

## THIRTY-THIRD DAY

## Thursday, March 15, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Bob Chin, Kaimuki Evangelical Church, after which the Roll was called showing all Senators present with the exception of Senator Matsuura who was excused.

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

Senator Fukunaga recognized and introduced internationally renowned Taiko Master, Kenny Endo for his 25+ years of elevating taiko into an international performance art. Accompanying Mr. Endo was his wife, Chizuko, and sons, Myles and Zenya.

At this time, Mr. Endo demonstrated his artistry with a brief performance for the members of the Senate.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 189 to 209) were read by the Clerk and were placed on file:

Gov. Msg. No. 189, dated February 6, 2001, transmitting a report prepared by the Department of Health, pursuant to Chapters 128D and 128E, on the activities of the Department of Health, Environmental Health Administration, Office of Hazard Evaluation and Emergency Response and use of the Environmental Response Revolving Fund.

Gov. Msg. No. 190, dated February 7, 2001, transmitting the Report of the Mental Health Task Force prepared by The Mental Health Task Force and the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Act 243, SLH 2000.

Gov. Msg. No. 191, dated February 12, 2001, transmitting the Quarterly Report on the Status of the State's Progress in Meeting the Requirements of the Felix v. Cayetano Consent Decree prepared by the Department of Education, pursuant to Act 91, Section 46, SLH 1999.

Gov. Msg. No. 192, dated February 13, 2001, transmitting the Annual Exempt Position Review prepared by the Department of Human Resources Development, pursuant to Act 253, Section 144, SLH 2000.

Gov. Msg. No. 193, dated February 14, 2001, transmitting the Independent Accountants' Report and Funds Report for the Fiscal Year Ending June 30, 1999, for the Housing and Community Development Corporation of Hawaii, prepared by Grant Thornton LLP, pursuant to Section 201G-21, HRS.

Gov. Msg. No. 194, dated February 14, 2001, transmitting the report on goals, objectives and policies, and action for the Office of the Governor, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 195, dated February 15, 2001, transmitting a Report of the Findings and Recommendations on a Potential Captive Insurance Company for State Risks, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Act 132, SLH 2000.

Gov. Msg. No. 196, dated February 21, 2001, transmitting the Report on the Express Commuter Ferry Demonstration Project (Wikiwiki Ferry), prepared by the Department of Transportation, pursuant to Act 221, SLH 1998.

Gov. Msg. No. 197, dated February 21, 2001, transmitting the Report on the Public Utilities Commission Special Fund for Fiscal Years 1998-1999 and 1999-2000, prepared by the Department of Budget and Finance, Public Utilities Commission, pursuant to Section 269-33, HRS, and Act 226, SLH 1994.

Gov. Msg. No. 198, dated March 1, 2001, transmitting the Annual Report of the Crime Victim Compensation Commission for Fiscal Year Ending June 30, 2000.

Gov. Msg. No. 199, dated March 1, 2001, transmitting the 2000 Report of the Commission to Promote Uniform Legislation prepared by the Department of the Attorney General.

Gov. Msg. No. 200, dated March 5, 2001, transmitting the Department of Agriculture's Annual Report for Fiscal Year 2000.

Gov. Msg. No. 201, dated March 6, 2001, transmitting the 2000 State Energy Resources Coordinator's Annual Report, pursuant to Section 196-4, HRS.

Gov. Msg. No. 202, dated March 6, 2001, transmitting the Semi-Annual Report on the Activities of the Kaneohe Bay Regional Council, pursuant to Section 200D-5, HRS.

Gov. Msg. No. 203, dated March 7, 2001, transmitting the Agribusiness Development Corporation's Action Plan.

Gov. Msg. No. 204, dated March 7, 2001, transmitting the Barbers Point Naval Air Station Redevelopment Commission's Annual Report for Fiscal Year Ending June 30, 2000.

Gov. Msg. No. 205, dated March 8, 2001, transmitting the Research Corporation of the University of Hawaii's 2000 Annual Report, pursuant to Section 307-6, HRS.

Gov. Msg. No. 206, dated March 8, 2001, transmitting the Comprehensive Annual Financial Report of the State of Hawaii for the Fiscal Year Ended June 30, 2000, prepared by the Comptroller, pursuant to Section 40-5, HRS.

