

## SEVENTEENTH DAY

Friday, February 9, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend John Berger, Associate Pastor, The Cathedral of Our Lady of Peace, after which the Roll was called showing all Senators present with the exception of Senators Chun Oakland, Matsunaga, Tam and Taniguchi who were excused.

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

Senator Chumbley, on behalf of Senators Bunda, Matsunaga, Kim, Sakamoto and himself, introduced and congratulated the following winners of the 2001 Spark Matsunaga World Peace Poster Contest: Ruel Cachero, grand prize winner; and Wanda Thanadabout and Jaedee-Kae Vergara, merit winners.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

## STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 65) recommending that S.B. No. 168, 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 English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 168, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 66) recommending that S.B. No. 1110, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1110, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 67) recommending that S.B. No. 1174 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1174, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 68) recommending that S.B. No. 1018, as amended in S.D.

1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEE SIMPLE RESIDENTIAL REVOLVING FUND," 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. 69) recommending that S.B. No. 1020, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1020, 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 Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 70) 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 English, seconded by Senator Hemmings 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 ESCROW DEPOSITORIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 71) recommending that S.B. No. 165 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 165, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 72) recommending that S.B. No. 253 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 253, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nakata 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. 73) recommending that S.B. No. 523 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was

adopted and S.B. No. 523, entitled: "A BILL FOR AN ACT RELATING TO APPOINTED PUBLIC OFFICIALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 74) recommending that S.B. No. 41 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 41, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 75) recommending that S.B. No. 633 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 633, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR THE HAWAII FORESTRY AND COMMUNITIES INITIATIVE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 76) recommending that S.B. No. 882 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 882, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LITTER CONTROL AND BEAUTIFICATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 77) recommending that S.B. No. 935 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 935, entitled: "A BILL FOR AN ACT RELATING TO MARINE ENFORCEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 78) recommending that S.B. No. 1134, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1134, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 79) recommending that S.B. No. 1162 pass Second Reading and be referred to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1162, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC NOTICE REQUIREMENTS FOR PUBLIC LAND DISPOSITIONS," passed Second Reading and was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 80) recommending that S.B. No. 1164 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1164, entitled: "A BILL FOR AN ACT RELATING TO THE FOREST STEWARDSHIP PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 81) recommending that S.B. No. 1165, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 82) recommending that S.B. No. 1168 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1168, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 83) recommending that S.B. No. 297, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Economic Development and Technology.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 297, 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 and Technology.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 84) recommending that S.B. No. 302, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Economic Development and Technology.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 302, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was recommitted to the Committee on Economic Development and Technology.

Senator Tam, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 85) recommending that S.B. No. 306, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Economic Development and Technology.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 306, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY BASED ECONOMIC DEVELOPMENT," passed Second Reading and was recommitted to the Committee on Economic Development and Technology.

Senator Chun, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 86) recommending that S.B. No. 415, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Hawaiian Affairs.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 415, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed Second Reading and was recommitted to the Committee on Hawaiian Affairs.

Senator Kim, for the majority of the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 87) recommending that S.B. No. 336, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 336, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was recommitted to the Committee on Tourism and Intergovernmental Affairs.

**ORDER OF THE DAY**

**THIRD READING**

S.B. No. 274, S.D. 1:

Senator Kim moved that S.B. No. 274, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

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

"Mr. President, I rise to speak in favor of S.B. No. 274, S.D. 1.

"This bill will create a registry of local groups that leave the islands and travel to all parts of the world. It is my hope that the Tourism Authority and the Hawaii Convention and Visitors Bureau will use this information so that we will know, at any given time, where in the world we have people traveling and that they will dovetail their promotional budget and advertising budget with these groups.

"Our people are our best ambassadors. They're our best promoters of our islands, and I think that it behooves us to make use of them. When they go off to different places, they can get free publicity if they've been given help and given a packet. These are ways in which we can enhance our promotional dollars as well as allow people of the world to meet our people in person and not just see a TV commercial, or a poster, or so forth.

"Every year we have hundreds of school groups, choirs, church groups, marching bands, and hula halaus that travel around the world, and hopefully this legislation will allow the Authority, when it is appropriate and when they so need, that they can, in fact, contract with these groups. But that is not the intent of the bill. It is to create this registry so that we can enhance our promotional dollars.

"Thank you."

Senator Hemmings rose to speak with reservations on the measure as follows:

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

"With all due respect to the authoress of the bill, I do want to point out that the language qualifying groups is very broadly written to the tune of five or more people, and it's non-specific on who can collect up to \$10,000 in assistance for these groups. So it leaves open the opportunity for exploitation knowing that this bill can go over to the House and pass as is and be sent up to the Governor. I'm hoping that the authoress of the bill and the chairman of the subject committee can use her considerable influence to tighten the language up in the House if necessary.

"Thank you, Mr. President."

The motion was put by the Chair and carried, S.B. No. 274, 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 (Chun Oakland, Matsunaga, Tam, Taniguchi).

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 297, S.D. 1	Committee on Economic Development and Technology, then to the Committee on Ways and Means
No. 302, S.D. 1	Jointly to the Committee on Economic Development and Technology, the Committee on Health and Human Services and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 306, S.D. 1	Committee on Economic Development and Technology, then to the Committee on Ways and Means
No. 336, S.D. 1	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
No. 415, S.D. 1	Committee on Hawaiian Affairs, then to the Committee on Ways and Means
No. 927	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 1494	Committee on Labor, then to the Committee on Ways and Means

No. 1633 Jointly to the Committee on Judiciary, the Committee on Health and Human Services, the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

Respectfully submitted,

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

Clerk of the Senate

The Senate reconvened at 12:00 o'clock noon.

Approved:

**RECONSIDERATION OF ACTIONS TAKEN**

S.B. No. 1119, S.D. 1:

President of the Senate

Senator Matsuura moved that the Senate reconsider its actions taken on February 7, 2001, in adopting Stand. Com. Rep. No. 49 and passing S.B. No. 1119, S.D. 1, on Second Reading, seconded by Senator Buen and carried.

Senator Matsuura then moved that Stand. Com. Rep. No. 49 be received and placed on file, seconded by Senator Buen.

Senator Matsuura rose and said:

“Mr. President, the committee report erroneously referred S.B. No. 1119, S.D. 1, to the Committee on Ways and Means. The correct referral is to the Committee on Commerce, Consumer Protection and Housing.”

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 49 was received and placed on file.

On motion by Senator Matsuura, seconded by Senator Buen and carried, S.B. No. 1119, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS,” passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Slom rose on a point of personal privilege and said:

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

“I know that when the Majority, in its wisdom, first raised the number of Senate Committees from 10 to 17 and then revised that number again down to 12, I think there was an error made, though, because obviously what we’ve seen in the last couple of weeks. The most important committee of all is not standing by itself. Of course I’m speaking of the re-referral to the re-referral to the re-referral committee.

“Senator Hemmings and I would gratefully volunteer to be co-chairs on the re-referral to the re-referral to the re-referral committee since that takes up so much of our time on a daily basis. So we just want to let you know that we volunteer in the era of bipartisanship, Mr. President.

“Thank you.”

**ADJOURNMENT**

At 12:04 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 12, 2001.