING TO PAIN PATIENT'S BILL OF RIGHTS."

Gov. Msg. No. 693, informing the Senate that on July 9, 2004, she signed into law House Bill No. 2005 as Act 190, entitled: "RELATING TO PRESCRIPTION DRUGS."

Gov. Msg. No. 694, informing the Senate that on July 9, 2004, she signed into law House Bill No. 1991 as Act 191, entitled: "RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS."

Gov. Msg. No. 695, informing the Senate that on July 9, 2004, she signed into law House Bill No. 2098 as Act 192, entitled: "RELATING TO MEDICAL RECORDS."

Gov. Msg. No. 696, informing the Senate that on July 9, 2004, she signed into law House Bill No. 2206 as Act 193, entitled: "RELATING TO CONTROLLED SUBSTANCES."

Gov. Msg. No. 697, informing the Senate that on July 9, 2004, she signed into law House Bill No. 1780 as Act 194, entitled: "RELATING TO EMPLOYMENT."

Gov. Msg. No. 698, informing the Senate that on July 9, 2004, she signed into law House Bill No. 1848 as Act 195, entitled: "RELATING TO EXCEPTIONAL TREES."

Gov. Msg. No. 699, informing the Senate that on July 9, 2004, she signed into law House Bill No. 2547 as Act 196, entitled: "RELATING TO THE UNIVERSITY OF HAWAII."

Gov. Msg. No. 700, informing the Senate that on July 10, 2004, she signed into law House Bill No. 1904 as Act 197, entitled: "RELATING TO TAXATION."

Gov. Msg. No. 701, informing the Senate that on July 10, 2004, she signed into law House Bill No. 680 as Act 198, entitled: "RELATING TO ETHICS."

Gov. Msg. No. 702, informing the Senate that on July 10, 2004, she signed into law Senate Bill No. 3190 as Act 199, entitled: "RELATING TO THE PUBLIC UTILITIES COMMISSION."

Gov. Msg. No. 703, informing the Senate that on July 10, 2004, she signed into law Senate Bill No. 2606 as Act 200, entitled: "RELATING TO BREWPUB LICENSES."

Gov. Msg. No. 704, informing the Senate that on July 10, 2004, she signed into law Senate Bill No. 3080 as Act 201, entitled: "RELATING TO TRANSPORTATION."

Gov. Msg. No. 705, informing the Senate that on July 10, 2004, she signed into law House Bill No. 2301 as Act 202, entitled: "RELATING TO APPELLATE JURISDICTION."

Gov. Msg. No. 706, informing the Senate that on July 10, 2004, she signed into law House Bill No. 2749 as Act 203, entitled: "RELATING TO STATE FUNDS."

Gov. Msg. No. 707, informing the Senate that on July 10, 2004, she signed into law Senate Bill No. 2529 as Act 204, entitled: "RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS."

Gov. Msg. No. 708, informing the Senate that on July 12, 2004, she signed into law House Bill No. 2092 as Act 205, entitled: "RELATING TO MEDICINE AND SURGERY."

Gov. Msg. No. 709, informing the Senate that on July 12, 2004, she signed into law House Bill No. 2074 as Act 206, entitled: "RELATING TO PENALTIES OF HEALTH, ENVIRONMENTAL, AND CULTURAL PRESERVATION LAWS."

Gov. Msg. No. 710, informing the Senate that on July 12, 2004, she signed into law House Bill No. 2023 as Act 207, entitled: "RELATING TO ADMINISTRATIVE APPEALS."

Gov. Msg. No. 711, informing the Senate that on July 12, 2004, she signed into law House Bill No. 2022 as Act 208, entitled: "RELATING TO GENERAL ASSISTANCE."

Gov. Msg. No. 712, informing the Senate that on July 12, 2004, she signed into law Senate Bill No. 2595 as Act 209, entitled: "RELATING TO PROFESSIONAL COUNSELORS."

Gov. Msg. No. 713, informing the Senate that on July 12, 2004, she signed into law Senate Bill No. 2165 as Act 210, entitled: "RELATING TO CHILD ABUSE AND PROTECTION."

Gov. Msg. No. 714, informing the Senate that on July 12, 2004, she signed into law House Bill No. 1980 as Act 211, entitled: "RELATING TO FAMILY COURT."

Gov. Msg. No. 715, informing the Senate that on July 12, 2004, she signed into law Senate Bill No. 473 as Act 212, entitled: "RELATING TO HALFWAY HOUSES."

Gov. Msg. No. 716, informing the Senate that on July 13, 2004, she signed into law House Bill No. 1929 as Act 213, entitled: "RELATING TO SCHOOL REPAIR AND MAINTENANCE."

Gov. Msg. No. 717, informing the Senate that on July 13, 2004, she signed into law Senate Bill No. 2396 as Act 214, entitled: "RELATING TO THE GENERAL EXCISE TAX."

Gov. Msg. No. 718, informing the Senate that on July 13, 2004, she signed into law House Bill No. 2396 as Act 215, entitled: "RELATING TO CAPITAL INVESTMENTS."

Gov. Msg. No. 719, informing the Senate that on July 13, 2004, she signed into law House Bill No. 2136 as Act 216, entitled: "RELATING TO PROCUREMENT."

Gov. Msg. No. 720, informing the Senate that on July 13, 2004, she signed into law House Bill No. 1893 as Act 217, entitled: "RELATING TO EDUCATION."

Gov. Msg. No. 721, informing the Senate that on July 13, 2004, she signed into law House Bill No. 2840 as Act 218, entitled: "RELATING TO ENHANCING ECONOMIC DIVERSITY."

Gov. Msg. No. 722, informing the Senate that on July 13, 2004, she signed into law Senate Bill No. 17 as Act 219, entitled: "RELATING TO EDUCATION."

Gov. Msg. No. 723, informing the Senate that on July 13, 2004, she signed into law Senate Bill No. 2063 as Act 220, entitled: "RELATING TO EDUCATION."

Gov. Msg. No. 724, informing the Senate that on July 13, 2004, she signed into law House Bill No. 2002 as Act 221, entitled: "RELATING TO EDUCATION."

Gov. Msg. No. 725, informing the Senate that on July 13, 2004, she signed into law Senate Bill No. 2200 as Act 222, entitled: "RELATING TO EDUCATION."

Gov. Msg. No. 726, informing the Senate that on July 13, 2004, she signed into law House Bill No. 2009 as Act 223, entitled: "MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT."

Gov. Msg. No. 727, informing the Senate that on July 13, 2004, she signed into law Senate Bill No. 1238 as Act 224, entitled: "RELATING TO MENTAL HEALTH."

Gov. Msg. No. 728, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 1491 which she has returned to the Senate without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1491

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1491, entitled ‘A Bill for an Act Relating to State Government.’

The purpose of this bill is to make appropriations for various purposes for fiscal year 2004-2005.

While the bill as a whole has merit, I object to the \$675,307 special fund appropriation for fiscal year 2004-2005 from the Hawaiian Home Administration Account for personnel operating expenses, designated in section 42 on pages 17-18 of the bill. This special fund appropriation of \$675,307 duplicates the special fund appropriation adjustment made in section 2 of the bill that increased the special fund appropriation for fiscal year 2004-2005 from \$7,172,586 to \$7,847,893.

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 objection, pursuant to my line item veto authority, I have stricken out the duplicate \$675,307 special fund appropriation out of the Hawaiian Home Administration Account for fiscal year 2004-2005 for personnel operating expenses in section 42 (on page 17, line 19) and changed it to \$0.

For the foregoing reason, I am returning Senate Bill No. 1491 with the special fund appropriation of \$675,307 for fiscal year 2004-2005, described above, stricken from the bill.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii”

Gov. Msg. No. 729, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 459 which she has returned to the Senate without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 459

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 459, entitled ‘A Bill for an Act Relating to Campaign Spending.’

The purpose of this bill is to restore the public’s confidence in the integrity of the election process by reducing the influence of reliance on campaign contributions.

This bill is objectionable for several reasons, including very serious technical errors in the bill that leave provisions of the bill vulnerable to serious and substantial constitutional challenges, which would lead to the virtually certain prospect of lawsuits, and leave the State open to adverse court judgments on the constitutionality of the bill and to large attorneys’ fee awards against the State. Tied up with these very serious technical errors are provisions that would lead to confusion, uncertainty, and serious questions about who is actually subject to many of the bill’s provisions. It is crucial that a bill regulating campaign contributions be clear in its application, well thought out, and fair. The serious flaws in this bill make it abundantly clear that the bill is not clear in its application, not well thought out, and not fair.

In the order that they appear, the errors and concerns include:

1. In section 11-204(m) (3), Hawaii Revised Statutes, as amended at page 18, lines 12-15, the likely typographical omission of a ‘not’ completely changes the apparent intent of the legislature. Subsection (m) (3) provides that the prohibition against contributions applies to ‘[a] noncandidate committee that has received contributions of \$10 or more from ten or more individuals registered to vote in this State during the one hundred and eighty days prior to an election, provided that this subsection does not apply to loans made in the ordinary course of business.’ (emphasis added). The intent of this provision was to bar contributions from a noncandidate committee that had not received at least ten contributions from Hawaii residents. The removal of the word ‘not’ is a clear drafting error that would essentially bar contributions from almost all noncandidate committees whose donors are Hawaii residents.

2. Section 8 replaces what is a monitoring-by-registration process for regulating campaign contributions from entities that contract with State and county agencies, with a twenty-four-month ban on contributions from some but not all entities that contract with the State and counties, to candidates for some, but not all offices. This change is seriously flawed in several respects.

a. Despite several references, including a clear statement in section 1 of the bill, and in the Conference Committee Report, that the bill is intended to prohibit contributions by government contractors ‘selected by a nonbid process’ who seek or hold contracts in excess of \$25,000, every reference to the Procurement Code for purposes of describing who is exempt from the restriction on contributions (i.e., who can contribute) is to section 103D-303, Hawaii Revised Statutes, the section for awarding contracts by competitive sealed proposals, rather than section 103D-302, Hawaii Revised Statutes, the section for awarding contracts by competitive sealed bidding. Thus, contractors awarded government contracts under the most objective basis—low prices (competitive sealed bidding)—are actually prohibited from making contributions, while contractors who receive contracts under substantially a more subjective procurement method, i.e., pre-established qualitative evaluation criteria which may or may not include price (competitive sealed proposals), may make contributions. If the legislature actually intended the bill to read as it does, it would be very difficult, if not impossible, to constitutionally defend

the line the legislature has drawn against an equal protection and/or due process challenge, because it makes no sense to exclude from contributing those who bid via sealed bidding while allowing contributions from those who bid via sealed bidding proposals. And, if that actually was the intent of the legislature, it is appropriate to veto the bill on policy grounds alone. If the reference to section 103D-303 is simply an error, then the problem—of constitutional dimensions—needs to be fixed before the law can be allowed to go into effect, and vetoing the bill is the only way to accomplish that.

b. It appears to be the intent of the section to have the time limit run commencing with certain procurement activities that the particular government contractor at issue participates in by submitting a bid. However, the section does not state this, and terms critical to determining when the twenty-four-month ban on contributions begins to run are vaguely described or not defined at all. For example, 'procurement activity' is not even defined. At page 20, lines 20-22, and page 21, lines 1-8, the amendment to section 11-205.5, Hawaii Revised Statutes, defines the period of time during which contributions are unlawful as 'commencing with any procurement activity conducted by a purchasing agency' and ending 'Twenty four [sic] months after the termination of the procurement activity' or 'after completion of the government contract if the procurement activity results in acceptance.' In most instances, the public is wholly unaware of preliminary procurement activities, including, for example, deciding whether to issue a request for information or proceeding directly to developing specifications for a bid. It would have been far better if a more publicly discernible starting point (like the posting of an invitation for sealed proposals, or the creation of a selection committee for professional services) had been selected. 'Notice of appropriation,' the alternative clock-starter for the twenty-four-month contribution ban period, is also not defined. Nor is there a mechanism for determining which of the two clock-starters control. The contribution ban period should be tied to a procurement activity involving the government contractor at issue and is unnecessarily and inappropriately vague. This lack of notice risks very substantial constitutional challenges based upon due process. It is crucial that a law that bans activities like making political contributions be very clear in its application, so that those who may be subject to it are not forced to simply guess at what the law means.

c. Again, there appear to be several typographical errors that cloud the process and the meaning of the bill: at page 21, line 4, because 'and' rather than 'or' is used, both successful and unsuccessful bidders appear to be precluded from making contributions for the twenty-four-month contribution ban period; (at page 21, line 17, 'though' should have been 'through,' and 'disbarred' should have been 'debarred.')

d. The bases for distinctions that the ban relies upon are not readily discernible. At page 21, lines 11-17, there is a provision that makes it unlawful for 'any business against which debarment or suspension proceedings are commenced' to make a contribution through the period of debarment or suspension. Commencement of proceedings can, in some circumstances, occur without notice and an opportunity to be heard. Barring contributions based on an accusation without a hearing or finding of guilt or probable cause or reasonable grounds could in some circumstances deny a would-be contributor due process of law. At page 22, lines 1-7, an exception is made such that individuals employed by a government contractor can contribute so long as the contribution comes from the individual's personal funds. However, while an 'officer or director' of the contractor cannot contribute, a major stockholder in the business who is not an officer or director, or a general partner in a partnership can contribute. This is an irrational distinction and creates a very

large loophole. There must be a fair and level playing field, and if contributions by an officer and director are to be limited, so too must contributions by major stockholders or general partners, etc.

e. The prohibition against government contractor contribution is extremely vague in its application to contributions to candidates for State and county legislative offices (and even offices like Governor and Mayor in certain circumstances), and appears not to apply to entities with contracts with agencies headed by non-elected officials even though the contracts are funded by 'appropriations.' The language used at page 22, lines 10-20, provides very little notice in many circumstances of whether particular contributions are banned or not. Again, it is crucial that those who are to be subject to a ban not be forced to guess at its application.

f. It is unclear if, when, or how the ban is to be effected when a 'notice of appropriation' starts the clock for the twenty-four-month ban, or the 'procurement activity' involves the acquisition of real property, see definitions of 'government contract' at page 24, line 4, and 'purchasing agency' at page 25, line 6.

3. The section concerning 'coordinated activity,' section 11-207, Hawaii Revised Statutes, as amended at page 27, lines 14-17, page 28, lines 21-22, and page 29, lines 1-5, that is, when an expenditure by a person will be considered a contribution to a candidate and subject to regulation, raises, serious constitutional issues based on vagueness and overbreadth.

'Coordinated activity,' for example, means an expenditure 'by a person ... who is actively engaged in coordination with that candidate' on any campaign activity. What does 'actively engaged' mean? The bill does not define the term. The only way to be sure that one is not participating in a coordinated activity is by not interacting with a candidate or a candidate's committee or agent at all. Another example of a 'coordinated activity' provides at page 28, lines 15-22: 'A payment is made by a person if in the same election period the person making the payment ... (B) Has previously participated in discussions with the candidate, an agent of the candidate's authorized committee, or a committee of a political party which is coordinating with the candidate regarding the candidate's campaign strategy.' Under this provision, it would appear that 'any discussion,' even marginally related to the campaign, would subject a campaign expenditure to regulation as a contribution. Thus, if a person discussed with a candidate, at a rally, any issue related to the campaign, an independent expenditure by that person is considered to be both a contribution to the candidate and an expenditure by the candidate.' This section is both vague and overbroad.

Perhaps the sharpest example of overbreadth appears in subsection (b) (2) at page 28, lines 7-14. A 'coordinated activity' (which means that the expenditure is counted as both a contribution to a candidate and an expenditure by a candidate) includes 'a payment ... for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee or a communication that expressly advocates for or against a candidate.' (emphasis added). The highlighted portion of the provision literally subjects 'express advocacy' to limitations that United States Supreme Court precedent unequivocally holds is violative of the First Amendment. Colorado Republican Federal Campaign Committee v. FEC, 518 U.S. 604, 610, 116 S. Ct. 2309, 2313 (1996) ('Colorado I'), and 533 U.S. 431, 121 S. Ct. 2351 (2001) ('Colorado II'), and more recently McConnell v. Federal Election Commission, 124 S. Ct.

619, 705-06 (2003), say clearly that it is unconstitutional to limit expressions in the form of expenditures that support the election of a candidate or issue that are made independently and separately from any input from a candidate, or person or entity associated with a candidate. Enforcement of the provision is likely to be enjoined as unconstitutionally violative of the First Amendment's prohibition against placing a limit on independent expenditures. In addition, in a circumstance in which there are more than two candidates, and a person advocates against one of the candidates, to which of the other candidates is the 'contribution' attributed?

For the foregoing reasons, I am returning Senate Bill No. 459 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 730, dated July 13, 2004, transmitting the proclamation and her statement of objections to Senate Bill No. 469 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 469

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 469, entitled 'A Bill for an Act Relating to Employment Practices.'

The purpose of this bill is to add a new section to part I of chapter 378, titled 'Discriminatory Practices,' of the Hawaii Revised Statutes, which prohibits an employer or labor organization from discriminating against an employee who uses accrued and available sick leave in accordance with the terms of a valid collective bargaining agreement or an employer's employment policy.

This bill is objectionable because there is no identified need to legislate in this particular area. Matters pertaining to leave should be determined by collective bargaining negotiations or by company policies. This law could lead to extensive abuse of sick leave disrupting the operations and services of private firms, lead to increased costs, and discriminate against employees who abide by company rules.

Under federal Family and Medical Leave Act, employees who use leave pursuant to that Act are protected from discrimination; under the state Family Leave law, employees also have certain protections. This bill is also objectionable because it protects those employees who abuse sick leave benefits by preventing employers from disciplining employees for excessive absences if the absences qualify for sick leave under collective bargaining agreements or employers' policies. Finally, this bill may, in fact, discourage employers from providing sick leave to their employees.

For the foregoing reasons, I am returning Senate Bill No. 469 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 469, entitled 'A Bill for an Act Relating to Employment Practices,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 469 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 469 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th day
of June, 2004.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 731, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 2056 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2056

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2056, entitled 'A Bill for an Act Relating to the Auditor.'

The purpose of this bill is to make the Legislative Auditor (hereinafter referred to as the 'Auditor') an authorized representative of the Department of Education (DOE) and the Department of Health (DOH). The bill also gives the Auditor access to any student records that may be necessary in connection with any audit or evaluation of any federal or state supported educational program, or in connection with the enforcement of the federal or state legal requirements that relate to the educational program.