Gov. Msg. No. 207, dated March 9, 2001, transmitting the Small Business Regulatory Board's Initial Report, prepared by the Department of Business, Economic Development and Tourism, Business Support Division, pursuant to Act 168, SLH 1998.

Gov. Msg. No. 208, dated March 14, 2001, transmitting the Hawaii Paroling Authority's Annual Report for Fiscal Year Ending June 30, 2000.

Gov. Msg. No. 209, dated March 14, 2001, transmitting the Hawaii Performance Partnerships Board Report for 2000, pursuant to Act 160, SLH 1999.

**DEPARTMENTAL COMMUNICATIONS**

The following communications (Dept. Com. Nos. 16 to 21) were read by the Clerk and were placed on file:

Dept. Com. No. 16, from the Department of Education, Student Conference Planning Committee dated February 9, 2001, transmitting the 2000 State Student Conference Proceedings, pursuant to Chapter 317, HRS.

Dept. Com. No. 17, from the State Auditor dated February 21, 2001, transmitting a report, "A Review and Identification of Fiscally Related Powers Conferred Upon or Assumed by the Executive Branch," (Report No. 01-04).

Dept. Com. No. 18, from the State Auditor dated February 22, 2001, transmitting a report, "Audit of the Department of Human Services' Information Systems," (Report No. 01-05).

Dept. Com. No. 19, from the Department of Transportation dated February 26, 2001, transmitting the Department's Safe Communities Highway Safety Program Request for Grant Proposals for Federal Fiscal Year 2001.

Dept. Com. No. 20, from the State Auditor dated March 5, 2001, transmitting a report, "Audit of the Office of Hawaiian Affairs," (Report No. 01-06).

Dept. Com. No. 21, from the Hawaii Labor Relations Board dated March 5, 2001, transmitting the HLRB Informational Bulletin No. 39, which provides, by employing jurisdictions, the number of public employees in each of the 13 collective bargaining units established by HRS Section 89-6.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 101 to 160) were read by the Clerk and were deferred:

**Senate Concurrent Resolution**

No. 101 "SENATE CONCURRENT RESOLUTION REQUESTING A TASK FORCE TO EVALUATE THE ADVANTAGES AND DISADVANTAGES OF THE UNIVERSITY OF HAWAII ASSUMING THE OPERATIONS AND MANAGEMENT OF THE ALOHA STADIUM."

Offered by: Senator Taniguchi, by request.

No. 102 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF FEDERALLY MANDATED STATE PROGRAMS."

Offered by: Senator Taniguchi.

No. 103 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE ACTIVITIES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF STATE PARKS WITH RESPECT TO THE AHUPUA`A `O KAHANA STATE PARK."

Offered by: Senator Nakata.

No. 104 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO SYSTEMATIZE AND FURTHER DEVELOP THEIR CHARACTER-BUILDING INTEGRATED CURRICULUM."

Offered by: Senator Matsuura.

No. 105 "SENATE CONCURRENT RESOLUTION URGING THE JUDICIAL SELECTION COMMISSION TO ADOPT RULES TERMINATING THE TERM OF ANY COMMISSION MEMBER WHO COMMITS AN ACT OF DISHONESTY."

Offered by: Senator Hogue.

No. 106 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO REPORT ON THE ADVANTAGES AND DISADVANTAGES OF PRIVATIZING THE HONOLULU INTERNATIONAL AIRPORT."

Offered by: Senator Hogue.

No. 107 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO DEVELOP A HEALTH POLICY GUIDEBOOK."

Offered by: Senators Matsuura, Bunda, Ige, Chun, Slom, Matsunaga, Kawamoto, Hanabusa, Kanno, Hogue, Fukunaga, Buen, Chun Oakland, Kim, Ihara, Tam, Menor, Hemmings, Sakamoto, English, Kokubun, Nakata.

No. 108 "SENATE CONCURRENT RESOLUTION URGING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO SUPPORT EXPANSION OF THE BENEFITS OF THE INDIVIDUAL RETIREMENT ACCOUNT."

Offered by: Senators Slom, Chun, Hogue, Kawamoto, Tam, Hemmings, Hanabusa, Ige.

No. 109 "SENATE CONCURRENT RESOLUTION URGING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO SUPPORT PRESIDENT BUSH'S TAX RELIEF PROPOSAL."