This bill is objectionable because there are serious legal concerns about making the Auditor an authorized representative of the DOE and the DOH. This bill is an attempt to circumvent federal law. The Auditor is seeking to become an authorized representative of the DOE and the DOH because of the Family Educational and Privacy Rights Act (FERPA), 20 U.S.C. § 1232g, which prohibits the DOE from disclosing educational records or personally identifiable information without the written consent of the student or parent, except under specific exceptions listed in 20 U.S.C. § 1232g(b). One of the exceptions permits authorized representatives of state educational authorities to access education records without written consent of the student or parent. Specifically, this exception is for authorized representatives of state educational authorities acting in connection with an audit and evaluation of federally supported education programs or who are acting in connection with the enforcement of federal legal requirements relating to such programs.

The Family Policy Compliance Office, United States Department of Education, which is the federal agency authorized to administer FERPA, has informed us that the FERPA exception in question applies to an executive branch auditor or an outside auditor controlled by the educational agency, but would not apply to a legislative branch auditor. Therefore, the FERPA exception for 'authorized representatives' does not permit the DOE to disclose education records to the Auditor.

In addition, this bill is unnecessary because the Auditor has the power to issue subpoenas duces tecum for education records under section 23-5(c) (2), Hawaii Revised Statutes. Under FERPA, the DOE may disclose the education records pursuant to a subpoena provided that parents of the children identified in the education records are notified of the subpoena so that they may act to quash the subpoena if they so choose. This bill also contains a parental notification provision so this bill does not expedite access by the Auditor.

This bill seeks to provide an alternative method for the Auditor to obtain education records without having to use her subpoena powers, but this alternative method involves significant risks to the State. The disclosure of education records without a subpoena could result in expensive lawsuits filed by parents challenging this bill as an attempt to circumvent federal law. There already is a valid means under FERPA by which the Auditor may access education records through her subpoena powers. The risk to the State in creating another access method with inherent legal problems clearly outweighs any benefits that an alternative method of access may provide.

For the foregoing reasons, I am returning Senate Bill No. 2056 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 732, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 2077 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2077

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2077, entitled 'A Bill for an Act Relating to Planning.'

The purpose of this bill is to require state agencies to update their functional plans by June 30, 2006, and update those plans every ten years.

This bill is objectionable because it creates a mandate without additional resources and funding provided by the Legislature to carry it out.

The significant costs associated with updating functional plans have not been factored into the state financial plan, and no funds were appropriated for this project. Without additional staff and resources, existing staff and resources may have to be diverted from essential departmental programs.

Further, it is not apparent that the functional plans prepared in 1989 and 1991 have served as an effective decision-making tool for State agencies. Additionally, this bill would require duplicative work for areas such as recreation, where a State outdoor recreational plan was completed as recently as 2003.

Currently, the Hawaii State Planning Act, chapter 226, Hawaii Revised Statutes, does not mandate a required interval for updating functional plans. The fast-changing pace of local, national, and global events suggests that greater flexibility is needed. The Governor and executive branch agencies should be given discretion to undertake updates as circumstances may dictate and in the subject areas that reflect Executive Branch priorities.

For the foregoing reasons, I am returning Senate Bill No. 2077 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 733, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 2134 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2134

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2134, entitled 'A Bill for an Act Relating to the Environment.'

The purpose of the bill is to establish an emergency environmental workforce program to be administered by the Research Corporation of the University of Hawaii (RCUH) to assist the countries in their fight against invasive species throughout the State. The bill requires the environmental workforce to employ individuals who are not subject to civil service and collective bargaining laws. The bill further requires RCUH to submit an annual report to the Legislature on the status of the environmental workforce program.

This bill is objectionable for the following reasons:

1. Section 307-4, Hawaii Revised Statutes, exempts RCUH from state personnel statutes. Because RCUH has existing authority to hire employees exempt from the civil service law, chapter 76, HRS, this bill is unnecessary.

2. While earlier versions of the bill appropriated money to fund positions necessary for the workforce, the bill as passed does not contain an appropriation. Instead, the Legislature, via the budget bill, appropriated moneys to fund the workforce through moneys allocated to the Hawaii Invasive Species Council, an agency attached to Department of Land and Natural Resources (DLNR). The funding mechanism may limit the Hawaii Invasive Species Council to contracting with RCUH for its labor needs. Furthermore, due to the limited amount of funds available, DLNR has concerns as to whether the Hawaii Invasive Species Council will realistically be able to allocate adequate funds for the workforce. In addition, an awkward problem with the bill is that the moneys are dispersed to DLNR, yet, RCUH is responsible for administering the program.

3. Finally, administering an environmental workforce is not consistent with RCUH's fundamental mission of supporting research and training programs for the University of Hawaii, or enhancing research, development, and training for Hawaii's citizens in general.

For the foregoing reasons, I am returning Senate Bill No. 2134 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 734, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 2281 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2281

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2281, entitled 'A Bill for an Act Relating to the High Technology Development Corporation.'

The purpose of this bill is to allow the High Technology Development Corporation to deposit certain rents and fees received from its operations into a private trust account outside of the state treasury under the control of the High Technology Development Corporation. In addition, this bill repeals the \$3,000,000 cap on the fiscal-year-end balance of the High Technology Special Fund.

The establishment of a private trust account outside of the state treasury under the control of the High Technology Development Corporation is objectionable.

I am concerned about the fiscal accountability of receipts and disbursements of the private trust account. Since such activity would not be processed through the state treasury, the private trust account would not be subject to the supervision of the Department of Accounting and General Services to ensure the proper recording and expenditure of such moneys. The High Technology Development Corporation would have to develop internal controls to safeguard such moneys against potential abuse or wrong use. Because the state treasury can handle such moneys in an expeditious manner, I believe that the creation of a private trust account outside of the state treasury for the High Technology Development Corporation is not necessary.

For the foregoing reasons, I am returning Senate Bill No. 2281 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 735, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 2528 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2528

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2528, entitled 'A Bill for an Act Relating to Insurance.'

The purposes of this bill are to: (1) amend the standards of the loss mitigation grant program by changing the percentage of a grant reimbursement from fifty to thirty-five percent of the cost of purchasing and installing wind-resistive devices; and (2) appropriate \$300,000 out of the general fund for the loss mitigation grant program.

This bill is objectionable because it would take money from the general fund to finance a pilot grant program that would provide inconsequential and meager benefit to the people of this State. The administrative costs that would be needed to establish that program, including costs for providing notice of the program, preparing application forms, processing applications, and other staffing functions that are not included in this bill, could use up much of the appropriation amount.

The remaining grant funds would benefit too few property owners to justify setting up this new program.

Although hurricane mitigation is a worthwhile concept, during these difficult economic times the State must resist the urge to utilize general funds for a pilot program. A fully funded program of this nature, that would benefit a significant number of people and that would have an effect upon hurricane mitigation, could cost hundreds of millions of dollars. Thus, spending money for this pilot program at this time is not a wise choice.

Decisions like the one to veto this bill are not easy, but they are necessary. Without fiscal discipline and prudent management of the budget, it would be impossible to restore trust and integrity in government and expand and diversify the economy. These are things that we must do to achieve a true new beginning for the people of Hawaii.

For the foregoing reasons, I am returning Senate Bill No. 2528 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 736, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 2608 which she has returned to the Senate without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2608

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2608, entitled ‘A Bill for an Act Relating to Critical Access Hospitals.’

The purpose of this bill is to amend Act 226, Session Laws of Hawaii 2000, to eliminate the sunset of provisions exempting critical access hospitals from the revised reimbursement methodology for long-term care services, which requires hospital-based and nonhospital-based Medicaid reimbursement rates for institutionalized long-term care to be equal.

Senate Bill No. 2929, entitled ‘A Bill for an Act Relating to Medicaid Reimbursement,’ which I have approved, also achieves the same purpose. Therefore, this bill is unnecessary.

For the foregoing reason, I am returning Senate Bill No. 2608 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 737, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 3020 which she has returned to the Senate without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3020

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3020, entitled ‘A Bill for an Act Relating to Education.’

Senate Bill No. 3020 appropriates \$175,000 in general funds in fiscal year 2004-2005 for the conversion of one ten-month counselor position to a twelve-month term at Kapolei Elementary School, and for the conversion of eight ten-month teachers at Kapolei Middle School to year-round status.

The funds are unnecessary because:

1. Under the lump-sum budgeting approach, the Department of Education has the required flexibility to allocate its positions and funds to address enrollment fluctuations (increases and decreases) at various schools. With an annual general fund budget of over \$1.5 billion in fiscal year 2004-2005, the Department of Education can reallocate its resources from those schools with dwindling enrollment to address the needs of higher enrollment schools. It is also important to note that the Department of Education is currently authorized over 11,200 teaching (bargaining unit 5) positions, although only about 8,720 in fiscal year 2004-2005 are designated for classrooms. The other 2,480 teachers are designated for state and district offices and categorical and other programs. The department can reassign position counts and funds to Kapolei Elementary and Middle Schools within its existing resources.

2. Between fiscal year 2000-2001 and fiscal year 2002-2003, the Legislature authorized 35.5 additional counselor positions, increasing the number of counselors by 6.2 percent (from 576 to 611.5 positions), while student enrollment decreased 0.6 percent (from 180,563 to 179,448). The additional positions were authorized to address the department’s request that the counselors’ work exceeded national norms. In addition, with 18,881.60 authorized general fund positions and more than a \$1.2 billion (all means of financing) salary base, the department has the flexibility to reallocate payroll savings from vacant positions to address an additional two-month payroll extension.

3. The Department of Education lapsed \$19.9 million in unspent funds in the prior fiscal year. Historically, annual lapse rates have averaged \$25 million, thus the Department has monies it fails to spend each year which can be used for schools converting from 10-month to 12-month schedules.

The Department of Education should fund the additional payroll requirements within its existing budget, rather than place an additional financial burden on Hawaii’s taxpayers.

For the foregoing reasons, I am returning Senate Bill No. 3020 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 738, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 3025 which she has returned to the Senate without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3025

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3025, entitled ‘A Bill for an Act Relating to the Office of Planning.’

The purpose of this bill is to require the Office of Planning to report only to the Director of Business, Economic Development, and Tourism and to clarify that the Department of Business, Economic Development, and Tourism has the sole jurisdiction over the Land Use Commission, state planning, and the Hawaii State Planning Act.

This bill is objectionable because it limits my administration’s flexibility in executing programs and functions to achieve maximum results. The Office of Planning’s major statutory responsibilities of land use planning, coastal zone management, and geographic information systems are not consistent with the Department of Business, Economic development, and Tourism and complement the Department of Land and Natural Resources core functions of land management and protection of resources. My administrative directive to have the Office of Planning consult with and report to the Chairperson of the Board of Land and Natural Resources has resulted in meaningful, productive, and successful undertakings in land use planning issues, and the current working relationship is consistent with the Legislature’s call for more prudent, efficient, and effective government operations.

For the foregoing reasons, I am returning Senate Bill No. 3025 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 739, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 3170 which she has returned to the Senate without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3170

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3170, entitled ‘A Bill for an Act Relating to Petroleum Products.’

The purpose of this bill is to promote alternative energy resources in Hawaii by establishing new requirements for the blending of ethanol in gasoline, and requiring, by January 1, 2006, that not less than eighty-five percent of all gasoline sold for use in motor vehicles in Hawaii contain ten percent ethanol by volume. This measure also requires each distributor, within ninety days of the close of the calendar year, to file a statement for the previous year showing the amount of ethanol and non-ethanol blended gasoline sold by the distributor on forms prepared by the Director of Business, Economic Development, and Tourism. Any distributor violating these requirements is subject to a fine of not less than \$2 per gallon of non-conforming fuel.

This bill is objectionable because it allows the Director of Business, Economic Development, and Tourism to adopt rules for the administration and enforcement of the ethanol requirements, exempt from the requirements of chapter 91, Hawaii Revised Statutes. This chapter, the Hawaii Administrative Procedure Act, provides for giving public notice and holding a hearing on proposed rules. Exempting the ethanol rulemaking process from these procedural requirements is contrary to our policy of advocating open government and providing the public with opportunity for input.

Under current law, Section 486J-10, Hawaii Revised Statutes, which this bill seeks to amend, the State’s petroleum commissioner is required to adopt rules in accordance with chapter 91, Hawaii Revised Statutes, to require that gasoline sold in the State for use in motor vehicles contain ten percent ethanol by volume. I have reviewed and approved for public hearing the proposed rules entitled ‘Chapter 35 of Title 15, Hawaii Administrative Rules, regarding Ethanol Content in Gasoline.’ These rules were drafted and reviewed with care in a collaborative effort by all stakeholders. I believe that adopting the rules for Section 486J-10, Hawaii Revised Statutes, in a public hearing process is the proper approach for implementing the ethanol requirements. The public hearing process will provide the forum for issues to be examined and for all steps necessary to be taken to ensure that the State’s ethanol requirements are implemented into an orderly manner and that the negative impact, if any, on gasoline is addressed.

For the foregoing reasons, I am returning Senate Bill No. 3170 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 740, dated July 13, 2004, transmitting her statement of objections to Senate Bill No. 3182 which she has returned to the Senate without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3182

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3182, entitled 'A Bill for an Act Relating to the State of Hawaii.'

The purpose of this bill is to grant civil service status to the employees of the Department of Business, Economic Development, and Tourism's Business Action Center whose employee position numbers are 102006, 102007, 102008, and 102009.

This bill is objectionable on policy grounds. This bill 'grandfathers' in four temporary, exempt Business Action Center employees into civil service status, without loss of salary and seniority and without necessity of examination. This is contrary to civil service principles of merit and open competition. Additionally, with the state financial plan projecting a deficit by fiscal year 2005-2006, increasing the permanent position count at this time would not be appropriate, because this would constrain administrative flexibility if it becomes necessary to restructure government.

For the foregoing reasons, I am returning Senate Bill No. 3182 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 741, dated July 13, 2004, transmitting her statement of objections to House Bill No. 1374 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1374

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. 1374, entitled 'A Bill for an Act Relating to Workers' Compensation.'

The purposes of this bill are: (1) to amend section 386-98 (workers' compensation fraud violations and penalties), Hawaii Revised Statutes, to provide that: (A) when a party successfully investigates fraud and a determination is made that fraud has occurred, that party is entitled to recoup payments and attorney's fees and costs through administrative penalties; (B) when a person is charged with fraud and a determination is made that fraud has not occurred, the person is entitled to attorney's fees and costs from the initiating party, except in a

criminal prosecution; and (C) no person, subject to administrative penalties in subsection (e), shall be subject to double jeopardy under another subsection; and (2) amend section 431:2-203 (enforcement regarding the insurance code), Hawaii Revised Statutes, to permit the Insurance Commissioner to investigate and enforce Hawaii Revised Statutes chapter 386 relating to workers' compensation fraud, provided that the Insurance Commissioner shall investigate and prosecute only complaints brought against an insurance carrier, a self-insured employer, or a fully insured employer.

This is another example of the Legislature proposing fake reform, which, in fact, only makes the problems worse. The people of Hawaii repeatedly asked the Legislature to reform the workers compensation system, to provide our workers with better care, to make the claim process more efficient and to ease the crushing burden on Hawaii's businesses. Such reforms benefit both workers and businesses. Workers benefit by having a system that processes their claims quickly and efficiently and provides them the rehabilitative care they need. Businesses benefit by having a system that is less costly.

Although this bill is meant to focus on and combat workers' compensation fraud, it does not address the biggest part of the problem. It targets only insurance companies and employers for punishment. Employees and others who commit workers' compensation fraud would not be subject to penalty under this measure. If an investigation of an employer also uncovered fraud by an employee, the Insurance Commissioner could only pursue the action against the employer. Limiting the bill's scope to insurance companies and employers is unfair and inefficient and will add fuel to the argument that Hawaii is anti-business.

The people of Hawaii want to be treated fairly and to have everyone play by the rules. A handful of people don't. Instead, they pursue fraudulent insurance schemes and that increases the cost of insurance for everyone.

The Administration proposed an anti-fraud bill to pursue those who don't play by the rules. The Legislature killed it. The Administration proposed a Comprehensive Workers Compensation Reform Bill and the Legislature chopped it up into nine pieces and, one by one, killed them until only this small piece remained. And this small piece that deals with workers compensation fraud was rewritten such that it ends up making things worse.

To be effective in combating fraud, one governmental unit must be given the authority to focus and pursue fraud wherever it occurs. This bill divides the authority, giving part to the Insurance Division to investigate employers and insurance companies and part to the Department of Labor and Industrial Relations to investigate employees and care providers. This is a recipe for failure. Problems inevitably arise when authority and jurisdiction is split between departments, and this split will make this bill unworkable.

The bill is flawed in many other ways. For example, the Legislature ignored the advice of the Attorney General, the Insurance Commissioner, and others who repeatedly testified that the Insurance Fraud Branch could not pursue Motor Vehicle Insurance Fraud unless the Branch was moved to the General Powers section of the Insurance Code. The Legislature failed to make this important technical correction. Furthermore, the bill provides no resources, i.e., funding or positions, for the Insurance Commissioner to pursue the additional workload of investigating these workers' compensation matters. The Insurance Commissioner is mandated to pursue this area of fraud without additional resources.

We proposed real solutions to the real problems facing our workers and businesses in Hawaii. The Administration's Comprehensive Workers Compensation Reform Bill provided for a more efficient system, reducing costs for businesses while at the same time providing workers with the care they need. Additionally, our Anti-Fraud Bill provided the tools to effectively combat fraud and to pursue those who don't play by the rules. We all would benefit as a result.

We need to insist that our legislators work with us to provide real solutions, pay attention to the details to make laws that will really work, and listen to the people who take time from their jobs, businesses, and families to testify in support of those real solutions.

For the foregoing reasons, I am returning House Bill No. 1374 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 742, dated July 13, 2004, transmitting her statement of objections to House Bill No. 1743 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1743

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. 1743, entitled 'A Bill for an Act Relating to Light Pollution.'

The purpose of this bill is to protect avian and marine life by prohibiting within special management areas artificial lights that are 'positioned toward or directly illuminate ocean waters,' unless those lights are authorized and required for public safety or safe ocean navigation, or are located in a hotel/hotel-condo and under water or directed downward illuminating a limited area of no more than thirty feet into ocean water.

While the intent to protect Hawaii's marine and bird life is laudable, the substantive provisions of this bill are objectionable, because they are vague and rely on determinations that will be subjective. For example, the determination as to whether an artificial light source is positioned towards or directly illuminating ocean waters is highly subjective. Enforcement of this statute would likely be difficult and inconsistent due to one person's interpretation of the phrase differing from another's. Similarly, the phrase 'required for public safety' is open to subjective determinations. Also, the bill speaks of lights that are authorized without indicating what the source of that authorization would be.

This bill is objectionable because of the vagueness of much of its operative language. It fails to distinguish artificial light that is outdoors from that which is indoors in the section entitled prohibitions. Except for the part dealing with hotels/condos, the bill contains no standards concerning

distances from shore or brightness of lights. Additionally, its substantive provisions will be amendments to chapter 205A, Hawaii Revised Statute, relating to coastal zone management. As such, alleged failures of state and county agencies to enforce these provisions would allow civil actions to be brought against such agencies pursuant to section 205A-6. Because certain terms of the bill are, as noted, seriously imprecise, it would not be fair to subject agencies to civil lawsuits alleging failure to enforce those provisions. For example, the prohibition of artificial lighting exists anywhere within a special management area so long as the light is 'positioned toward' ocean waters. Because of the large size of some shoreline management areas, an artificial light source could be significantly removed from the immediate shoreline and still arguably be 'positioned toward' ocean waters, at least in the view of some.

For the foregoing reasons, I am returning House Bill No. 1743 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 743, dated July 13, 2004, transmitting her statement of objections to House Bill No. 1774 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1774

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. 1774, entitled 'A Bill for an Act Relating to Unemployment Benefits.'

The purpose of this bill is to amend section 383-23, Hawaii Revised Statute, to allow unemployment insurance claimants to receive their entire weekly unemployment insurance benefit amount although they are employed and earning wages. Specifically, the bill permits an individual to retain their weekly unemployment insurance benefit and add it to their weekly earnings if they work part-time and their earnings are less than their weekly unemployment insurance benefit. Additionally, the bill provides, if necessary, additional money may be allocated from the federal Reed Act funds and used for the payment of expenses incurred for the administration of unemployment benefits.

This bill is objectionable because the unemployment compensation system was established to provide jobless workers with a means of getting through a temporary period of unemployment and not to make individuals 'whole' by replacing 100 percent or more of their prior income with unemployment benefits plus part-time wages.

This bill also is objectionable because it would apply retroactively to weeks beginning January 1, 2004, and cost approximately \$670,000 per month in benefits expended from the unemployment compensation trust fund, or a six percent increase from current levels. By permanently drawing from

trust fund reserves, this bill would deplete the unemployment compensation trust fund reserves to below statutorily defined reserve levels, thus triggering an increase in the unemployment insurance tax rate for 2005 and beyond.

Additionally, the measure would create an incentive to work just enough hours so that a person's earnings are slightly less than their weekly benefit. This runs counter to the underlying philosophy of the unemployment insurance system to provide a bridge between periods of work that allows a person to meet their basic expenses while they seek new employment.

Further, the bill's own language acknowledges that the legislation may be in violation of federal statutes in that it would allow the use of federal Reed Act funds to supplement the cost of this measure. The bill acknowledges that its provisions could jeopardize the receipt of Reed Act federal funds and directs the Governor to 'revise any such provision' and report back to the Legislature next session. I believe it is the Legislature's obligation to draft laws that do not potentially jeopardize federal funding and that it would be unwise to sign a bill that knowingly does so.

For the foregoing reasons, I am returning House Bill No. 1774 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 744, dated July 13, 2004, transmitting her statement of objections to House Bill No. 1793 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1793

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. 1793, entitled 'A Bill for an Act Relating to Land Exchange.'

This bill directs the Board of Land and Natural Resources and other appropriate state agencies to enter into land exchange negotiations with the George Galbraith Trust for lands situated north of Wahiawa, Oahu.

This bill is objectionable because section 2 of this bill appears to violate Section 5 of Article XI of the Hawaii Constitution, which in pertinent part provides: 'The legislative power over the lands owned by or under the control of the State ... shall be exercised only by general laws[.]' The constitutional history of Section 5 of Article XI indicates that exchanges of public lands for private lands were the precise concerns that led to the adoption of this constitutional prohibition. Consequently, this bill, directing the Board of Land and Natural Resources and other appropriate state agencies to acquire specified private lands by means of exchange of public lands, appears to be the kind of special law prohibited under Section 5 of Article XI.

For the foregoing reasons, I am returning House Bill No. 1793 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 745, dated July 13, 2004, transmitting her statement of objections to House Bill No. 1840 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1840

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. 1840, entitled 'A Bill for an Act Relating to Air Pollution Control.'

The purpose of this bill is to authorize the Department of Health to adopt rules to control 'fugitive' dust, both within and beyond a property lot boundary line, regardless whether the dust enters the outdoor air.

This bill is objectionable because it is unnecessary. The existing law currently allows the Department of Health to adopt rules to control 'fugitive' dust within and beyond a property lot boundary line, whether or not the dust enters the outdoor air, and the Department of Health has already adopted such rules.

For the foregoing reason, I am returning House Bill No. 1840 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 746, dated July 13, 2004, transmitting her statement of objections to House Bill No. 1919 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1919

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. 1919, entitled 'A Bill for an Act Relating to Public Employees.'

This bill amends provisions relating to compensation and benefit adjustments for excluded managerial civil service employees. The bill provides that, in formulating recommendations to the appropriate authority, the respective director shall ensure that proposed adjustments are at least equal to the compensation and benefit packages provided under collective bargaining agreements for counterparts and subordinates within the employer's jurisdiction.

This bill is objectionable and against public policy, because it deletes the statutory reference to adjustments commensurate with performance on the job and instead links the adjustments to benefits obtained by the Unions through negotiation. The bill reverses the legislative intent of the Civil Service Reform Act (Act 253, Session Laws of Hawaii 2000), which sought to improve managerial performance by basing pay raises for excluded managerial personnel on performance on the job and not on length of service. In addition, the bill creates a conflict of interest for excluded managers who participate in pay negotiations, and it is contrary to the underlying rationale for creating excluded employees that are not subject to collective bargaining.

For the foregoing reasons, I am returning House Bill No. 1919 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 747, dated July 13, 2004, transmitting her statement of objections to House Bill No. 2025 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2025

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. 2025, entitled 'A Bill for an Act Relating to Equal Pay.'

The purposes of this bill are to prohibit employers from discriminating against employees in the payment of wages because of gender and to establish a four-year pay equity task force under the Office of the Governor.

This bill is objectionable because state law already prohibits employers, including the State and its political subdivisions, from discriminating on the basis of sex. Section 378-2, Hawaii Revised Statutes, states that it shall be an unlawful discriminatory practice for any employer to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment on the basis of the employee's sex.

Federal law also prohibits employers from discriminating on the basis of gender when it comes to employees' compensation. Specifically, the Equal Pay Act of 1963 requires employers to pay men and women equal pay for equal work within the same

establishment. In addition, Title VII of the Civil Rights Act of 1964, as amended, also prohibits discrimination on the basis of sex. In light of these existing laws proscribing discrimination on the basis of gender, this bill is unnecessary.

This bill also creates a four-year pay equity task force. The scope of review for this task force is broad and vague. As it relates to pay equity in public employment, it is unnecessary because compensation is usually tied to the government classification system. Under that system, female employees are paid the same compensation as male employees in the same classification.

For the foregoing reasons, I am returning House Bill No. 2025 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 748, dated July 13, 2004, transmitting her statement of objections to House Bill No. 2740 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2740

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. 2740, entitled 'A Bill for an Act Relating to Notification of Employment Changes.'

The purposes of this bill are to extend the time an employer in a covered establishment subject to chapter 394B, Hawaii Revised Statutes, must give each employee and the Director of Labor and Industrial Relations ('Director') written notification of a closing, partial closing, or relocation from at least sixty days to at least ninety days prior to its occurrence. The bill further requires notification of at least one hundred eighty days to employees who are provided with housing or housing assistance before discontinuance or termination of such housing or housing assistance.

This bill is objectionable because increasing the notification requirement from sixty to ninety days appears to place an unnecessary burden on employers. The Department of Labor reports that the current sixty-day period is sufficient for the Department of Labor and Industrial Relations to carry out its responsibilities in assisting dislocated workers. Further, the current sixty-day notification requirement is consistent with federal law under the Worker Adjustment and Retraining Notification Act. Inconsistencies between federal and state law, without good reason, lead to unnecessary confusion both for employers and employees.

In addition, requiring employers to provide each employee written notification one hundred eighty days prior to the discontinuation or termination of housing assistance may discourage employers from offering this type of assistance. Because the housing or housing assistance discontinuation

notification requirement is not limited to situations involving the closing, partial closing, or relocation of a business, even an ongoing business will be required to submit a notification.

For the foregoing reasons, I am returning House Bill No. 2740 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 749, dated July 13, 2004, transmitting her statement of objections to House Bill No. 2741 which she has returned to the House of Representatives without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2741

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. 2741, entitled ‘A Bill for an Act Relating to Executive Departments.’

The purpose of this bill is to establish statutory requirements for position justifications and quarterly reporting for deputy director and special assistant positions within the Executive Branch, except those within the Department of Education and the University of Hawaii.

This bill is objectionable for the following reasons:

1. The statutory references to ‘deputy director’ and ‘special assistant’ are defined broadly to include any employee whose position is exempt from chapter 76, Hawaii Revised Statutes, and who has an annual salary that is not less than fifty percent of a department head’s or executive officer’s salary. Under this definition, any exempt employee who earns more than \$42,651 could be subject to the requirements of this bill. That amount will increase on July 1, 2004, and will differ from department to department. According to the Department of Human Resources Development, approximately 1,000 exempt positions could be affected by this legislation. Given the significant number of positions involved, and the requirement that quarterly reports be submitted to the Legislature for each position, this will impose an unreasonable and unnecessary administrative burden on Executive Branch personnel.

Some departments will be more significantly impacted than others. For example, in the Department of the Attorney General, all deputy attorney general and child support enforcement hearings officer positions and some non-lawyer professional positions are positions exempt from the civil service positions, most of which are held by incumbents who earn more than \$42,651. To require the Attorney General to file position justification requirements for each of these deputies, hearings officers, and non-lawyer professionals and to submit quarterly reports to the Legislature will be unduly burdensome. The bill would also unduly burden certain departments such as the Department of Health where exempt positions have been

added as a result of specific legal requirements, such as the Felix Decree and the Makin Settlement.

2. The bill infringes on the Executive Branch’s ability to manage its workforce. The requirement for quarterly reports on 1,000 positions appears to constitute unnecessary micromanaging by the Legislature. Further, the bill does not do what it purports in addressing transparency concerns. Approximately 9% of all positions would be addressed in this issue, leaving 91% of the government position untouched by its transparency provisions. Furthermore the Department of Human Resources Development already prepares an annual report on appointed positions within the State Government. Thus the 9% of all positions addressed in this bill already are subject to transparency reporting requirements.

3. The bill does not impose the same reporting and justification requirements for civil service positions and other exempt positions within the Executive Branch and therefore appears to be arbitrary and capricious.

4. Finally Section 2 of the bill may impose an illegal transfer of monies. Section 2 says that ‘all unexpended funds relating to the funding of the abolished positions shall lapse to the credit of the general fund.’ Some of these exempt positions are paid for out of special funds including Federal funds. Thus the transfer mandate by this section of the bill could constitute an illegal transfer of federal money from a special fund to the state’s general fund. This provision is troublesome and could jeopardize the State of Hawaii eligibility for future Federal funding.

For the foregoing reasons, I am returning House Bill No. 2741 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 750, dated July 13, 2004, transmitting her statement of objections to House Bill No. 2748 which she has returned to the House of Representatives without her approval and which reads as follows:

“EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2748

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. 2748, entitled ‘A Bill for an Act Relating to State Finances.’

The purpose of this bill is to grant civil service status to the employees of the Department of Business, Economic Development, and Tourism’s Business Action Center whose employee position numbers are 102006, 102007, 102008, and 102009.

This bill is objectionable on constitutional grounds because the subject of this bill, as expressed in its title, is ‘state finances.’ Section 14 of Article III of the Hawaii Constitution

provides that '[e]ach law shall embrace but one subject, which shall be expressed in its title.' The provisions in this bill that grant civil service status to certain employees appear to be too remotely related to the expressed subject, 'state finances.' Additionally, this bill contains duplicate language to Senate Bill No. 3182 also passed by the Twenty-Second Legislature.

For the foregoing reasons, I am returning House Bill No. 2748 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 751, dated July 13, 2004, transmitting her statement of objections to House Bill No. 2773 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2773

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. 2773, entitled 'A Bill for an Act Relating to Condominium Property Regimes.'

The purpose of this bill is to give authority to the board of directors of a condominium association to permit apartment owners to install antennas for amateur radios in their apartments or their limited common element without the consent of the other apartment owners.

This bill is objectionable because it amounts to an inappropriate and unacceptable governmental intrusion into the contractual affairs of the apartment owners. This measure would allow the installation of antennas in a condominium's common element, notwithstanding objections by other apartment owners. Condominiums ordinarily have governing documents, such as the condominium's declaration, bylaws, and house rules, which contain covenants, conditions, and restrictions. Purchasers of condominium apartments should be able to rely upon those governing documents when deciding whether to purchase an apartment. They should not have to worry about subsequent legislative bills that trump the governing documents by permitting certain people to erect antennas within common elements.

For the foregoing reasons, I am returning House Bill No. 2773 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 752, dated July 13, 2004, transmitting her statement of objections to House Bill No. 2774 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2774

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. 2774, entitled 'A Bill for an Act Relating to Subdivisions.'

The purpose of this bill is to give authority to the board of directors of a planned community association to permit owners of units to install antennas for amateur radios in their units located in agricultural districts, provided that no antenna shall be installed upon any common area without compliance with all association documents.

This bill is objectionable because it amounts to an inappropriate and unacceptable governmental intrusion into the contractual affairs of the property owners. This measure would allow the installation of antennas in an owner's unit, notwithstanding objections by other owners.

Planned community associations ordinarily have governing documents, such as the declaration, articles of incorporation, and bylaws, which contain covenants, conditions, and restrictions. Purchasers of property in planned community associations should be able to rely upon those governing documents when deciding whether to purchase a unit. They should not have to worry about subsequent legislative bills that trump the governing documents by permitting certain people to erect antennas on property within the subdivision.

For the foregoing reasons, I am returning House Bill No. 2774 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 753, dated July 13, 2004, transmitting her statement of objections to House Bill No. 2786 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2786

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. 2786, entitled 'A Bill for an Act Relating to Arbitration.'

The purpose of this bill is to amend section 431:10-242, Hawaii Revised Statutes, to require that a policyholder, a beneficiary, or a person acquiring the rights of a policyholder or beneficiary be awarded attorney's fees and costs when an arbitrator or arbitration panel orders an insurer, who contested liability, to pay benefits under the policy.

This bill is objectionable because it would encourage litigation, especially in what are now relatively uncomplicated uninsured and underinsured motorist (UM and UIM) disputes and arbitrations, and would unfairly require that attorney's fees and costs be imposed on the insurer in every case in which an award is made, even if the demand on the insurer greatly exceeded the amount actually awarded.

As passed, language has been added to the original bill that expressly requires the awarding of attorney's fees and costs to a beneficiary or policyholder who successfully establishes an insurer's liability under an insurance policy in arbitration proceedings when the insurer has 'contested its liability under a policy.' This mandate would encourage a claimant to demand policy limits in every UM and UIM case, knowing that even if only a part of that limit is finally awarded, the claimant's attorney's fees and costs would be mandatorily imposed upon the insurer. The result would discourage reasonable and good faith efforts to compromise and settle claims, and would ultimately increase the cost of insurance to consumers.

For the foregoing reasons, I am returning House Bill No. 2786 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 754, dated July 13, 2004, transmitting her statement of objections to House Bill No. 2859 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2859

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. 2859, entitled 'A Bill for an Act Relating to the Development of an International Equestrian Facility.'

The purpose of this bill is to require the Governor to convene a working group to study the feasibility of establishing a multi-purpose international equestrian facility. This working group would contain both public and private sector members, with the department of business, economic development, and tourism providing staff and support. The working group will consider potential sites, appropriate forms of funding, estimates of costs and job creation, and extent of community support. The working group must report its findings no later than twenty days before the convening of the regular legislative session 2005.

The bill is objectionable for three reasons. First, this is the type of issue that should be handled via a concurrent resolution rather than be codified as a law. The implication is that this working group would be temporary, yet there is no sunset date for the legislation.

Second, this bill is objectionable because it requires state resources to provide staff and support for the working group to conduct a study for a facility that is more appropriately researched and developed by the private sector. Third, the bill calls for an extensive market analysis and detailed business plan, but provides no funding to do the work. It is inappropriate to require a study of the depth required by this bill without appropriating the funding necessary.

For the foregoing reasons, I am returning House Bill No. 2859 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 755, dated July 13, 2004, transmitting her statement of objections to House Bill No. 2911 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2911

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. 2911, entitled 'A Bill for an Act Relating to Charter Schools.'

The purpose of House Bill No. 2911 is to improve accountability for charter schools by amending section 302A-1184 (exemptions relating to new century charter schools), Hawaii Revised Statutes, to expressly subject them to (i) state land use laws and county laws, codes, and rules governing land use and public health and safety; and (ii) audit and inspection by the charter school administrative office.

Even though the Legislature created charter schools to 'free [them] from statutory and regulatory requirements that tend to inhibit or restrict [their] ability to make decisions relating to the provision of educational services,' 'nurture the ideal of more autonomous and flexible decision-making at the school level,' and 'define[] a new approach to education that is free of bureaucratic red tape and accomdat[es] the individual needs of students, see Section 1, Act 62, Haw. Sess. Laws 77 (1999), since their creation, charter schools have had to struggle under laws that are unclear, incomplete, uncoordinated, and sometimes so oblique as to be unreasonable.

The confused state of the law has resulted in inadequate funding that is disbursed late. Few, if any laws have been enacted to give charter schools access to state material, equipment, and expertise that other state agencies enjoy. In fact, charter schools' access to state resources has been minimal. They have had no opportunity to benefit from

economies of scale, or the State's centralized processing systems. Instead, expenditures that charter schools should not have had to make, have had to be made – already stretched operating dollars have had to be used to pay for capital improvements, repair and maintenance, and many other expenses that individually state agencies ordinarily do not have to bear.

Questions and challenges have unnecessarily distracted the charter schools from fulfilling their purpose of providing alternative learning opportunities for the children of our community. Uncertainty has spawned litigation, and distracted several charter schools from implementing the Legislature's initial vision.

This bill does very little to relieve the inherent confusion and unfairness charter schools endure. The Attorney General has already advised that all state agencies, including public charter schools, are subject to the State's land use laws. There is already more than ample authority for the Board of Education, the Comptroller, and the Auditor to audit the accounts and operations of new century public charter schools.

Most distressingly, the bill compounds the unfairness charter schools already suffer by singling charter schools out from all other state agencies and subjecting them to county zoning ordinances with which other state agencies need not comply.

Charter schools deserve the Legislature's undivided attention. Without a comprehensive and coordinated overhaul of our charter schools laws, charter schools stand little chance of achieving their full potential.

For the foregoing reasons, I am returning House Bill No. 2911 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 756, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

Senate Bill No. 214 as Act 225, entitled: "RELATING TO WORKFORCE DEVELOPMENT."

"Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 214, S.D. 3, H.D. 2, C.D. 1

On July 13, 2004, Senate Bill No. 214, entitled 'Relating to Workforce Development' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill authorizes Leeward Community College to develop a program to provide services to Freely Associated States (FAS) students, as well as to the Micronesian, Marshallese, and Palauan communities at large, to ensure their success in school through cultural education, language, employment, training, and legal services.

I support the general intent of this bill to establish a program to provide training for Micronesian, Marshallese, and Palauan immigrants in Hawaii to assist them in becoming productive, gainfully employed members of our community.

I have concerns regarding this bill because it prohibits the University of Hawaii from using general funds to finance the program and specifies that this exact program must be conducted at Leeward Community College. The funds restriction conflicts with the fiscal autonomy given to the University and the mandated program conflicts with the operational autonomy usually afforded the University. In addition, the bill sets forth broad ranging responsibilities without a secure funding stream, making it difficult for the University to assure success.

Therefore, I allowed Senate Bill No. 214, S.D. 3, H.D. 2, C.D. 1 to become law as Act 225, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 757, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

Senate Bill No. 2716 as Act 226, entitled: "RELATING TO EDUCATION."

"Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 2716, S.D. 1, H.D. 2, C.D. 1

On July 13, 2004, Senate Bill No. 2716, entitled 'Relating to Education' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill establishes a higher education statutory analysis interim study group to review existing state laws and recommend which statutes may be consolidated, amended, or repealed. I support the general intent of this bill to improve the organizational framework of the State's higher educational statutes and, therefore, allowed the bill to become law.

However, I did not sign the bill because I am concerned that this bill's mandate comes at a time when the University is dealing with other pressing issues. Convening a study group that includes the University's president or his designee is not the best use of the University's limited resources given the many other important issues facing the University, including addressing maintenance needs of the existing infrastructure, the demand for adequate student housing and necessary courses, and updating the University's financial plan. Furthermore, the bill provides no resources for conducting the study and requires that the work be completed prior to the start of the next legislative session. There is current statutory authority for the University to undertake this work at a later date, making this measure unnecessary. Finally, the composition of the study group fails to include representation from the Executive Branch even though its work could have significant implications on executive branch operations.

Therefore, I allowed Senate Bill No. 2716, S.D. 1, H.D. 2, C.D. 1 to become law as Act 226, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 758, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

House Bill No. 1987 as Act 227, entitled: "RELATING TO MOTOR VEHICLES."

"Dear Mr. President and Members of the Senate:

Re: House Bill No. 1987, H.D. 1, S.D. 1

On July 13, 2004, House Bill No. 1987, entitled 'Relating to Motor Vehicles' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

House Bill No. 1987 amends section 291-21.5, Hawaii Revised Statutes, by increasing fines for owners and sun screening device installers who violate the motor vehicle sun screening device law. The bill also requires the installer to issue a certificate of compliance to the vehicle owner at the time of installation and the certificate must be stored in the vehicle. Furthermore, the certificate of the installer would be prima facie evidence of the identity of the installer and aid law enforcement in the prosecution of businesses installing illegal sun screening devices.

This bill also requires the installer to reinstall, free of charge, a sun screening device that complies with section 291-21.5 or reimburse the owner for the cost of reinstallation. When the installer is a commercial business, there appears to be a federal preemption problem with the bill. Installers that are commercial businesses are subject to the Federal Motor Vehicle Safety Standards, which prohibit a manufacturer, distributor, dealer, or vehicle repair business from applying a glazing material that is darker than the federal standard of seventy percent light transmittance level. Section 291-21.5(d)(7) and (8), Hawaii Revised Statutes, permits the installation of darker sun screening devices that have a light transmittance of only thirty-five percent.

Consequently, this bill, while making changes that will benefit law enforcement, will also compound a pre-existing preemption problem. Additionally, the law appears to prevent the prosecution of the operator of the motor vehicle and instead prosecutes the owner, which is frequently a bank or finance company.

My recommendation is that a bill should be introduced in the next legislative session to eliminate the inconsistency with the federal requirements and address the issue of who should be prosecuted for violations.

Therefore, I allowed House Bill No. 1987, H.D. 1, S.D. 1 to become law as Act 227, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 759, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

House Bill No. 1860 as Act 228, entitled: "RELATING TO CHILD ABUSE AND NEGLECT."

"Dear Mr. President and Members of the Senate:

Re: House Bill No. 1860, H.D. 1, S.D. 2, C.D. 1

On July 13, 2004, House Bill No. 1860, entitled 'Relating to Child Abuse and Neglect' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is laudable in that it attempts to provide additional revenue to enhance services for the prevention and intervention of domestic violence and child abuse, as well as to increase community awareness of the problem, by allowing taxpayers to designate \$5 of state income tax refunds to be paid into various funds.

Unfortunately, I must object to the administrative burdens and policy concern that would result from this well-intended bill. There is no equivalent voluntary designation for federal income tax purposes. This goes contrary to good tax practices of conforming state returns to federal standards, thereby simplifying and streamlining compliance with tax laws.

Under the current statute, check-off provisions are required to be in the income tax return form itself, as opposed to a separate schedule. The income tax return form already contains three other check-off provisions. There is currently no space on the income tax return form to include another check-off provision. Thus, this bill will require the revision of the individual state income tax return form and instructions.

Not only will this bill require the revision of the income tax return forms and instructions, it will also affect the tax return processing and computerized systems. The costs of processing the tax returns as well as the potential for processing errors will increase. The Department of Taxation's computer system will likely have to be reprogrammed.

The amount the bill will actually generate is difficult to predict. Further, based upon experience with existing check-off provisions, participation wanes over time and the small amounts collected usually do not justify the costs necessary to implement this bill. Additionally, this bill reinforces the precedent that organizations seek direct tax funding rather than be reviewed and evaluated in the context of the annual budgeting process. Moneys provided by a check-off system bypass the normal budget process and are difficult to incorporate into the State's six-year financial plan.

Therefore, I allowed House Bill No. 1860, H.D. 1, S.D. 2, C.D. 1 to become law as Act 228, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 760, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

House Bill No. 2662 as Act 229, entitled: "RELATING TO ECONOMIC DEVELOPMENT."

"Dear Mr. President and Members of the Senate:

Re: House Bill No. 2662, H.D. 1, S.D. 1, C.D. 1

On July 13, 2004, House Bill No. 2662, entitled 'Relating to Economic Development' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill appropriates \$100,000 out of the State's general fund for fiscal year 2004-2005 to provide loans to assist new and existing businesses threatened by military base closures and realignments that encounter difficulty when seeking assistance through private or conventional lenders. The funds appropriated are to be expended by the Department of Business, Economic Development, and Tourism.

I support the general intent to encourage a healthy business climate in Hawaii. However, the intent of this specific bill is unclear. The bill in its original form provided funding to develop infrastructure for communities near military bases. The bill as re-written authorizes loans to assist businesses to 'develop infrastructure' but does not define this term. Normally infrastructure refers to roads, sewer systems, and public facilities, such as schools. An appropriation of \$100,000 would not be adequate to cover most, if any 'infrastructure' type projects. Even if the monies were for general business assistance, the amounts are not substantial enough to provide major relief to businesses that may be experiencing difficulties.

Secondly, this bill is yet another example of appropriations by the Legislature approved outside of the normal budget process. These expenditures have not been factored into the State's financial plan and have not been weighed against other State priorities and the general fund expenditure ceiling.

Therefore, I allowed House Bill No. 2662, H.D. 1, S.D. 1, C.D. 1 to become law as Act 229, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 761, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

House Bill No. 2292 as Act 230, entitled: "RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS."

"Dear Mr. President and Members of the Senate:

Re: House Bill No. 2292, H.D. 1, S.D. 1

On July 13, 2004, House Bill No. 2292, entitled 'Relating to Fees for Electronic Filing, Signing, Serving, Certification, and Verification of Court Documents' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill establishes that the State Supreme Court shall have the power to prescribe by rule, fees for electronic filing, signing, serving, certification, and verification of documents, and that those fees shall be deposited into the judiciary computer system special fund.

I support the general intent of this bill to provide funding for upgrading the judiciary information management system project to allow more efficient processing of documents through the judicial system. I have, however, a concern regarding this bill. The deposit of these new fees into the judiciary computer system special fund diverts funds that should, and would normally, be deposited into the State's general fund. This special fund already receives fees for traffic abstracts and fees

for civil filings. I believe that funds to upgrade the judiciary's computer system should be appropriated through the normal budget process, subject to other State priorities, and the general fund expenditure ceiling. We must not allow this bill to be used as an unfortunate precedent for future removal of more funds from the normal budget review process.

Therefore, I allowed House Bill No. 2292, H.D. 1, S.D. 1 to become law as Act 230, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 762, informing the Senate that on July 14, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

House Bill No. 2294 as Act 231, entitled: "RELATING TO FEES FOR ADMINISTRATIVE COSTS IN TRAFFIC CASES."

"Dear Mr. President and Members of the Senate:

Re: House Bill No. 2294

On July 13, 2004, House Bill No. 2294, entitled 'Relating to Fees for Administrative Costs in Traffic Cases' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill increases the administration fees in certain traffic cases and requires that these new, additional fees shall be deposited into the judiciary computer system special fund.

I support the general intent of this bill to provide funding for upgrading the judiciary information management system project to allow more efficient processing of documents through the judicial system. I have, however, a concern regarding this bill. The special fund already receives fees for traffic abstracts, and recently new fees for civil filings were established that are also to be deposited into the special fund.

This bill doubles certain administrative fees, thus increasing even further the fiscal burdens on Hawaii's taxpayers. If the Judiciary finds that additional funds are required for their system upgrades, then current and planned expenditure levels should be re-examined, and, if necessary, funds should be appropriated through the normal budget process, subject to other State priorities and the general fund expenditure ceiling.

Therefore, I allowed House Bill No. 2294 to become law as Act 231, effective July 14, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 763, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

House Bill No. 2814 as Act 232, entitled: "RELATING TO KALAUPAPA SETTLEMENT."

"Dear Mr. President and Members of the Senate:

Re: House Bill No. 2814, H.D. 2, S.D. 1, C.D. 1

On July 13, 2004, House Bill No. 2814, entitled 'Relating to Kalaupapa Settlement' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to require the Department of Health to report annually to the Legislature on its efforts to improve conditions for Kalaupapa residents. The report is to discuss improvement in addressing medical and other needs, improvement in the living environment, management of state resources including benefits given to employees, stewardship of State property, development of policies for the Kalaupapa store, establishment of a complaint system, the performance of the Kalaupapa administrator, and justification for employee air travel and trail pay. The bill also requires separate tracking of patient and nonpatient costs.

This bill raises three concerns. First, the Department of Health has already agreed to make the operational improvements required by this bill and, in fact, had begun implementing many of the recommended changes in 2003. The department expects that many of the improvements will have been addressed by the next legislative session or within the next two years. To require the department to report on these matters on a permanent basis is unnecessary and inappropriate. We encourage the Legislature to sunset this measure after corrective actions are taken.

Second, the bill impinges on the responsibilities of the State as an employer. Employee performance reports and approval of employee air travel requests are the responsibility of the employing agency within the Executive Branch. While the Legislature has the authority to ask for this kind of information, it is inappropriate to require annual reports on these matters.

Third, the bill requires separate tracking of patient and nonpatient costs. The Department of Health testified throughout the legislative session that the department is unable at this time to separate patient and employee utility costs such as electricity, phone, and water. Without the ability to produce this kind of reporting, it is inappropriate for the Legislature to mandate the Department of Health to produce a report they are incapable of generating. At best, the department will have to provide pro-rata estimates.

Therefore, I allowed House Bill No. 2814, H.D. 2, S.D. 1, C.D. 1 to become law as Act 232, effective July 13, 2004, without my signature. As stated above, we recommend legislation to sunset this measure as soon as the concerns raised in this bill have been properly and fully addressed.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE

Gov. Msg. No. 764, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

Senate Bill No. 2404 as Act 233, entitled: "MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU."

"Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 2404, S.D. 2, H.D. 1, C.D. 1

On July 13, 2004, Senate Bill No. 2404, entitled 'Making an Appropriation for Expenses of the 2005 National Association of Counties Meeting in Honolulu,' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill appropriates \$50,000 or so much thereof as may be necessary for fiscal year 2004-2005 for the City and County of Honolulu to host the 2005 National Association of Counties Annual Conference and Exposition. The State funds will be matched by the City and County of Honolulu on a dollar-for-dollar basis, according to the bill. The legislation also provides that the City and County of Honolulu shall be the expending entity for the State-appropriated monies.

I support the general intent of this bill to encourage the counties to attract businesses, meetings, and conventions to our state as a means of achieving increased visitor exposure and spending. However, I have several concerns with this bill and the precedent it may set. First, the bill makes an appropriation from the State's general fund, the source of capital that is reserved primarily for operations of the State. Further, this measure gives the County of Honolulu sole authority for expending these State monies. The counties have a variety of sources of funding for local events and those should be exhausted prior to seeking funding from the State.

Additionally, the appropriation was not considered in the State budget prioritizing process and, therefore, was approved by the Legislature outside of the normal budget cycle and was not considered under the annual appropriations review for inclusion in the State's six-year financial plan.

Therefore, I allowed Senate Bill No. 2404, S.D. 2, H.D. 1, C.D. 1 to become law as Act 233, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE

Gov. Msg. No. 765, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

House Bill No. 1765 as Act 234, entitled: "RELATING TO GOVERNMENT BOARDS, COMMISSIONS, AND AGENCIES."

"Dear Mr. President and Members of the Senate:

Re: House Bill No. 1765, H.D. 1, S.D. 1, C.D. 1

On July 13, 2004, House Bill No. 1765, entitled 'A Bill for an Act Relating to Government Boards, Commissions, and Agencies,' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill requires the term of a member of certain boards, commissions, or agencies to expire upon the failure of the member, without valid excuse, to attend three consecutive meetings and where, due to the member's absence, the board failed to have a quorum and thus could not conduct its business. The bill allows the board chair or the chair's designee to determine if the board member had a valid excuse for the absence.

I support the general intent of this bill to encourage individuals who have agreed to serve as board members to take their board membership seriously by attending the board's meetings. However, I have several concerns that are raised, but not answered, by the bill. The bill does not provide standards for deciding what is an excusable absence. It leaves that determination entirely to the discretion of the board chair or the chair's designee. As a consequence, this bill may be unevenly applied to the various boards and commissions that conduct the State's business.

Moreover, the bill does not provide a mechanism or process for notifying the board member that the member's appointment is in jeopardy or has expired, nor does it provide mechanism for notifying the Governor of a vacancy in a timely manner. Finally, I am concerned as to the effectiveness of the bill. If the purpose is to encourage attendance at board meetings, then it should not be relevant whether the three consecutive absences result in lack of a quorum. Three consecutive absences may indicate a lack of interest on the member's part, even if the board is able to conduct its business in the member's absence.

Therefore, I allowed House Bill No. 1765, H.D. 1, S.D. 1, C.D. 1 to become law as Act 234, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE

Gov. Msg. No. 766, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

House Bill No. 2181 as Act 235, entitled: "RELATING TO HOUSING FINANCING PROGRAMS."

"Dear Mr. President and Members of the Senate:

Re: House Bill No. 2181, H.D. 2

On July 13, 2004, House Bill No. 2181, entitled 'Relating to Housing Financing Programs' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to allow the Housing and Community Development Corporation of Hawaii ('HCDCH') to issue bonds for any program whose primary purpose is to provide housing for active or retired United States military personnel and their families. Also, this bill limits the amount of such bond issuances to \$2,000,000,000.

This bill is objectionable because this bill does not constitute a legislative authorization for HCDCH to issue \$2,000,000,000 in housing revenue bonds for military housing projects. In Standing Committee Report No. 733-04, the House Committee on Finance specifically pointed out that the \$2,000,000,000 amount is not an authorization to issue bonds but a cap on the amount of housing revenue bonds that can be issued for military housing projects. As such, this increase has no actual effect to the amount of bonds that may be issued by HCDCH.

Therefore, I allowed House Bill No. 2181, H.D. 2 to become law as Act 235, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle

LINDA LINGLE"

Gov. Msg. No. 767, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

House Bill No. 2286 as Act 236, entitled: "RELATING TO THE HAWAII COMMISSION FOR NATIONAL AND COMMUNITY SERVICE."

"Dear Mr. President and Members of the Senate:

Re: House Bill No. 2286, HD 1, SD 1

On July 13, 2004, House Bill No. 2286, entitled 'Relating to the Hawaii Commission for National and Community Service,' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

I allowed House Bill No. 2286, H.D. 1, S.D. 1 to become law as Act 236.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 768, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

Senate Bill No. 3230 as Act 237, entitled: "RELATING TO EARLY CHILDHOOD CARE."

"Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 3230, S.D. 2, H.D. 1, C.D. 1

On July 13, 2004, Senate Bill No. 3230, entitled 'Relating to Early Childhood Care,' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to appropriate \$200,000 to the Department of Human Services to establish a pilot project in East Hawaii to provide early childhood care services for children under age five and their families in critical need areas as determined by the department.

This bill is questionable because the proposed pilot project is based on Hui Imua O Koolauloa, a program that has been in operation utilizing a multi-year federal fund grant at a cost of about \$400,000 to \$500,000 a year. The intent of the Legislature was to establish a similar program using State funds but only appropriates \$200,000 for the pilot project and then prohibits the use of those funds for planning, studies, or other strategic functions such as coordination. Further, the bill fails to provide monies for the administrative costs of operating this program, thus creating a situation where the Department of Human Services may have to divert other departmental funds to cover the administration and management of this project. Also, the Legislature has failed to demonstrate how the State would find the funds to sustain this program on a permanent, statewide basis.

While the objectives of enriching early childhood care have merit, the use of general funds for a pilot project that has the potential to expand future program requirements without realizing the potential cost impact is not prudent. Given the State's current fiscal situation, the State must exercise sound

fiscal discipline and give priority to those State programs already in operation, rather than implement new programs that the State will be unable to sustain.

Therefore, I allowed Senate Bill 3230, S.D. 2, H.D. 1, C.D. 1 to become law as Act 237, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE

Gov. Msg. No. 769, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

Senate Bill No. 3153 as Act 238, entitled: "MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH."

"Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 3153, S.D. 2, H.D. 2, C.D. 1

On July 13, 2004, Senate Bill No. 3153, entitled 'Making an Appropriation for Bioremediation Research,' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

Senate Bill No. 3153 appropriates funds in the amount of \$250,000 for fiscal year 2004-2005 to be expended by the Research Corporation of the University of Hawaii for a pilot project on soil renutrition research on former pineapple lands in West Maui to be conducted by Maui Ag Partners. The program is to be coordinated by the Pacific Cooperative Studies Unit of the College of Tropical Agriculture and Human Resources at the University of Hawaii, provided that the appropriated amount shall be matched by non-State funds through Maui Ag Partners.