Offered by: Senators Slom, Hogue, Hemmings, Tam.

No. 110 "SENATE CONCURRENT RESOLUTION URGING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO WORK TO REPEAL THE DEATH TAX."

Offered by: Senators Slom, Hogue, Hemmings, Tam.

No. 111 "SENATE CONCURRENT RESOLUTION REQUESTING FEDERAL RECOGNITION OF HAWAIIANS AS AN AUTONOMOUS GROUP."

Offered by: Senators Hemmings, Chun, Hanabusa, Hogue.

No. 112 "SENATE CONCURRENT RESOLUTION URGING THE IMMEDIATE RESIGNATION OF GARY RODRIGUES FROM THE JUDICIAL SELECTION COMMISSION."

Offered by: Senators Hemmings, Hogue, Slom.

No. 113 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FUNDING AND REGULATION OF NEW CENTURY CHARTER SCHOOLS."

Offered by: Senator Matsunaga.

No. 114 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE WIKIWIKI SHUTTLES AT HONOLULU AIRPORT BE UPGRADED AND MODERNIZED."

Offered by: Senator Matsunaga.

No. 115 "SENATE CONCURRENT RESOLUTION URGING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO RECOGNIZE ISLAND TENANTS ON THE RISE AS THE OFFICIAL REPRESENTATIVE OF PUBLIC HOUSING TENANTS."

Offered by: Senator Matsunaga.

No. 116 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY COMPENSATION OF LICENSED ATTORNEYS EMPLOYED BY THE STATE OF HAWAII."

Offered by: Senators Ihara, Inouye, Kawamoto, Tam, Fukunaga, Chun Oakland, Matsunaga, Chumbley, Buen, Ige.

No. 117 "SENATE CONCURRENT RESOLUTION REQUESTING THE CHIEF ELECTION OFFICER TO CONVENE AN ELECTIONS PARTICIPATION TASK FORCE TO PROPOSE A PLAN TO INCREASE PARTICIPATION IN ELECTIONS, TARGETING BOTH REGISTERED VOTERS WHO DO NOT VOTE AND ELIGIBLE VOTERS WHO ARE NOT REGISTERED."

Offered by: Senators Ihara, Nakata, Kim, Hanabusa, English, Fukunaga, Kokubun, Kanno.

No. 118 "SENATE CONCURRENT RESOLUTION CALLING FOR THE REPORTING OF ALL ONGOING AND PLANNED WORK WITH GENETIC ENGINEERING IN THE STATE OF HAWAII."

Offered by: Senator Ihara.

No. 119 "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT AND REVIEW OF EXISTING AGRICULTURAL THEFT LAWS AND ENFORCEMENT ISSUES THAT HAMPER THE ARREST AND CONVICTION OF PERSONS CAUGHT OR SUSPECTED OF AGRICULTURAL THEFT."

Offered by: Senator Buen.

No. 120 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO IDENTIFY THE FULL COST OF EDUCATING FEDERALLY CONNECTED CHILDREN WITH DISABILITIES AS ALLOWED BY THE FEDERAL IMPACT AID FORMULAS."

Offered by: Senator Sakamoto.

No. 121 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE LICENSING OF PRIVATE TRADE, VOCATIONAL OR TECHNICAL SCHOOLS."

Offered by: Senator Sakamoto.

No. 122 "SENATE CONCURRENT RESOLUTION CALLING FOR THE VOLUNTARY REDUCTION OF THE

USE OF PESTICIDES, HERBICIDES, AND INSECTICIDES IN THE STATE OF HAWAII AND THE INTRODUCTION OF AN INTEGRATED PESTICIDE MANAGEMENT PROGRAM WHEREVER POSSIBLE."

Offered by: Senator Ihara.

No. 123 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE ECONOMIC AND SOCIAL IMPACTS OF GAMING IN HAWAII."

Offered by: Senator Matsuura.

No. 124 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF DIRECTORS OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO COME UP WITH RECOMMENDATIONS TO MODIFY THE MAKE-UP OF ITS BOARD TO INCLUDE MORE PRIVATE SECTOR PARTICIPATION."

Offered by: Senator Inouye.

No. 125 "SENATE CONCURRENT RESOLUTION OPPOSING ANY RESUMPTION OF THE PROPOSAL TO CONDUCT CARBON DIOXIDE EXPERIMENTS OFF THE KONA COAST."