While soil renutrition may have public benefits, this bill raises concerns because it redirects State taxpayer monies to the benefit of a single private entity. This entity, Maui Land and Pineapple Company, is partially owned by individuals with high net worth who have the financial means to undertake the research proposed in the bill.

Further, this bill appropriates \$250,000 outside of the normal budget process, thereby bypassing the checks and balances that occur during the appropriations discussions. Additionally, such a large appropriation raises fiscal concerns on the potential adverse impact this expenditure may have on other State spending priorities.

Therefore, I allowed Senate Bill No. 3153, S.D. 2, H.D. 2, C.D. 1 to become law as Act 238, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE

Gov. Msg. No. 770, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

House Bill No. 2798 as Act 239, entitled: "RELATING TO THE PRACTICE OF PHARMACY."

"Dear Mr. President and Members of the Senate:

Re: House Bill No. 2798, H.D. 1, S.D. 2

On July 13, 2004, House Bill No. 2798, entitled 'Relating to the Practice of Pharmacy,' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to allow pharmacists to administer drugs by intranasal delivery and vaccines orally and by intranasal delivery. Under the current law, a properly trained pharmacist is authorized to administer drugs both orally or by injection and vaccinations by injection, but is not authorized to administer drugs or vaccinations by intranasal delivery.

I am concerned with allowing pharmacists to engage in the intranasal vaccination of clients without the individual's medical doctor prescribing the medication. Live attenuated influenza virus (LAIV) vaccines are relatively new and can be considered volatile.

The administration of such a product could serve public health goals by providing an alternative to inactivated vaccines for appropriate persons. However, the use of live virus vaccine requires selection of appropriate patients based on age, health status, and the health status of close contacts as stipulated in the prescribing information. House Bill No. 2798 could have been strengthened in specifying appropriate safeguards to assure patient safety.

I believe the Centers for Disease Control makes a sound recommendation in advising that the use of LAIV vaccine involve the patient's physician before administering the vaccine, at least for the time being. Thus, we would encourage pharmacists to work closely with the medical community as they undertake this new responsibility.

Therefore, I allowed House Bill No. 2798, H.D. 1, S.D. 2 to become law as Act 239, effective July 13, 2004, without my signature.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE

Gov. Msg. No. 771, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

Senate Bill No. 420 as Act 240, entitled: "RELATING TO STATE FINANCES."

"Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 420, S.D. 1, H.D. 1, C.D. 1

On July 13, 2004, Senate Bill No. 420, entitled 'Relating to State Finances,' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

I allowed Senate Bill No. 420, S.D. 1, H.D. 1, C.D. 1 to become law as Act 240.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE

Gov. Msg. No. 772, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

Senate Bill No. 1611 as Act 241, entitled: "RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM."

"Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 1611, H.D. 2, C.D. 1

On July 13, 2004, Senate Bill No. 1611, entitled 'Relating to Deposit Beverage Container Program' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to amend Chapter 342G, Hawaii Revised Statutes, *Integrated Solid Waste Management*, Part VIII, *Deposit Beverage Container Program*. This bill makes substantive amendments to the Deposit Beverage Container Program. These amendments, or adjustments, are necessary to alleviate some of the obstacles to implementing the law. Among other things, this bill will exempt distributors who annually import or manufacture less than 100,000 deposit beverage containers per year from the onerous monthly reporting requirement currently mandated for all distributors. Small businesses will now have to submit reports to the department on a semi-annual basis and this will somewhat ease the burden on small businesses to comply with the law. Senate Bill No. 1611 extends the deadline for dealers to operate a redemption center at their place of business to July 1, 2005. This bill removes the requirement that redemption centers and reverse vending machines must crush or destroy all beverage containers and remove the quarterly reporting requirement for redemption centers. Simplifying the redemption process makes the program more convenient for consumers. Extending the timeline for retailers to comply with establishing redemption centers and relieving businesses of cumbersome reporting will make the program less burdensome for businesses. Senate Bill No. 1611 also clarifies requirements regarding labeling. These amendments increase the probability that deposit containers will be labeled properly by January 1, 2005. The Department of Health is required to provide sticker labels to businesses unable to comply with the labeling requirements before the deadline.

This bill raises four concerns. The first concern involves various deposit deadlines. The bill requires distributors to begin charging dealers and customers a deposit equal to the refund value of the container 'by January 1, 2005,' [emphasis added]. Then the bill clarifies that the Department of Health 'may,' [emphasis added] allow dealers to begin charging customers the refund value 'beginning November 1, 2004,' [emphasis added] and requires the dealer to inform the customer that the deposits paid by the customer prior to January 1, 2005 shall not be redeemable until January 1, 2005. These dates raise two concerns. A distributor may charge dealers the deposit before November 1, 2004. However, the Dealer will not be able to charge the consumer that deposit amount until November 1, 2004 at the earliest. Thus, dealers may bear the five cents per container cost for several months without being able to pass along this cost to the consumer.

Additionally, once dealers are allowed to charge consumers the deposit cost after November 1, 2004, the consumer cannot take the containers to redemption center to receive a refund until after January 1, 2005. The consumer must hold the beverage containers for at least two months before obtaining the deposit refund. Since the customers are responsible for returning and obtaining the refund on the container, by not allowing the redemption for two months, the measure actually is

a disincentive for consumers to recycle and redeem beverage containers. It would have been more prudent to operate and fund a consumer-friendly program that encourages and supports voluntary participation by the people of Hawaii, while not placing the weight of responsibility on businesses to ensure the success of the program.

Second, the bill specifies that accumulated funds in the Deposit Beverage Container Deposit Special Fund shall be retained in the fund unless determined by the auditor to be in excess. The bill requires the auditor to conduct management and financial audits of the fund in fiscal years 2005 and 2006 and every even numbered fiscal year thereafter. This action runs contrary to the Legislature's customary practice of determining excess amounts in special funds every year and lapsing the surplus aggregate to the general fund to balance their budget, regardless of auditor review. It is unclear whether the Legislature's intent is to maintain the solvency of the fund or to restrain my Administration from any flexibility in the use of the fund to implement the Deposit Beverage Container Program and ensure rational budgeting practices.

Third, the bill specifies procedures to be used by the Department of Health to implement and administer the Deposit Beverage Container Program and clarifies that the procedures are to be treated as rules of the department. While I have been advised that it is within the authority of the Legislature to incorporate proposed draft administrative rules into statute, it is extremely unusual and sets a disconcerting precedent. I recognize that this bill calls for the repeal of these administrative rules on March 1, 2005. However, Chapter 91, Hawaii Revised Statutes, Administrative Directive 99-02, and my October 10, 2003 memo to the Small Business Regulatory Review Board together form a comprehensive review process for proposed administrative rules that is transparent to the public and takes into consideration the impact of administrative rules on small business. All three of these steps were circumvented by the Legislature with the incorporation of administrative rules into this bill. The rules were placed into Senate Bill No. 1611 in the conference committee without community input and without a single public hearing.

Fourth, within the administrative rules included in this bill are penalties for non-compliance with the program. These penalties include up to a \$10,000 fine for each separate offense per day and allows for administrative, civil, or criminal actions to be taken in addition to the fines. The Deposit Beverage Container Program currently in law does not include any penalty provisions. These penalty provisions were placed into Senate Bill No. 1611 during the conference committee and were not discussed in the Legislature's public hearings prior to the passage of the final conference draft. Thus, community input on this rule was not gathered in a public hearing.

While I support efforts to engage our community in meaningful recycling efforts, a limited scope recycling program that addresses only 2% of Hawaii's solid waste while costing \$30 million in the first year of implementation will not make the difference Hawaii needs to reduce and eliminate litter. This single-purpose recycling program will only address beverage containers. A comprehensive statewide recycling program that addresses all forms of solid waste materials is a more competent course of action that will yield tangible results. The Legislature has the opportunity to consider statewide recycling programs in the next legislative session. In the meantime, this bill addresses some of the beverage industries' and Department of Health's concerns regarding the implementation of the existing Deposit Beverage Container Program.

Therefore, I allowed Senate Bill No. 1611, H.D. 2, C.D. 1 to become law as Act 241, effective July 13, 2004, without my

signature. While this bill is not the comprehensive recycling program I would prefer, the alternative would be to let Act 176, Session Laws Hawaii, 2002 take effect unamended. Act 176, as currently written, has numerous flaws and obstacles that had to be addressed before implementation could occur. This bill will address some of those flaws.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 773, informing the Senate that on July 13, 2004, she permitted the following measure to become law without her signature, pursuant to Section 16 of Article III of the State Constitution, which reads as follows:

Senate Bill No. 3193 as Act 242, entitled: "RELATING TO CONSUMERS."

"Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 3193, S.D. 2, H.D. 2, C.D. 1

On July 13, 2004, Senate Bill No. 3193, entitled 'Relating to Consumers' became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The main purposes of this bill are: (1) repeal the maximum pre-tax gasoline retail price cap originally enacted by Act 77, Session Laws of Hawaii 2002; (2) revise the formula for calculating the maximum pre-tax wholesale price cap and extend its applicability to all grades of gasoline; (3) change the implementation date for the maximum pre-tax wholesale price cap from July 1, 2004 to September 1, 2005; and (4) establish a legislative task force to investigate the petroleum industry and its operations on the neighbor islands.

In section 1 of Senate Bill No. 3193, the Legislature stated that, since the passage of Act 77, it has found that there is competition at the retail level. The Legislature stated that it also found that the problem of high gasoline prices is principally due to a lack of vigorous competition in the wholesale market. The Legislature, therefore, determined that revisions to Act 77 were necessary and decided to further delay the implementation of gas caps until September 1, 2005. The fact the Legislature passed a measure that will not take effect for over a year and this replaced a bill enacted in 2002 with a two-year delayed start indicates that even supporters of gas caps were not sure of what they were doing.

The revised price caps contained in this bill could create adverse effects for Hawaii's gasoline consumers. First, the price caps may bring unwanted and unwarranted volatility to the Hawaii market. The bill's price caps are benchmarked to gasoline spot prices in three volatile spot markets, namely the New York, Gulf Coast, and Los Angeles spot markets. These markets also exhibit seasonal pricing changes that have no factual nexus to Hawaii. In effect, the bill links Hawaii to external and unrelated markets.

Second, the new benchmark prices will increase the risk of supply shortages beyond the shortage risks posed by Act 77 price caps. The use of price caps, coupled with the low Location Adjustment Factor of \$.04 per gallon for shipping, may provide Hawaii refiners with the motivation to ship all grades of gasoline to the higher value West Coast markets. This motivation could bring serious consequences to the entire state.

Third, wholesale caps alone will not achieve the bill's objective 'to enhance the consumer welfare by fostering the

opportunity for prices that reflect and correlate with competitive market conditions.' Even if the wholesale price caps could somehow lower wholesale prices, there is no guarantee that they would 'enhance consumer welfare,' which is presumed to mean lower retail prices. Indeed, it is more likely that integrated wholesale/retail marketers would recoup losses from capped wholesale prices by raising uncapped retail prices in their retail outlets.

Moreover, a common problem with price controls is that the price charged has a strong tendency to be at the price cap, even if costs are falling. The phenomenon occurs in order to make up for losses when the caps limit margins. In addition, price caps can legitimize this type of price setting, because the price caps are viewed as an 'implied permission' to price at what government allows.

Fourth, the bill fails to recognize that Hawaii's wholesale gasoline market has a diverse, complicated, and intricate structure. An inaccurately differentiated wholesale price cap could cause major structural market changes. This could mean potential loss of service to small jobbers and re-concentrate the wholesale market, reducing or eliminating improvements in wholesale competition. In addition, the complicated nature of Hawaii's wholesale gasoline market makes it less transparent for purposes of monitoring and enforcing price caps.

The bill's logic, which attributes high gasoline price primarily to a lack of vigorous competition in Hawaii's wholesale market, fails to recognize changes in the market. For example, Aloha Petroleum's import terminal that opened in 1998 spurred wholesale competition in Hawaii. Aloha first imported gasoline and in 2001 used the terminal to leverage a supply agreement with Chevron at or below the import parity price. Increased competition is reflected in new market entrants, most notably Aloha and Costco.

Price controls cannot address the significant challenges Hawaii faces, such as increased crude oil prices buoyed by an unstable Middle East, strong international demand, stagnant local refining capacity, reduced import options, and a variety of national, regional and state environmental specifications that create requirements for specialty petroleum products.

Finally, price caps and the anti-business message they send are likely to discourage investments vital to the fostering and retention of a robust economy in this state. The main benefit of allowing SB 3193 to become law is the fact that this bill postpones the price caps until September 1, 2005.

Therefore, I allowed Senate Bill No. 3193, S.D. 2, H.D. 2, C.D. 1 to become law as Act 242, effective July 13, 2004, without my signature. My Administration will introduce legislation in the next session to repeal this act.

Sincerely,

/s/ Linda Lingle
LINDA LINGLE"

**HOUSE COMMUNICATIONS RECEIVED AFTER THE ADJOURNMENT
OF THE LEGISLATURE SINE DIE**

Hse. Com. No. 739, returning S.C.R. No. 54, which was adopted by the House of Representatives on May 6, 2004.

Hse. Com. No. 740, informing the Senate that the following bills passed Final Reading in the House of Representatives on May 6, 2004:

H.B. No. 1848, H.D. 1, S.D. 1, C.D. 1;
H.B. No. 2002, H.D. 2, S.D. 1, C.D. 2; and
S.B. No. 2556, H.D. 1, C.D. 2.

Hse. Com. No. 741, informing the Senate that the House has agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House on May 6, 2004:

H.B. No. 1780, H.D. 1, S.D. 1;
H.B. No. 2025, H.D. 3, S.D. 2; and
H.B. No. 2459, H.D. 1, S.D. 2.

Hse. Com. No. 742, informing the Senate that the House has agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House on May 6, 2004:

H.B. No. 1987, H.D. 1, S.D. 1; and
H.B. No. 2408, H.D. 2, S.D. 1.

Hse. Com. No. 743, informing the Senate that the House has reconsidered H.B. No. 267, heretofore vetoed as set forth in a Governor's Message dated May 3, 2004, and approved said bill by an affirmative vote of two-thirds of all members of which the House of Representatives of the Twenty-Second Legislature of the State of Hawaii is entitled.

Hse. Com. No. 744, informing the Senate that the House has reconsidered H.B. No. 2608, heretofore vetoed as set forth in a Governor's Message dated May 3, 2004, and approved said bill by an affirmative vote of two-thirds of all members of which the House of Representatives of the Twenty-Second Legislature of the State of Hawaii is entitled.

Hse. Com. No. 745, transmitting H.R. No. 215, entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," which was adopted by the House of Representatives on May 6, 2004.

RULES OF THE SENATE
of the
TWENTY-SECOND LEGISLATURE OF THE STATE OF HAWAII
TABLE OF CONTENTS

Part	Rule No.	Part	Rule No.
I.	ORGANIZATION, OFFICERS AND EMPLOYEES		
	1. Organization		38. Meeting at Place Other than Capitol
	2. Officers and Employees	IV.	ORDER OF BUSINESS
	3. The President		39. Order of Business: General
	4. The Vice-President		40. Order of Business: Special
	5. President Pro Tempore		41. Order of Business: Committee Reports and Gubernatorial Messages
	6. The Clerk		42. Order of Business: Order of the Day
	7. Assistant Clerk		43. Order of Business: Unfinished Business
	8. Invocation		44. Order of Business: Questions on Priority
	9. Sergeant-at-Arms	V.	BILLS; RESOLUTIONS
	10. Assistant Sergeant-at-Arms		45. Bills: Introduction
	11. Responsibilities of Officers and Employees		46. Bills: Referral to Committee
	12. Majority and Minority Party Organization and Staff		47. Bills: Required Readings
	13. Pay of Members, Officers and Employees		48. Bills: First Reading
II.	COMMITTEES		49. Bills: Second Reading
	14. Committees: Types and Composition		50. Bills: Third Reading
	15. Committee Chairs		51. Bills: Property of Senate
	16. Committees: Control and Excuse from Membership		52. Bills: Recall from Committee
	17. Standing Committees		53. Matters Tabled
	18. Standing Committees: General Responsibility		54. Bills: Amendments
	19. Committee on Ways and Means: Special Responsibility		55. Bills: Certification
	20. Leadership Committees		56. Bills: Received from House of Representatives
	21. Meetings of Committees		57. Bills: Transmittal to House of Representatives
	22. Decision-Making by Committee		58. Bills: Correction of Errors
	23. Public Hearings on Bills		59. Bills: Order of Consideration
	24. Committee Reports		60. Bills: Special Order of Consideration
	25. Committees: Factfinding and Content of Reports	VI.	RESOLUTIONS; MOTIONS
	26. Committee of the Whole		61. Resolutions and Motions: Form
III.	SESSIONS; ATTENDANCE; NOMINATIONS		62. Motions: Second Required
	27. Meetings		63. Motions: Disposition
	28. Attendance		64. Motions Applicable to Pending Matters
	29. Extension of Session		65. Matters Postponed Indefinitely
	30. Recessed Session		66. Motion for Previous Question
	31. Special Sessions		67. Motion for Reconsideration
	32. Adjournments	VII.	PETITIONS AND COMMUNICATIONS
	33. Motion to Adjourn		68. Petitions, Memorials, and Miscellaneous Communications
	34. Quorum		
	35. Executive Session		
	36. Clearing of the Senate		
	37. Nominations; Appointments		

Part	Rule No.	Part	Rule No.
VIII.	ORDER; DEBATE; VOTING		
	69. Questions of Order		80. Decorum: Recording of Debate Called to Order
	70. Debate: General Limitation		81. Decorum: Smoking
	71. Voting: Methods		82. Decorum: Solicitation Prohibited
	72. Voting: Rights of Members		83. Disclosures
			84. Violating Confidence
IX.	DECORUM; DISCLOSURES; PEER REVIEW; PUNISHMENT	X.	QUESTIONS TO STATE OFFICERS
	73. Misconduct; Procedure; Peer Review		85. Questions to State Officers
	74. Decorum: Transgression of Rules	XI.	AMENDMENT, SUSPENSION AND INTERPRETATION OF RULES
	75. Decorum: Address		
	76. Decorum: Person Called to Order While Speaking		86. Amendments; Suspension; Violations
	77. Decorum: Presence in Senate		87. Parliamentary Procedure
	78. Decorum: Conduct in Session		
	79. Decorum: Disorderly Conduct in Session		

RULES OF THE SENATE
of the
TWENTY-SECOND LEGISLATURE OF THE STATE OF HAWAII

PREAMBLE

The members of the Senate do hereby reaffirm the Senate's dedication to upholding the Constitutions of the United States and the State of Hawaii, to providing for openness and fairness in all of its proceedings, and to promoting collaboration and consultation in its committee work.

The Senate stands as a people-oriented institution that serves all of the people, whatever their background or persuasion. The Senate works for the public good and strives to give every person an equal opportunity to realize his or her highest potential. The Senate is an open public forum for organized debate and deliberative consideration of issues.

RULES OF THE SENATE

The following Rules shall be the Rules of the Senate of the Twenty-second Legislature of the State of Hawaii.

PART I. ORGANIZATION, OFFICERS AND EMPLOYEES

Rule 1. Organization

(1) When the Senate convenes in the first Regular Session of each Legislature, the member from the First Senatorial District shall act as temporary chair, call the Senate to order, appoint a temporary Clerk, and a Committee of three whose duty it shall be to immediately examine the credentials of the members-elect of the Senate. If from the report of the Committee, it shall appear that a majority of the credentials are in order, the temporary Clerk shall call the roll.

(2) The temporary Chair shall then appoint a Committee of three to wait upon a justice of the Supreme Court, an Intermediate Appellate Court Judge or a Circuit Court judge to administer the oath of office required by the Constitution. After the oath has been duly administered, the Senate shall organize.

(3) When the Senate convenes in any succeeding Sessions of the Legislature, the President or the Vice-President in the absence of the President, shall call the Senate to order.

Rule 2. Officers and Employees

(1) The officers of the Senate shall consist of a President, Vice-President, Clerk, Assistant Clerk, Sergeant-at-Arms, and Assistant Sergeant-at-Arms, each of whom shall be elected by a majority vote of the members of the Senate.

(2) The President and Vice-President shall hold their respective offices in accordance with Title 3, Hawaii Revised Statutes. Other officers and employees shall hold their respective offices and positions at the pleasure of the Senate, but a majority vote of the members of the Senate shall be required to terminate the office held by any officer of the Senate.

(3) The Senate, by a majority vote, may authorize positions from time to time as may be deemed necessary.

Rule 3. The President

It shall be the duty of the President:

(1) To open the meetings of the Senate by taking the Chair and calling for the invocation.

(2) When a quorum is present, to call for the reading of the Journal of the preceding day.

(3) To maintain order in the Senate Chamber and to require proper decorum on the part of the members.

(4) To announce the business before the Senate in the order prescribed by the Rules.

(5) To receive and submit all matters properly brought before the Senate by the members, call for votes upon the same and announce the results.

(6) To receive all communications, including but not limited to, Governor's messages, budget messages, and Judiciary communications, present them to the Senate and, unless otherwise provided in these Rules, refer these and other matters to the appropriate standing committees.

(7) To appoint all members of committees unless otherwise determined by the Senate.

(8) To authenticate by signature, all acts and doings of the Senate which require authentication.

(9) To make known rules of order when so requested and, subject to an appeal to the Senate, to decide all questions of order.

(10) To issue warrants and when so directed by the Senate, to carry into effect its orders in the arrest of offenders, the summoning of witnesses, or other orders of the Senate.

(11) To decide and announce the result of any vote taken.

(12) To do and perform such other duties as are required by law or by these rules or such as may properly pertain to such office.

(13) To clear the Senate Chamber of all persons, except its members and designated persons if there is a disturbance or disorderly conduct, or on motion duly adopted.

(14) To control and have direction of the rooms, desks, passages, stairways, corridors, and balconies, in and about the building set apart for the use of the Senate, and all public property of the Senate. The President shall see that all officers of the Senate perform their respective duties, and may assign places to visitors and reporters. The President may admit stenographers or other reporters, wishing to take down the debates, and assign them such places to effect their object as shall not interfere with the convenience of the Senate.

(15) To establish final dates for action on legislation, including, though not limited to the final date for introducing bills, the dates for the mandatory recess pursuant to Article III, Section 10, of the Constitution, the final date for third reading of Senate Bills, the final date for third reading of House Bills, the final date for approving Conference Committee agreements and drafts of bills, the final date for final reading of the General Appropriations Bill, and the final date for final reading of the Supplemental Appropriations Bill. The President shall coordinate the date for introducing bills and may coordinate with the Speaker of the House to establish the other final dates.

(16) To promulgate an administrative and financial manual of guides, the purpose of which is to establish uniformity in administrative practices and to ensure compliance with Senate policies.

(17) To mediate and resolve differences between two or more standing committees on the same bill.

Rule 4. The Vice-President

(1) The Vice-President and the President shall prepare and administer a budget for the Senate.

(2) In the absence of the President, the Vice-President shall exercise all the duties and powers of the President.

Rule 5. President Pro Tempore

(1) In case the President and Vice-President shall be absent at the hour to which the Senate had adjourned, the member of the majority party having the longest tenure in the Senate shall preside until a President pro tempore is chosen. If two or more members are equally qualified to preside, the eldest qualified member shall preside.

(2) The President pro tempore shall be invested with all of the powers and shall perform all the duties of the President. Whenever the President pro tempore is required to sign a bill or other instrument, the Clerk shall attach to such bill or instrument a certificate stating that such President pro tempore was duly elected and is authorized to so sign.

Rule 6. The Clerk

It shall be the duty of the Clerk:

(1) To have charge of all records of the Senate and be responsible for the same. At no time shall the Clerk permit original documents to be withdrawn from the Clerk's keeping unless ordered by the Senate.

(2) To make a concise and complete memorandum of all petitions, motions, resolutions, amendments and other matters brought before the Senate. Such memoranda shall state the nature of the matter and the name of the introducer, and the date and day of the session on which the Senate considered the matter. The memoranda, together with other matters ordered to be placed therein, shall constitute the Journal, a copy of which shall be made available for inspection to any member upon request as soon as practicable. The

Journal of each day shall be read the following day, immediately after the invocation. When such Journal is approved by vote of the Senate, it shall be entered by the Clerk in a book entitled "Journal of the Senate. Session of . " (Giving the Year).

- (3) Unless otherwise directed by the Senate, to read all bills, resolutions and other matters (if so required) to the Senate.
- (4) To forward at once all letters, messages, communications and other matters to the proper parties.
- (5) To immediately deliver to the Chair of the appropriate committee all petitions, resolutions, bills or other matters duly referred to such committee.
- (6) To see that all bills and resolutions are properly engrossed and are correct and true as finally acted upon by the Senate.
- (7) To draw on the state general fund for expenses of the session as shall be authorized by the Senate and approved by the President.
- (8) To pay all bills and accounts as shall be approved by the President or the President's designees, or ordered by the Senate, and no others.
- (9) To be responsible for the acquisition and distribution of all of the property of the Senate.
- (10) To note all questions of order with the decision thereon, collect the same, and append them to the Senate Journal at the close of the session.
- (11) To perform all other clerical duties and functions pertaining to the Office of the Clerk and as the Senate from time to time shall direct. The Clerk shall post the order of business in writing in a conspicuous place each day.

Rule 7. Assistant Clerk

The Assistant Clerk shall assist the Clerk in the performance of all duties and attend to such other duties as may be required when so directed by the President. In the absence of the Clerk, the Assistant Clerk shall perform all duties of the Clerk.

Rule 8. Invocation

Each day's sitting of the Senate shall open with an invocation.

Rule 9. Sergeant-at-Arms

It shall be the duty of the Sergeant-at-Arms to attend the Senate on every day of meeting; to maintain order among those present as spectators; to give notice to the Presiding Officer of the attendance of any person with communications or otherwise; to supervise the distribution of incidentals which require distribution among the members; to supervise, subject to the control of the President, the Senate Messengers; to attend upon committees if so requested; to serve all orders or process as directed by the President or Senate; to make all required arrests of members or other persons, and to retain the same in custody; to have the charge and responsibility for the postal requirements of the Senate; and generally to execute all of the requirements of the President of the Senate.

Rule 10. Assistant Sergeant-at-Arms

The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms in the performance of all duties and attend to such duties as may be required when so directed by the President. In the absence of the Sergeant-at-Arms, the Assistant Sergeant-at-Arms shall perform all duties of the Sergeant-at-Arms.

Rule 11. Responsibilities of Officers and Employees

The employees shall perform such duties as may be assigned by the President or prescribed by the Senate.

All officers and employees of the Senate shall be directly answerable to the President, and shall perform all the President's orders and directions, subject to revision by the Senate and subject to confidentiality guided by standards of professional conduct. Employees under the supervision of a Senate member shall be directly answerable to the Senate member.

An oath of office shall be administered to each officer.

Rule 12. Majority and Minority Party Organization and Staff

(1) Members of the majority and minority parties may adopt rules of procedure and administration for their respective caucuses. The rules shall not be inconsistent with the Rules of the Senate, and any such rule of procedure for the caucus shall not be enforceable on the floor of the Senate.

(2) The establishment and staffing of the majority and minority staff offices shall be subject to budgetary constraints in the budget for the Senate that is prepared and administered under Rule 4.

Rule 13. Pay of Members, Officers and Employees

(1) Each member of the Senate, upon being elected or appointed to office, shall receive as compensation such salary as prescribed pursuant to Article III, Section 9, of the State Constitution.

(2) The officers, except the President and Vice-President, and the employees shall receive compensation as the Senate shall fix.

PART II. COMMITTEES

Rule 14. Committees: Types and Composition

(1) Standing Committees: The membership of each Standing Committee shall be appointed by the President subject to action by the Senate. The respective Chairs and Vice Chairs of each Standing Committee shall be appointed by the President, subject to action by the Senate. The majority and minority parties shall to the extent practicable be represented on all Standing Committees on a proportional basis or on such basis as may be prescribed by the Senate.

(2) Leadership Committees shall include majority and minority members drawn from the ranks of the Senate leadership.

(3) Special Committees shall consist of not less than three members each, unless otherwise ordered by the Senate, include a member or members of the minority party, and upon consultation with the Majority and Minority Leaders, shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the specific matter referred. The Senate may establish investigative committees pursuant to Chapter 21, Hawaii Revised Statutes; such committees shall have such powers and be bound by such conditions as may be provided by law or by these Rules.

(4) Conference Committees shall consist of not less than three members each and be managed by the Chair of the Standing Committee having primary responsibility of the subject matter to be resolved, unless otherwise ordered by the Senate. The members of the Conference Committee shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the matter referred. The President may discharge a Conference Committee only upon concurrence with the Majority Leader.

(5) The Committee of the Whole Senate.

Rule 15. Committee Chairs

The first person named on the committee shall be the Chair, and the second member named shall be Vice-Chair. The Chair of committees shall call meetings and preside.

Rule 16. Committees: Control and Excuse from Membership

Committees shall be under the control of and subject to the orders of the Senate, and shall faithfully carry out such orders. Any member may be excused from serving on any committee at the time of appointment, if already a member of four other committees.

Rule 17. Standing Committees

Standing Committees shall be appointed for major subject matter areas at the opening of the session, or as soon thereafter as possible. The Standing Committees and their areas of jurisdiction shall be as follows:

(1) Committee on Commerce, Consumer Protection and Housing. The purview of this committee includes those programs relating to business regulation, occupational licensing, consumer protection, financial institutions, insurance regulation; public utility regulation; and telecommunications regulation; housing development, the landlord tenant code, condominium property regimes, and leaseholds.

(2) Committee on Economic Development. The purview of this committee includes those programs relating to economic development, and other new industry development; financial and technical assistance to business; and recreation, sports and athletics, state parks and beaches, ocean recreation, and Aloha Stadium.

(3) Committee on Education. The purview of this committee includes those programs relating to early education, public schools, continuing education, and the public libraries; the University of Hawaii and community college system.

(4) Committee on Energy and Environment. The purview of this committee includes those programs relating to energy resources; population; and environmental quality control and protection, including litter control, recycling, wastewater treatment, endangered species, and hazardous waste.

(5) Committee on Health. The purview of this committee includes those programs relating to general health, maternal and child care, communicable diseases, dental health, medical and hospital services, mental health, mental retardation, and hospitals.

(6) Committee on Human Services. The purview of this committee includes those programs relating to public assistance, Medquest, youth services, early childhood education and care programs under the Department of Human Services, and vocational rehabilitation; and programs relating to the promotion of the general well-being of Hawaii's youth, families, and elderly population.

(7) Committee on Judiciary and Hawaiian Affairs. The purview of this committee includes those programs relating to the courts; crime prevention and control, including juvenile justice matters; criminal code revision; statutory revision; campaign spending and elections; constitutional matters; the Attorney General, Public Defender and Judiciary; government records and information practices; individual rights and civil liberties; public safety and corrections; and Hawaiian affairs, including the Office of Hawaiian affairs, sovereignty, and Hawaiian homestead lands.

(8) Committee on Labor. The purview of this committee includes programs relating to public officers and employees, labor, employment opportunities and training, labor-management relations, collective bargaining; the public employees retirement system and the Hawaii public employees health fund.

(9) Committee on Science, Arts, and Technology. The purview of this committee includes programs relating to astronomy, biochemistry, biomedicine, biotechnology; and other scientific research and development activities; culture, historic preservation, and the arts; and use of information storage, transmissions, processing, and telecommunications technologies by public agencies and institutions.

(10) Committee on Tourism. The purview of this committee includes those programs relating to tourism, including the Hawaii Convention Center, Hawaii Visitors and Convention Bureau, and the Hawaii Tourism Authority.

(11) Committee on Transportation, Military Affairs, and Government Operations. The purview of this committee includes those programs relating to air, water, and surface transportation; civil defense; military and veteran's affairs; state government operations policy, including procurement and government efficiency; ethics; county, federal, and foreign relations; and matters of concern to the counties.

(12) Committee on Water, Land, and Agriculture. The purview of this committee includes those programs relating to state planning, urban renewal, community development, land and water use, coastal zone management, land reclamation, fisheries and ocean resources; small boat harbors; agriculture and aquaculture, including mariculture.

(13) Committee on Ways and Means. The purview of this committee includes those programs relating to overall state financing policies, including taxation and other revenues, cash and debt management, and statewide implementation of planning, programming, budgeting, and evaluation; government structure and finance.

Rule 18. Standing Committees: General Responsibility

(1) General Responsibility. On the bills referred to it, the committee shall determine objectives, make program recommendations and, where appropriate, make expenditure recommendations. For those bills which require appropriations, the committee shall make expenditure recommendations consistent with the expenditure allocations established for the bills by the Committee on Ways and Means, which shall make the final recommendation to the Senate.

(2) Subsequent referral committees. On bills that have been referred to more than one committee, unless otherwise ordered by the Senate, the subsequent referral committee shall make no substantive change, except changes which affect the subject matter over which the subsequent referral committee has primary jurisdiction, without prior written approval of the preceding referral committee chair having primary jurisdiction over the subject matter affected by the change.

Rule 19. Committee on Ways and Means: Special Responsibility

It shall be the duty of the Committee on Ways and Means, in considering the General Appropriations Bill or the Supplemental Appropriations Bill, to determine for each fiscal year of the biennium the appropriate level of total expenditures and the level of expenditures for program areas.

To the extent practicable, the Committee on Ways and Means shall make available to members of the Senate the contents of the General Appropriations Bill or the Supplemental Appropriations Bill during the 48-hour period prior to the passage of such bills on third and final reading.

Concerning all other bills requiring appropriations, it shall be the duty of the Committee on Ways and Means to inform the Standing Committee responsible for the program area to which the appropriation relates of the amount and type of financial resources available, and it shall review the expenditure recommendation of the Standing Committee to determine that the recommendation is consistent with the resources available.

In determining the amount and type of resources available for a bill requiring an appropriation and in reviewing the expenditure recommendation of the Standing Committee, the Committee on Ways and Means shall invite the recommendation of the chair of the Standing Committee responsible for the program area to which the appropriation relates.

Rule 20. Leadership Committees

Leadership Committees, upon consultation and agreement with the Majority and Minority Leaders, may be appointed by the President at the opening of the session, or as soon thereafter as necessary. A leadership Committee on Legislative Management, upon consultation and agreement with the Majority and Minority Leaders, may be appointed by the President to perform the duties and responsibilities of the Committee as may be provided by law, or to make recommendations to the President on issues of Senate policy. Because Leadership Committees have jurisdiction over issues of organizational and institutional interest to the Senate, their membership shall include members drawn from the ranks of the Senate Leadership, thus assuring high-level consideration of these issues.

Rule 21. Meetings of Committees

Meetings, including decision-making sessions, of leadership committees appointed by the President, and Standing Committees shall be public provided that meetings in executive session may be allowed in such exceptional circumstances when committee discussion could unfairly damage the reputation of individuals or where there is a legal question concerning a bill.

Notice of meetings and decision-making sessions shall include the number and title of the bills or resolutions, and brief descriptions and committee referrals of each of the subject matters to be covered, and shall be publicly posted by first referral committees at least 72 hours before their meetings and by subsequent referral committees at least 48 hours before their meetings, no later than 4:00 pm on the last work day of the week, provided that these notice requirements may be waived with the approval of the President upon good cause shown. The 72 hour notice requirement is waived for the initial decision-making meeting for short form bills.

No committee shall sit during the time when the Senate is actually in session without first securing the approval of the President, except Conference Committees that may sit at any time.

As practicable, committees shall schedule their meetings at times and at places as are convenient for attendance by the general public, and in coordination with other committees of the House or Senate, shall endeavor to hold joint meetings and public hearings on matters of mutual interest.

The meetings of a Conference Committee shall be conducted as agreed upon by the members of the Conference Committee. Conference Committee meetings and decision-making sessions shall be public. Public notice of Conference Committee meetings shall be given to the extent practicable.

Rule 22. Decision-Making by Committee

(1) The chair of a standing committee may commence a decision-making meeting and open discussion on matters referred to the committee without a quorum; provided that the decision-making by the committee on matters that are referred to it shall be conducted with a quorum of the committee present. A quorum shall be a majority of the membership of the committee.

(2) A favorable vote of a majority of the members present at a decision-making meeting duly constituted with a quorum is required to report a matter out of committee. A member voting "with reservations" shall be counted as a favorable vote.

(3) The presence of a quorum and the final vote of each member who is present at the decision-making meeting of a standing committee shall be recorded by the chair or by a member of the committee designated by the chair. This record shall be attached to and shall be a part of the report of the standing committee.

Rule 23. Public Hearings on Bills

(1) Subject to this rule, the selection and scheduling of a bill for public hearing shall be at the discretion of the chair of the committee having jurisdiction over the bill.

(2) The chair's determination that a bill will have a public hearing shall be final notwithstanding the opposition of a majority of the members of the committee.

(3) At the written request of a majority of the members of the committee, the chair shall schedule a bill for public hearing.

Rule 24. Committee Reports

(1) The leadership committees as may be appointed by the President and Standing Committees shall report from time to time upon all matters referred to them.

(2) Special Committees shall report upon matters referred to them within the time permitted in the appointment of the Special Committee unless further time is given by vote of the Senate.

(3) A Conference Committee shall not report upon the matter referred unless a majority of the members of each house appointed by their respective presiding officer have concurred in the report.