Offered by: Senators Inouye, English, Hemmings.

No. 126 "SENATE CONCURRENT RESOLUTION REQUESTING THE DETERMINATION OF A STATE LEAD AGENCY ON ALIEN SPECIES TO DEAL WITH THE PROBLEM OF ALIEN SPECIES INVASIONS AND THEIR IMPACT ON HAWAII'S NATIVE ECOSYSTEMS."

Offered by: Senators Inouye, Chun, Kokubun.

No. 127 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR ACUPUNCTURE SERVICES."

Offered by: Senator Bunda.

No. 128 "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF MANDATING PUBLIC EMPLOYEE HEALTH INSURANCE COVERAGE FOR NATUROPATHIC CARE AND A STUDY OF OTHER NATUROPATHY ISSUES."

Offered by: Senator Bunda.

No. 129 "SENATE CONCURRENT RESOLUTION REQUESTING A PRELIMINARY ASSESSMENT OF ENERGY SUSTAINABILITY IN HAWAII."

Offered by: Senators English, Hanabusa, Kokubun, Ihara, Fukunaga, Matsuura, Buen, Inouye, Matsunaga, Tam, Chun, Sakamoto.

No. 130 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS AND THE HEALTH CARE FINANCING ADMINISTRATION TO ADJUST HAWAII'S AEROMEDICAL REIMBURSEMENT RATES BY PROVIDING FOR IMMEDIATE PHASE-IN OF THE PROPOSED MEDICARE FEE SCHEDULE."

Offered by: Senator English.

No. 131 "SENATE CONCURRENT RESOLUTION

REQUESTING THE FORMATION OF A TASK FORCE TO EXAMINE ISSUES RELATED TO CRUISE SHIPS.”

Offered by: Senators English, Inouye, Kokubun, Ihara, Fukunaga, Matsuura, Buen, Matsunaga, Tam, Chun, Sakamoto.

No. 132 “SENATE CONCURRENT RESOLUTION REQUESTING THE FOOD INDUSTRY AND OTHER INTERESTED PARTIES, WITH THE COOPERATION OF THE DEPARTMENT OF HEALTH AND THE COUNTIES, TO CONTRACT WITH AN EXPERT CONSULTANT TO CONDUCT A COMPREHENSIVE ANALYSIS OF HAWAII’S SOLID WASTE AND LITTER SITUATION.”

Offered by: Senators Kawamoto, by request, Inouye.

No. 133 “SENATE CONCURRENT RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO DEVELOP A ‘STATE OF HAWAII HEALTH POLICY GUIDEBOOK’ BASED ON THE HAWAII HEALTH PERFORMANCE PLAN.”

Offered by: Senators Kawamoto, by request, Matsuura.

No. 134 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A DEFINITIVE STUDY ON THE EFFECTIVENESS OF FLUORIDATION THAT ALSO ADDRESSES CONCERNS RELATING TO THE HEALTH AND SAFETY OF FLUORIDATING HAWAII’S DRINKING WATER.”

Offered by: Senators Kawamoto, by request, Matsuura.

No. 135 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND HEALTH TO CONVEENE AN AD HOC TASK FORCE TO DEVELOP A COMPREHENSIVE STRATEGY TO UTILIZE FAITH-BASED HEALTH AND HUMAN SERVICES IN HAWAII.”

Offered by: Senators Kawamoto, by request, Matsuura.

No. 136 “SENATE CONCURRENT RESOLUTION REQUESTING A DELAY IN CLOSING THE HAWAII LONGLINE FISHERY ON MARCH 15, 2001, TO ENABLE THE ESTABLISHMENT OF AN EXPERIMENTAL SWORD FISHERY TO ADOPT ALTERNATIVE TURTLE MITIGATION MEASURES AND AVOID ADVERSE ECONOMIC IMPACT.”

Offered by: Senators Tam, Slom, Matsuura.

No. 137 “SENATE 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 THEIN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM.”

Offered by: Senators Tam, Matsuura, Nakata.

No. 138 “SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES GOVERNMENT AND THE UNITED NATIONS TO REVIEW THE ACTIONS TAKEN IN 1959 RELEVANT TO HAWAII’S STATEHOOD.”

Offered by: Senator Chun.