Rule 25. Committees: Factfinding and Content of Reports

(1) Whenever any matter shall be referred to a committee it shall be the duty of the committee to make diligent inquiry into all of the facts and circumstances connected with the matter. If necessary, witnesses shall be summoned or subpoenaed, and everything shall be done to bring all facts pertaining to the matter before the Senate in accordance with the provisions of Chapter 21 of the Hawaii Revised Statutes. The President may exercise such powers authorized under Chapter 21, relating to the issuance of subpoenas, and the President, committee chair and other duly delegated members of the Senate may exercise such powers authorized under Chapter 21 aforesaid, relating to the administering of oaths, and the compelling of witnesses who have been subpoenaed to testify. All committee meetings held on matters referred to it by the Senate shall be open to the public unless otherwise ordered by the Senate or otherwise provided by these Rules.

(2) The report of the committee shall state findings of fact and conclusions based thereon, together with a distinct recommendation as to the disposal of that matter.

(3) A report upon a bill shall state clearly the amendments, if any, proposed. If a substitute bill for one or more referred to the committee shall be reported, such substitute bill shall agree with the subject of the bill or bills referred to the committee.

(4) The committee shall report whenever a majority of the members present at the decision-making meeting duly constituted with a quorum is in favor of reporting the bill or resolution out of the committee. The report, after being made available, for review by the members of the committee, and after subsequent revisions thereto, if any, shall be the final report of the committee. The final report of the committee shall be attested to by the signature of the chair on behalf of the members of the committee. The action of the committee on the bill or resolution or any amendments thereto, if any, and the final vote of each member of the committee recorded by the chair or the chair's designee at a decision-making meeting shall not be changed in the review of the report, unless the change is made at an open decision-making meeting conducted with a quorum of the committee present. The minority of the members present at any decision-making meeting duly constituted with a quorum may report.

Rule 26. Committee of the Whole

(1) The Senate from time to time may resolve itself into a Committee of the Whole. Whenever any matter shall be referred to such committee upon the adoption of a motion to that effect, the President shall call some member to take the Chair (unless the Senate shall nominate a chair), which being done, the Senate then shall be in committee.

(2) The Clerk of the Senate shall act as Clerk of the Committee of the Whole without extra compensation, and shall make a careful record of the proceedings, which shall be filed as one of the records of the Senate.

(3) The committee, on motion, may rise and ask leave to sit at any future time.

(4) When a bill shall be referred to the Committee of the Whole, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the preamble to be the last. All amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported. When a bill is ordered into Committee of the Whole, such order may dispense with the reading of the whole bill before considering it section by section.

(5) In Committee of the Whole, the rules of procedure in the Senate shall be observed except that any member may speak more than once on the same subject, but no person shall speak a second or further time until others desiring to speak shall have had an opportunity, nor shall the motion for the previous question be allowed. A time limit for debate may be fixed by vote.

PART III. SESSIONS; ATTENDANCE; NOMINATIONS

Rule 27. Meetings

(1) The Senate shall meet for the transaction of public business every day, except Saturdays, Sundays, legal holidays and such other days as the Senate shall designate by motion or resolution duly adopted and entered in the Journal.

(2) The regular hour of meetings of the Senate is established at eleven-thirty o'clock a.m. but the hour of meeting, recess and adjournment for any day may be such as the Senate, by motion, shall decide from time to time.

Rule 28. Attendance

No member shall be absent from the sessions of the Senate unless given leave by the President or unless the member is sick and unable to attend.

Rule 29. Extension of Session

Two-thirds of the members to which the Senate is entitled, two-thirds of the House of Representatives concurring, may petition the President of the Senate and the Speaker of the House to extend any session of the Legislature. The petition shall read:

“To the President of the Senate and the Speaker of the House of Representatives

Your petitioners, members of the Senate and of the _____ Legislature of the State of Hawaii, respectfully request an extension of _____ days of the _____ session of _____ of the _____ Legislature of the State of Hawaii.”

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the President and the Speaker of the House of Representatives shall jointly issue a proclamation extending the session for the number of days sought in the petition.

Rule 30. Recessed Session

Any session of the Legislature may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Each regular session shall be recessed pursuant to Article III, Section 10, of the Constitution for not less than five days at some period between the twentieth and fortieth days of the regular session.

Rule 31. Special Sessions

(1) Two-thirds of the members to which the Senate is entitled, two-thirds of the House of Representatives concurring, may petition the President of the Senate and the Speaker of the House to call a special session of the Legislature. The petition shall read:

“To the President of the Senate and the Speaker of the House of Representatives

Your petitioners, members of the Senate and of the House of Representatives of the _____ Legislature of the State of Hawaii, respectfully request that a special session of the _____ Legislature of the State of Hawaii be convened at _____.”

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the President of the Senate and the Speaker of the House of Representatives shall jointly issue a proclamation convening the Legislature in special session at the time and place sought in the petition.

(2) Two-thirds of the members to which the Senate is entitled may petition the President of the Senate to call a special session of the Senate for the purpose of carrying out the Senate’s responsibilities under Article VI, Section 3, of the Constitution. The petition shall read:

“To the President of the Senate

Your petitioners, members of the Senate of the _____ Legislature of the State of Hawaii, respectfully request that a special session of the Senate of the State of Hawaii be convened at _____.”
The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which the Senate is entitled, the President of the Senate shall issue a proclamation convening the Senate in special session at the time and place sought in the petition.

Rule 32. Adjournments

Meetings may be adjourned at any time. Unless otherwise specified in the motion, every adjournment shall be considered as being to the established hour of meeting on the following business day; but no adjournment shall be for more than three days, or sine die, without the consent of the House of Representatives.

Rule 33. Motion to Adjourn

A motion to adjourn is always in order, and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

Rule 34. Quorum

For the transaction of business, a majority of the number of members to which the Senate is entitled shall constitute a quorum, of which quorum a majority vote shall suffice, but the final passage of a bill shall require the vote of the majority of the members of the Senate. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members. For the purpose of compelling the attendance of absent members, a majority of the members present, by resolution, may direct the Sergeant-at-Arms to place the members who are absent under arrest and return them to the Senate. Any warrant pursuant to such a resolution shall be issued in the name of the Senate and shall be signed by the member then presiding. For the purpose of ascertaining whether there is a quorum present, the President shall count the members present.

Rule 35. Executive Session

(1) If the Senate considers it necessary to act confidentially upon any communication from the Governor or upon any nomination or other matter, it may go into executive session.

(2) When any member desires to make known any matter to the Senate which the member deems should be confidential and private, the member shall communicate that desire to the President who shall decide whether the Senate shall go into executive session. The Senate may decide whether the matter communicated shall be kept secret.

Rule 36. Clearing of the Senate

(1) When acting upon confidential business in executive session, the Senate Chambers shall be cleared of all persons except the members of the Senate and such other persons as the presiding officer with the consent of the Senate shall deem necessary.

(2) The members, officers and employees shall keep the secrets of the Senate and any other person whose presence is permitted in executive session shall be sworn to secrecy.

(3) All confidential communications made to the Senate, and remarks, votes and proceedings thereon, shall be kept strictly secret by the members, officers and employees, as well as by such other persons as have been detained or permitted to attend upon the consideration of such matters, until the Senate, by resolution, takes off such seal of secrecy, or unless such matter be later considered in open session.

Rule 37. Nominations; Appointments

(1) Nominations made by the Governor and removal of the chief legal officer of the State which require the advice and consent of the Senate, and appointments which require the confirmation or consent of the Senate shall be referred to the standing committee having jurisdiction within five legislative days of receipt of the nomination or appointment. The standing committee to which a nomination, removal of the chief legal officer or appointment is referred, shall report to the Senate with a recommendation to advise and consent, confirm, or reject on or before the fifty-ninth day of the session.

(2) Except for the appointment of a justice or judge, a nomination or appointment made by the Governor which is received by the Senate after the fifty-first day of the session of the Legislature shall be returned to the Governor without action, unless a confirmation or consent is required to further a public purpose which cannot be satisfied by an interim appointment. Notice of this rule shall be given to the Governor not later than the twentieth day of the session of the Legislature.

(3) The final question on nominations made by the Governor shall be: "Will the Senate advise and consent to this nomination?"

(4) The final question on the removal of the chief legal officer of the State shall be: "Will the Senate advise and consent to the removal of the chief legal officer of the State?"

(5) The final question on appointments made by the Governor which require the confirmation or consent of the Senate shall be: "Will the Senate confirm (or consent) to this appointment?"

(6) The final question on nominations, removal of the chief legal officer or on appointments shall not be put sooner than twenty-four hours from the time when the nomination or appointment is received, nor on the day in which it may be reported by a committee, unless by unanimous consent.

(7) Public hearings shall be held for all nominees, for the removal of the chief legal officer of the State, and for all appointees prior to confirmation or consent by the Senate.

(8) Consent to the appointment of justices and judges shall be pursuant to Article VI, Section 3, of the State Constitution.

Rule 38. Meeting at Place Other than Capitol

Whenever, for any reason, the Governor shall convene the Senate at any place other than the Capitol, it shall attend together with all of its officers at the time and place ordered.

PART IV. ORDER OF BUSINESS**Rule 39. Order of Business: General**

After invocation, roll call and the reading of the Journal, the President shall call for business in the following order:

- (1) Messages from the Governor.
- (2) Reports and communications from the state officers.
- (3) Communications, bills, resolutions and other matters from the House of Representatives.
- (4) Concurrent and senate resolutions and introduction of bills.
- (5) Reports of Conference and Joint Committees.
- (6) Reports of the Leadership Committee on Legislative Management.
- (7) Reports of Standing Committees.
- (8) Reports of other Leadership Committees.
- (9) Unfinished business, upon which the Senate was engaged at the time of its last adjournment.
- (10) The Order of the Day.
- (11) Miscellaneous communications.
- (12) Any miscellaneous business on the President's table.

Rule 40. Order of Business: Special

The Senate, by previous motion, may direct that any matter named shall be made a special order of business and that such special order shall take precedence of all business after the fourth order, or that it shall take any other position lower down on the calendar.

Rule 41. Order of Business: Committee Reports and Gubernatorial Messages

Reports from Conference or Joint Committees, and from Leadership Committee on Legislative Management, shall be in order at all times after the second order of business, and, upon motion, messages from the Governor or from the House of Representatives may be received at any time. Without unanimous consent, however, such messages or reports shall not be in order for discussion when received, but shall be placed on the calendar as unfinished business.

Rule 42. Order of Business: Order of the Day

After the first seven orders of business set forth in Rule 38, it shall be in order, pending consideration thereof, to move that the Senate proceed to dispose of the unfinished business or to the Order of the Day. If such motion be decided in the affirmative, such consideration shall immediately be taken up.

Rule 43. Order of Business: Unfinished Business

The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the Order of the Day. Until the former is disposed of, no motion for any other business shall be received without special leave of the Senate.

Rule 44. Order of Business: Questions on Priority

All questions relating to the priority of business to be acted upon shall be decided without debate.

PART V. BILLS; RESOLUTIONS**Rule 45. Bills: Introduction**

Any bill may be introduced on the report of the committee or by any member, except appropriation bills subject to the next paragraph and except short form bills which may only be introduced by the majority leaders or the minority leader after appropriate consultation with committee chairs and other members of the Senate.

The Executive Budget, Judiciary Budget, Legislative Budget, General Appropriations Bill, Supplemental Appropriations Bill, Office of Hawaiian Affairs Budget, and bills for criminal injuries compensation, for claims against the State and for funding of collective bargaining agreements may be introduced only by the President. Each member may introduce only one bill appropriating money for capital improvements projects in the member's district. The majority leaders and the minority leader shall develop a policy governing introduction by individual members of bills intended to appropriate money or to authorize the issuance of state bonds.

All bills shall be introduced under the order of resolutions.

Bills which shall carry over from a regular session in an odd-numbered year to the next regular session shall retain the numbers assigned to them. The Clerk shall keep a record of the status of all bills in possession of the Senate at the end of the odd-numbered year session and shall publish the record of the status of all such bills prior to the convening of the next regular session.

Every bill introduced or reported out of any committee, which amends an existing section or subsection of the Hawaii Revised Statutes or Session Laws of Hawaii, shall set forth the section or subsection in full, and the matter to be deleted shall be enclosed in brackets and stricken and any new matter added to the section or subsection shall be underscored. However, a Supplemental Appropriations Bill need not conform to this rule, nor an amending bill where the intent and effect of the amending bill can be clearly identified and understood without repeating the entire section or subsection, in which case only the paragraphs, subparagraphs, clauses or items to be amended need be set forth as the President may allow. The President may allow additional exceptions to this rule.

Co-sponsors may be added to bills up until the bill introduction deadline and with the consent of the primary sponsor.

Rule 46. Bills: Referral to Committee

(1) Upon introduction, all bills shall be numbered by the Clerk in numerical sequence, shall bear an identification as a Senate Bill, and shall pass first reading.

(2) The majority staff office shall make recommendations to the majority leadership on the referral of each such bill to appropriate Leadership or Standing Committees.

(3) Each such bill shall be referred by members of the majority leadership appointed by the President, to one or more appropriate Leadership or Standing Committees for consideration.

(4) Any referral may be reconsidered by the President upon written request of any chair who is aggrieved by the referral made within forty-eight hours of the referral. The President shall decide the request for reconsideration within a reasonable time, which decision shall be final. No request for reconsideration shall be considered if the timing of the request would have the effect of killing a bill or resolution.

(5) Each Leadership and Standing Committee shall consider the bills and other matters referred to it as expeditiously as may be possible.

Rule 47. Bills: Required Readings

No bill shall pass the Senate unless it shall have passed three readings in the Senate on separate days. The President shall give notice in each instance whether it be the first, second or third reading.

Rule 48. Bills: First Reading

(1) The first reading of a bill shall be for information. If opposition be made to it, the question shall be: "Shall this bill be rejected?" which question may be debated. But no one shall speak more than once upon such question, except the introducer of the bill, who may close the debate.

(2) If the question to reject be negative, the bill shall go to its second reading without question.

Rule 49. Bills: Second Reading

A bill upon its second reading may be read by its title only. It then shall be subject to a motion to commit. If it is not referred to a Leadership Committee, Standing Committee, or Special Committee, but is ordered to be considered in Committee of the Whole, a day for such consideration shall be determined by the chair of such committee. When the bill is reported from committee it shall take its place in the order of business for future consideration.

Rule 50. Bills: Third Reading

(1) No bill shall pass third or final reading in the Senate unless printed copies of the bill in the form to be passed have been made available to the members of the Senate for at least 48 hours. Form to be passed means the form in which a bill is to be (a) passed on third reading in the Senate, (b) concurred to by the Senate after amendments have been made by the House, or (c) passed by the Senate after a Conference Committee has agreed upon it.

(2) A bill on its third or final reading may be read by its title only, and the President then shall ask the Senate: "Shall this bill pass its third reading?" or "Shall this bill pass its final reading?" as the case may be. Upon the final passage of any bill, the Ayes and Noes shall be called. Such passage shall require the affirmative vote of a majority of all the members of the Senate and the Ayes and Noes shall be entered on the Journal.

(3) All bills, except on first reading, shall be printed by title on the Order of the Day before consideration by the members unless waived by the President.

Rule 51. Bills: Property of Senate

All bills introduced in the Senate shall be deemed the property of the Senate and under its control unless they shall become law, subject however to the right of the House of Representatives to amend or to refuse to agree with the bills.

Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session; provided that if such bill shall have passed third reading in the Senate in an odd-numbered session, it shall pass at least one reading in the Senate in the next regular session upon its return to the Senate from the House.

Rule 52. Bills: Recall from Committee

Twenty days after a bill has been referred to a committee, the same may be recalled from such committee by the affirmative vote of one-third of the members of the Senate.

Rule 53. Matters Tabled

When a bill or resolution or other matter has been laid upon the table, it shall not thereafter be taken from the table and be considered or restored to a place upon the calendar of the Senate without the consent of a majority.

Rule 54. Bills: Amendments

(1) All amendments proposed to any bill shall be in writing, unless otherwise ordered by the Senate, and shall be sent to the Clerk's desk to be filed with the bill.

(2) No floor amendment to a bill shall be voted upon unless a copy of the amendment, together with a copy of the complete bill in a form that incorporates the floor amendment, shall have been presented to the Clerk no later than 2 hours prior to the scheduled convening time of the session on the day of the session at which the amendment is to be offered. The Clerk shall prepare and distribute copies of the floor amendment to each member of the Senate present.

(3) A floor amendment shall be deemed pending only after its proponent has been recognized by the President and its adoption has been properly moved and seconded.

(4) A floor amendment that relates to a different subject, is intended to accomplish a different purpose, incorporates any other bill pending before the Senate, or would alter the nature of the bill as reported, is not germane and shall not be considered by the Senate.

(5) An amendment to a floor amendment that is not germane to both the floor amendment and the bill as reported shall not be considered by the Senate.

Rule 55. Bills: Certification

When a bill is passed it shall be certified by the Clerk who shall note the day of its passage in the journal along with a record of the ayes and noes.

Rule 56. Bills: Received from House of Representatives

Whenever a House bill which has passed Third Reading in the House of Representatives shall be certified to the Senate for its action, such bill shall be read three times before final passage, in accordance with the provision of the rules for the passage of bills introduced in the Senate.

Rule 57. Bills: Transmittal to House of Representatives

When a bill originating in the Senate shall have passed its third reading, or when a bill originating in the House which has been received from the House shall have been amended, or when a carry-over bill from an odd-numbered year originating in the House passes its third reading in the Senate in an even-numbered year session, such bill or such amended bill shall immediately be certified by the President and Clerk and sent to the House of Representatives for its consideration.

Rule 58. Bills: Correction of Errors

When a bill has passed both the Senate and the House of Representatives and an error in it is discovered prior to its having received the approval of the Governor, the bill may be returned by Concurrent Resolution to the house last considering the bill for proper correction.

Rule 59. Bills: Order of Consideration

(1) The Clerk shall send bills that have passed first reading to be printed immediately. When they have been printed and circulated to the members of the Senate, the Majority Leadership shall refer them to the various committees. When the committees have considered them and reported on them, the committees shall return them to the Clerk, and the Clerk shall place them in the Second Reading File. The Senate shall consider them in the order in which they appear in the Second Reading File.

(2) The Clerk shall arrange bills that have passed second reading in the order of their passage on second reading, regardless of the date of their reference to committee or the date of the committee report on them. The Clerk shall place them on the Third Reading File in the order in which they passed second reading and the Senate shall consider them on third reading in that same order. However, if the third reading of a bill is set for some particular date, that bill shall be removed from the Third Reading File.

Rule 60. Bills: Special Order of Consideration

All bills and other matters set for consideration on particular dates, shall be arranged in the order of the several votes making such assignments. A list shall be made of such special orders, and when the time for consideration arrives, such bills and other matters shall be considered in the order of assignment. If an adjournment shall be had before all of such special orders are disposed of, the remainder shall go over and come under the head of unfinished business on the following day, unless otherwise ordered.