No. 139 “SENATE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION OF THE IMPACTS OF INCREASED PUBLIC ACCESS ON KA’AWALOA AND KEALAKEKUA BAY, ISLAND OF HAWAII.”

Offered by: Senator Kokubun.

No. 140 “SENATE CONCURRENT RESOLUTION REQUESTING FURTHER ACTION ON THE DESIGNATION OF A STATE RECREATIONAL AND HISTORIC PARK AND NATURE RESERVE AT KAPUA, HONOMALINO, OKOE, KAULANAMAUNA, AND MANUKA DISTRICTS IN SOUTH KONA AND KA’U, ISLAND OF HAWAII.”

Offered by: Senator Kokubun.

No. 141 “SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION AND THE DIVISION OF CONSUMER ADVOCACY TO REVIEW THE LENGTH OF TIME NECESSARY TO NEGOTIATE POWER PURCHASE AGREEMENTS AND DEVELOP A METHOD TO EXPEDITE NEGOTIATIONS WITH NONFOSSIL FUEL PRODUCERS, INCLUDING THE DEVELOPMENT OF STANDARDIZED CONTRACTS.”

Offered by: Senator Kokubun.

No. 142 “SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF SAME-DAY VOTER REGISTRATION IN HAWAII.”

Offered by: Senator Kanno.

No. 143 “SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES NAVY TO ALLOW THE PUBLIC TO USE NON-MOTORIZED WATERCRAFT ON A PORTION OF THE WEST LOCH OF PEARL HARBOR.”

Offered by: Senator Kanno.

No. 144 “SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A WORKING GROUP TO ADDRESS THE ISSUES RAISED IN THE FAMILY BILL OF RIGHTS.”

Offered by: Senator Kanno.

No. 145 “SENATE CONCURRENT RESOLUTION CALLING FOR THE LABELING OF GENETICALLY ENGINEERED FOODS PRODUCED AND SOLD IN HAWAII.”

Offered by: Senator Fukunaga.

No. 146 “SENATE CONCURRENT RESOLUTION REQUESTING A SOLUTION TO INCREASE THE RECYCLING RATES OF BEVERAGE CONTAINERS.”

Offered by: Senator Fukunaga.

No. 147 “SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS’ DISABILITY COMPENSATION DIVISION.”

Offered by: Senators Chun Oakland, Ihara, Kawamoto, Chumbley, Slom, Sakamoto, Kanno.

No. 148 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF JUSTICE AND NA KEIKI LAW CENTER TO DETERMINE IF THE CIVIL RIGHTS OF PETER KEMA, JR., WERE VIOLATED DUE TO NEGLIGENCE BY THE STATE OF HAWAII AND HAWAII COUNTY."

Offered by: Senators Chun Oakland, Hogue, Inouye, Kokubun, Kanno, Buen, Slom, Menor, English, Ihara, Fukunaga, Tam, Hanabusa, Matsuura.

No. 149 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER THE ESTABLISHMENT OF A CENTER FOR THE HEALTH, WELFARE, AND RIGHTS OF CHILDREN AND YOUTH IN HAWAII AND REQUESTING SUPPORT FOR THE CENTER FROM THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES."

Offered by: Senators Chun Oakland, Matsuura, Buen, Sakamoto, Inouye, Kokubun, Kanno.

No. 150 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENTS OF HEALTH, AGRICULTURE, AND EDUCATION TO FURTHER ENCOURAGE CONSUMPTION OF FIVE OR MORE DAILY SERVINGS OF FRUITS AND VEGETABLES."

Offered by: Senators Chun Oakland, Matsuura, Buen, Hogue, Kokubun, Kanno.

No. 151 "SENATE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENTS OF HEALTH, AGRICULTURE, AND EDUCATION, AND THE HAWAII SCHOOL FOOD SERVICE TO DEVELOP NUTRITIONALLY SOUND MENU PLANS THAT WILL PROVIDE OPTIONAL VEGETARIAN SCHOOL LUNCHESES."

Offered by: Senators Chun Oakland, Inouye, Kim, Matsuura, Buen, Hogue, Kokubun, Kanno.

No. 152 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENSURE THAT ALL MIDDLE AND INTERMEDIATE SCHOOL STUDENTS ARE PROVIDED WITH ENRICHMENT ACTIVITIES."