PART VI. RESOLUTIONS; MOTIONS**Rule 61. Resolutions and Motions: Form**

All resolutions shall be typewritten, dated and signed by the introducer, otherwise they shall not be considered. The Senate shall not introduce any congratulatory, commemorative or memorial resolution but shall express the sentiment contained in such resolutions by means of a suitable certificate. Motions and amendments may be verbal but shall be reduced to writing if requested by the President, and shall be read from the desk if so ordered.

Rule 62. Motions: Second Required

No motion shall be received and considered by the Senate until the motion is seconded.

Rule 63. Motions: Disposition

After a motion is stated or read by the President, it shall be deemed to be in the possession of the Senate, and shall be disposed of by vote of the Senate; however, it may be withdrawn by the mover at any time before an amendment has been adopted or before the decision on the motion if not amended.

Rule 64. Motions Applicable to Pending Matters

Whenever any bill or resolution or other matter shall be under discussion, the only motions relative thereto shall be:

- (1) To lay upon the table,
- (2) To postpone to a certain time,
- (3) To postpone indefinitely,
- (4) To commit, and

(5) To amend, which motions shall have precedence in the order named.

The first two motions shall be decided without debate and shall be put as soon as made.

When any of the motions shall be decided in the negative, they shall not be revived the same day relative to the main question under discussion. If all are negative as aforesaid, the only remaining question shall be as to the adoption of the bill, resolution or other main question.

Rule 65. Matters Postponed Indefinitely

When a question is postponed indefinitely, the question shall not be acted upon again during the session in which it was introduced.

Rule 66. Motion for Previous Question

The object of the motion for the previous question is to cut off debate. It shall always be in order. It shall require a three-fifths vote to carry it.

Whenever the motion shall be carried, the author of the resolution or introducer of the bill under discussion shall be permitted to close the debate, after which the main question, subject to Rule 64, shall be put. The author or introducer may delegate to another such right to close.

Rule 67. Motion for Reconsideration

(1) When a motion has been once made and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for a reconsideration thereof; but any member who voted with the majority may move to reconsider it on the same or the succeeding day of session, or, with the consent of the Senate, on any subsequent day and such motion shall take precedence of all other questions, except a motion to adjourn.

(2) When a motion for reconsideration has been decided by vote, that vote shall not be reconsidered.

(3) When a bill or resolution or other matter upon which a vote has been taken shall have gone out of the possession of the Senate, and shall have been transmitted to the House of Representatives, a motion to reconsider shall be deemed to include a request to the House to return the same. If not complied with by the House, then the vote on the motion to reconsider shall be set aside. If such motion shall pass, the Clerk shall promptly communicate to the House the request for return of the matter to be reconsidered.

PART VII. PETITIONS AND COMMUNICATIONS

Rule 68. Petitions, Memorials, and Miscellaneous Communications

(1) Any person may petition the Senate. Petitions and other memorials, except as provided in Rule 61, shall be in writing, signed by the petitioners.

(2) All petitions, memorials and other papers addressed to the Senate or to the President and members shall be presented to the Senate by the Clerk.

(3) A brief statement of the contents of such petitions, memorials or other papers shall be made orally by the Clerk.

(4) Every such petition, memorial or other paper shall be ordered filed or referred to a committee, as of course, by the President, unless such action is objected to by a member at the time such petition, memorial or other paper is presented.

(5) No such petition, memorial or other paper shall be debated on the day it is presented, except with the consent of the Senate.

PART VIII. ORDER; DEBATE; VOTING

Rule 69. Questions of Order

(1) A question of order may be raised at any stage of the proceedings, except during the calling of the roll when the Ayes and Noes are called for. Unless submitted to the Senate, such questions shall be decided without debate by the presiding officer, subject to an appeal to the Senate. Laying such appeal on the table shall be held as sustaining the ruling of the presiding officer.

(2) Any question of order may be submitted to the Senate for its decision.

Rule 70. Debate: General Limitation

No member shall speak more than twice, unless such member be the mover of the matter pending, in which case such member shall not be permitted to speak in reply until every member choosing to speak shall have spoken.

Rule 71. Voting: Methods

There shall be five methods of ascertaining the decision of the Senate upon any matter.

(1) First, by voice or raising of hands; Second, by rising; Third, by ballot; Fourth, by call of the roll of the members and a record of the Clerk of the vote of each; and Fifth, by unanimous consent.

(2) Whenever the Senate is ready to vote on any question, the President shall rise, and after stating the question, shall request all those in favor of the affirmative of the question to vote "Aye." The President then shall call upon all voting in the negative of the question to vote "No." The President then shall announce the result to the Senate.

(3) If any member shall doubt the result, as announced, the President again shall state the question and call upon the members to vote by rising in their places, and they shall remain standing until counted, and the result again shall be announced.

(4) The method of voting by ballot shall be as customary. The President shall appoint one or more tellers, or direct the Messengers to collect the ballots, which shall be counted by the Clerk. On motion, the Senate may vote upon any question by ballot.

(5) Whenever one-fifth of the members present shall request, the Clerk shall call the roll of the members of the Senate. Each member, when called, shall vote in a clear loud voice, "Aye," if voting in the affirmative, or "No," if voting in the negative. The Clerk shall record each vote and such record shall become a part of the Journal of the Senate. The President shall announce the results as above set forth.

(6) With the unanimous consent of the Senate, the President may direct the Clerk to record an "Aye" vote for each member of the Senate. If there is no objection, the Clerk shall so record the vote. If there is objection, the President shall ask for the names of the members voting "No" and order the Clerk to record no votes for them.

Rule 72. Voting: Rights of Members

(1) No member, on any account, shall refrain from voting unless excused by the President. A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."

(2) The President may excuse a member who has a monetary interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in the question, the member shall rise and disclose the interest to the President. The President then shall Rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

(3) Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain a vote.

(4) After the announcement by the President of the result, no one shall be allowed to vote or to change a vote.

PART IX. DECORUM; DISCLOSURES; PEER REVIEW; PUNISHMENT

Rule 73. Misconduct; Procedure; Peer Review

No member of the Senate shall be subject to a charge for misconduct, disorderly behavior, or neglect of duty unless the person making the charge shall have first given notice of the charge to the President and to the member being charged.

Upon receipt of the charge, the President shall attempt to resolve the matter in an administrative proceeding. If the matter cannot be resolved administratively, the President may appoint a Special Committee to be chaired by the Vice-President or such other member as the President may designate to investigate, hear and report upon the conduct of the member charged for misconduct, disorderly behavior or neglect of duty. Any member so charged shall be informed in writing of the specific charge or charges made against the member and have opportunity to present evidence and be heard in the member's own defense before the Special Committee. Following its investigation and hearing, the Special Committee shall file its report with the President setting forth its findings and recommendations.

If the committee recommends dismissal of the charge or charges, the President may dismiss the charges without further hearing, or the President may present the report of the committee to the Senate for its consideration. The Senate, by a majority vote, may dismiss the charge or charges against the member without a hearing.

If there is no dismissal of the charge or charges, or if the committee recommends censure, suspension or expulsion, the President shall present the report of the committee to the Senate for its consideration and decision. The member who is charged, shall

be informed in writing of the presentation of the charge or charges of the committee report to the Senate and be given an opportunity to be heard in the member's own defense. The Senate, by a majority vote, may dismiss the charge or charges without a hearing, or with notice and an opportunity to be heard in the member's own defense, censure a member or, upon a two-thirds vote of all the members of the Senate, suspend or expel a member.

At any stage of the charge against a member, the member shall have a right to be represented by a person or persons of the member's own choosing.

Rule 74. Decorum: Transgression of Rules

If any member transgresses the rules of the Senate, the President, or any member, may call such member to order, and, when so called to order, the member immediately shall sit down. The President then shall decide the question of order without debate, subject to an appeal to the Senate.

The President may call for the sense of the Senate on any question of order.

Rule 75. Decorum: Address

When any member is about to speak, such member shall rise from the member's seat and address all remarks to the President. While speaking, the member shall confine all remarks to the question under debate, shall refer to other Senators by title only (e.g., "Senator from the _____ District"; "The Chair of the Committee on _____"; "The Majority Leader,") and not by name and shall avoid personalities.

Rule 76. Decorum: Person Called to Order While Speaking

Whenever any person shall be called to order while speaking, such person shall be deemed to be in possession of the floor when the question of order is decided and may proceed with the matter under discussion.

Rule 77. Decorum: Presence in Senate

No person shall sit at the desk of the President or Clerk, except by permission of the President, nor shall any person, other than a member, officer or permitted employee or person, sit in the main Senate floor area during any of the sessions of the Senate.

Rule 78. Decorum: Conduct in Session

When the President is putting any question or addressing the Senate, no one shall walk out of the room or across the floor. When a member is speaking, no one shall entertain a private discourse, nor shall anyone pass between the member speaking and the Chair.

No one shall cause any annoyance or disturbance on the Senate floor by use of sound-emitting electronic devices such as cell phones or pagers.

Rule 79. Decorum: Disorderly Conduct in Session

If, during any session of the Senate, any member should behave in a disorderly manner the President shall order the member to be seated and preserve the peace. If such member then shall persist in disorderly conduct, the President shall order the Sergeant-at-Arms to remove the member from the Senate and the member shall not be permitted to take a seat during the remainder of that day's session, except upon satisfactory pledge given to the Senate for future good behavior.

For the punishment of any person not a member, the provisions of Article III, Section 18 of the Constitution shall govern.

Rule 80. Decorum: Recording of Debate Called to Order

If any Senator is called to order for words spoken in debate, upon the member's demand or on that of any other Senator, the words objected to shall be taken down in writing and noted by the Clerk, and, if required, shall be read for the information of the Senate.

Rule 81. Decorum: Smoking

No member or other officer shall smoke within the Senate Chamber during any of the meetings of the Senate.

Rule 82. Decorum: Solicitation Prohibited

An officer or employee of the Senate shall not solicit subscriptions, for any purpose, from any other officer or employee thereof, nor from any Senator. Nor shall any person be permitted to solicit or receive subscriptions or contributions for any purpose on the floor or in the lobby of the Senate or in any Senate office.

Rule 83. Disclosures

Each member shall file with the Ethics Commission of the State of Hawaii, a disclosure of the member's private financial interests, as prescribed by law. Each member shall file with the Ethics Commission any change in such financial interests.

If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall disclose orally such interest to the Senate before voting. The member then shall immediately make the written disclosure required by law and the Rules of the Senate.

Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the Senate floor of any interest so filed.

Rule 84. Violating Confidence

If any matter covered in Rule 35 or 36 shall be disclosed by any Senator, the Senator shall be liable to censure, or, by a two-thirds vote, to suspension or expulsion from the Senate. If an officer or other person authorized to hear such matter shall disclose the matter, such officer shall be dismissed and such other person shall be liable to punishment for contempt comparable to the punishment provided for by Article III, Section 18 of the Constitution and in the manner as therein prescribed.

PART X. QUESTIONS TO STATE OFFICERS

Rule 85. Questions to State Officers

Any member of the Senate may ask any question of any state officer relating to the officer's respective department by reducing such questions to writing, over the member's signature, reading the same before the Senate, and furnishing the officer with a copy of such written question. Any officer questioned shall reply to such question upon the following day, unless the Senate shall grant a definite extension of time for replying.

PART XI. AMENDMENT, SUSPENSION AND INTERPRETATION OF RULES

Rule 86. Amendments; Suspension; Violations

(1) No rule of the Senate shall be amended or rescinded nor shall any new rule be adopted, without one day's notice of such change. Any such action shall require a majority vote of the members of the Senate.

(2) Any rule may be suspended for a particular purpose upon a majority vote of the members of the Senate.

(3) Any violation of these Rules shall be referred to the President for appropriate action.

Rule 87. Parliamentary Procedure

Mason's Manual of Legislative Procedures, 2000 edition, where not inconsistent with the Rules and practices of the Senate, shall govern.

**22nd STATE LEGISLATURE
JOINT SENATE-HOUSE
2004 COMMITTEES ON CONFERENCE PROCEDURES**

(Amended April 1, 2004)

The Senate and the House have agreed to the following special procedures for all 2004 Regular Session Committees on Conference meetings. Within these procedures:

“Chairs” refer to all of the designated co-chairs of a Conference Committee;

“Conference Committee” refers to the conference of the House Committee and the Senate Committee assigned by their respective chamber to resolve the differences between the House and the Senate over a particular bill or resolution; and

“Managers” refer to all members of the House and Senate assigned to a Conference Committee.

1. Conference Committee Scope and Amendments

The authority of the Conference Committee shall be limited to resolving differences between the Senate and House drafts of a bill or resolution. Accordingly:

- a. With the exception of the Executive Budget, the Judiciary Budget and the Budget of the Office of Hawaiian Affairs, a Conference Committee shall not amend a bill or resolution by inserting into the bill or resolution any unrelated or new subject matter.
- b. To assure the integrity of individual bills, the merging of two or more distinct but related bills into one encompassing bill shall not be allowed.

2. Conference Committee Meeting Times

Conference Committee deliberations shall take place only between the hours of 8:00 a.m. and 12:00 midnight.

3. Initial Public Meeting Notice

The signatures of the Conference Committee chairs shall be obtained before the notice of an initial meeting is posted or distributed. Prior to offering the initial meeting notice for signatures, the chairs shall consult with one another on the information to be included in the notice.

Conference Committee chairs shall provide at least 24 hours public notice of the first meeting of the Conference Committee, and are strongly encouraged to provide more than 24 hours notice if at all possible.

4. Notice of Subsequent Meetings

- a. If agreement is not reached at a duly noticed meeting, but the majority of chairs of their respective chamber agree to meet again before midnight on the same day, the chairs should announce the time at which the Conference Committee will reconvene. Written notice of the reconvening of the Conference Committee on the same day is not required to be distributed. However, written notice containing information on the subsequent meeting must be provided to the Senate Chief Clerk and the House Sergeant-at-Arms and posted, as soon as possible, adjacent to the door of the assigned conference room.
- b. If agreement is not reached at a duly noticed meeting and the majority of chairs of their respective chamber

agree to meet on another day, the chairs shall publicly announce the date(s) and time(s) of the subsequent meeting(s), post written notice, adjacent to the door of the assigned conference room, and submit copies of the written notice to the Senate Chief Clerk and the House Sergeant-at-Arms.

- c. If agreement is not reached at a duly noticed meeting and the date(s) and time(s) of future meetings are not publicly announced at that noticed meeting, then chairs must ensure that written notice, signed by the lead chairs of their respective chamber, is posted and distributed at least 24 hours in advance of the next meeting of the Conference Committee.

5. Conference Room Notice

Notices of Conference Committee meetings shall be posted adjacent to the door of the assigned conference room and updated periodically to advise the public of the items for which the Conference Committee has concluded its work and those items still remaining in conference.

6. Conference Discussion

Except as authorized by the respective Conference Committee chairs, only the respective Conference Committee chairs may speak during conference. All other managers or other authorized persons must be recognized by their respective chairs before speaking on any issue.

7. Decorum in Conference Committee Meetings and Courtesy to the Public and to the Managers

- a. Conference Committee managers shall respect the differing views of other managers and conduct themselves in a courteous manner.
- b. Conference Committee chairs shall ensure that meetings convene and reconvene at scheduled times. If none of the chairs of one of the Committees are present within 15 minutes of the scheduled meeting time, the chairs of the other Committee in Conference shall have the names of the absent chairs paged through the State Capitol public address system. If none of the absent chairs are present within 30 minutes of the scheduled meeting time, the chairs present shall inform the members of the public present that the Conference Committee cannot be reconvened, and that, pursuant to 4c of these Conference Committee Procedures, 24-hour notification will be provided for a subsequent meeting of the Conference Committee.

8. Decision-making Meetings

The decision-making meeting of a Conference Committee shall comply with the following open meeting provisions:

- a. A quorum of the Conference Committee shall be present for the decision-making meeting. A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers and shall include a majority of the chairs of the conference committee for their respective chamber.

-
- b. To report a measure out of Conference Committee in amended form (CD), a majority of the quorum of managers for each respective chamber must vote in favor of the proposed amendments, provided that no Conference Committee Report concerning a measure with fiscal implications shall be reported out of a Conference Committee without the signatures of the chairs (or their designee) of the fiscal committees of each chamber.
 - c. The lead chair (or the lead chair's designee) representing their respective chamber shall call the roll and be the recorder of the quorum and the votes on that measure for that chamber. (Draft sample attached).
 - d. If, after naming a Conference Committee on a measure, the Conference Committee managers representing the chamber from which a measure originated agrees to the amendments made by the non-initiating chamber, only a quorum of those representing the originating chamber shall vote on the agreement at a duly noticed meeting. For example, if after naming a Conference Committee on a House measure, the House managers of the Conference Committee decide to agree to the amendments in the Senate draft (SD) of the measure, then only the House managers of the Conference Committee will vote on the measure, returning it to the House in its SD form. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the originating chamber shall be filed with the appropriate chamber without a Conference Committee Report.
9. Conference Committee Reports
- a. A majority of the House and Senate chairs, respectively, of a Conference Committee shall attest to the action of the Conference Committee by signing the Conference Committee report on behalf of their respective managers. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the Conference Committee shall be attached to the report as a part thereof.
 - b. All House measures reported out of Conference Committee shall be filed with the House Clerk and likewise all Senate measures shall be filed with the Senate Clerk. A document filed in the originating chamber shall be deemed simultaneously filed in the other chamber. Only one original and one copy shall be required for filing of Conference Committee reports.
10. Decision-making Deadlines
- On the deadline nights for Final Decking of both non-fiscal and fiscal bills:
- a. Conference Committees shall conclude their negotiations by 6:00 p.m. to allow adequate time for final preparation of the bills and committee reports.
 - b. To provide all Conference Committee chairs with ample opportunity to review and sign the Committee reports before filing, all Conference Committee reports shall be available for review and signature by 9:00 p.m.
 - c. All Conference Committee reports shall be filed with the respective Clerk's office by 11:30 p.m.
11. Electronic Transfer
- Should a Conference Committee for which the vehicle is a Senate bill decide to use a proposal drafted by the House, the

House Chair shall have the House proposal electronically transferred to the appropriate Senate office so that the Conference Draft can be prepared. The converse shall apply to House bills with proposals drafted by the Senate that the Conference Committee agrees to.

12. Exceptions to these Procedures

Exceptions to these deadlines and other procedures may be made only with the advance written approval of both the Senate President and the House Speaker.

/s/ Robert Bunda
Senator Robert Bunda
President

/s/ Calvin K.Y. Say
Representative Calvin K.Y. Say
Speaker

4-1-04
Date

4/2/04
Date