Offered by: Senator Chun Oakland.

No. 153 "SENATE CONCURRENT RESOLUTION SUPPORTING THE COLLABORATIVE EFFORTS AND THE PARTNERING INITIATIVES BETWEEN THE HAWAII HEALTH SYSTEMS CORPORATION AND THE VETERANS ADMINISTRATION IN HAWAII TO IMPROVE UPON THE QUALITY, DIVERSITY, AND ACCESSIBILITY OF HEALTHCARE ON THE NEIGHBOR ISLANDS."

Offered by: Senators Inouye, Kokubun.

No. 154 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE KEEHI SMALL BOAT HARBOR AND OTHER ADJACENT LANDS TO A PRIVATE DEVELOPER FOR COMMERCIAL, RECREATIONAL, EDUCATIONAL, RESEARCH, AND LIGHT INDUSTRIAL PURPOSES."

Offered by: Senators Inouye, English.

No. 155 "SENATE CONCURRENT RESOLUTION SUPPORTING THE GOVERNOR'S PLAN TO CONSIDER KALAELOA AS AN ALTERNATE SITE FOR THE UNIVERSITY OF HAWAII-WEST OAHU CAMPUS."

Offered by: Senator Inouye.

No. 156 "SENATE CONCURRENT RESOLUTION RECOGNIZING THE HAWAII TOURISM AUTHORITY'S TOURISM STRATEGIC PLAN, KE KUMU, AND ITS EFFORTS TO STRENGTHEN THE TOURISM COMPONENT OF HAWAII'S ECONOMY."

Offered by: Senator Tam.

No. 157 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RESOLVE THE COLLECTIVE BARGAINING NEGOTIATIONS QUICKLY AND TO RECOGNIZE ARBITRATED CONTRACTS."

Offered by: Senator Tam.

No. 158 "SENATE CONCURRENT RESOLUTION SUPPORTING RESEARCH AND OTHER EFFORTS TO COUNTER GLOBAL WARMING."

Offered by: Senators Matsuura, Kokubun, English, Chun Oakland, Tam, Buen, Kawamoto, Hanabusa, Nakata, Kim, Sakamoto, Chumbley, Kanno.

No. 159 "SENATE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM OF HAWAII TO STUDY CURRENT PENSION BENEFITS OFFERED TO PUBLIC SECTOR EMPLOYEES AND MAKE RECOMMENDATIONS TO MODIFY SUCH BENEFITS INCLUDING THE ADDITION OF AN ALTERNATIVE DEFINED CONTRIBUTION PENSION PLAN."

Offered by: Senators Buen, Matsuura, Nakata, Hanabusa.

No. 160 "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONVENE A TASK FORCE TO ENGAGE IN A COMPREHENSIVE REVIEW OF THE ISSUES, AND THE DIFFERING VIEWPOINTS, CONCERNING THE AGE OF CONSENT FOR CONSENSUAL SEX CONDUCT."

Offered by: Senators Buen, Matsuura.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 75 to 103) were read by the Clerk and were deferred:

Senate Resolution

No. 75 "SENATE RESOLUTION REQUESTING A TASK FORCE TO EVALUATE THE ADVANTAGES AND DISADVANTAGES OF THE UNIVERSITY OF HAWAII ASSUMING THE OPERATIONS AND MANAGEMENT OF THE ALOHA STADIUM."

Offered by: Senator Taniguchi, by request.

No. 76 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF FEDERALLY MANDATED STATE PROGRAMS."

- Offered by: Senator Taniguchi.
- No. 77 "SENATE RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO SYSTEMATIZE AND FURTHER DEVELOP THEIR CHARACTER-BUILDING INTEGRATED CURRICULUM."
- Offered by: Senator Matsuura.
- No. 78 "SENATE RESOLUTION URGING THE JUDICIAL SELECTION COMMISSION TO ADOPT RULES TERMINATING THE TERM OF ANY COMMISSION MEMBER WHO COMMITS AN ACT OF DISHONESTY."
- Offered by: Senator Hogue.
- No. 79 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE FUNDS FOR FORTY PER CENT OF SPECIAL EDUCATION AND RELATED SERVICES FOR CHILDREN WITH DISABILITIES, AND FOR STATES' IMPLEMENTATION OF THE AMERICANS WITH DISABILITIES ACT."
- Offered by: Senator Hogue.
- No. 80 "SENATE RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO DEVELOP A HEALTH POLICY GUIDEBOOK."
- Offered by: Senators Matsuura, Bunda, Matsunaga, Chun, Fukunaga, Kanno, Kawamoto, Sakamoto, Tam, Ihara, Hogue, Slom, Buen, English, Hemmings, Ige, Chun Oakland, Menor, Kim, Kokubun, Nakata, Hanabusa.
- No. 81 "SENATE RESOLUTION URGING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO SUPPORT EXPANSION OF THE BENEFITS OF THE INDIVIDUAL RETIREMENT ACCOUNT."
- Offered by: Senators Slom, Chun, Hogue, Kawamoto, Tam, Hemmings, Hanabusa, Ige.
- No. 82 "SENATE RESOLUTION URGING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO SUPPORT PRESIDENT BUSH'S TAX RELIEF PROPOSAL."
- Offered by: Senators Slom, Hogue, Hemmings, Tam.
- No. 83 "SENATE RESOLUTION URGING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO WORK TO REPEAL THE DEATH TAX."
- Offered by: Senators Slom, Hogue, Hemmings, Tam.
- No. 84 "SENATE RESOLUTION REQUESTING FEDERAL RECOGNITION OF HAWAIIANS AS AN AUTONOMOUS GROUP."
- Offered by: Senators Hemmings, Chun, Hanabusa, Hogue.
- No. 85 "SENATE RESOLUTION URGING THE IMMEDIATE RESIGNATION OF GARY RODRIGUES FROM THE JUDICIAL SELECTION COMMISSION."
- Offered by: Senators Hemmings, Hogue, Slom.
- No. 86 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY COMPENSATION OF LICENSED ATTORNEYS EMPLOYED BY THE STATE OF HAWAII."
- Offered by: Senators Ihara, Inouye, Kawamoto, Tam, Fukunaga, Chun Oakland, Matsunaga, Chumbley, Buen, Ige.
- No. 87 "SENATE RESOLUTION CALLING FOR THE LABELING OF GENETICALLY ENGINEERED FOODS PRODUCED AND SOLD IN HAWAII."
- Offered by: Senator Ihara.
- No. 88 "SENATE RESOLUTION REQUESTING AN ASSESSMENT AND REVIEW OF EXISTING AGRICULTURAL THEFT LAWS AND ENFORCEMENT ISSUES THAT HAMPER THE ARREST AND CONVICTION OF PERSON'S CAUGHT OR SUSPECTED OF AGRICULTURAL THEFT."
- Offered by: Senator Buen.
- No. 89 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO IDENTIFY THE FULL COST OF EDUCATING FEDERALLY CONNECTED CHILDREN WITH DISABILITIES AS ALLOWED BY THE FEDERAL IMPACT AID FORMULAS."
- Offered by: Senator Sakamoto.
- No. 90 "SENATE RESOLUTION ESTABLISHING A SENATE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE."
- Offered by: Senators Bunda, Sakamoto, Buen, Inouye, Kim, Kawamoto, Nakata, Kanno, Taniguchi, Hanabusa, Menor, Kokubun, Chun, Matsuura, Slom, Tam.
- No. 91 "SENATE RESOLUTION REQUESTING A STUDY OF THE ECONOMIC IMPACTS OF GAMING IN HAWAII."
- Offered by: Senators Bunda, Inouye, Kim, Kawamoto, Menor.
- No. 92 "SENATE RESOLUTION REQUESTING A PRELIMINARY ASSESSMENT OF ENERGY SUSTAINABILITY IN HAWAII."
- Offered by: Senators English, Hanabusa, Kokubun, Ihara, Fukunaga, Matsuura, Buen, Inouye, Matsunaga, Tam, Chun, Sakamoto.
- No. 93 "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS AND THE HEALTH CARE FINANCING ADMINISTRATION TO ADJUST HAWAII'S AEROMEDICAL REIMBURSEMENT RATES BY PROVIDING FOR IMMEDIATE PHASE-IN OF THE PROPOSED MEDICARE FEE SCHEDULE."
- Offered by: Senator English.
- No. 94 "SENATE RESOLUTION REQUESTING THE FORMATION OF A TASK FORCE TO EXAMINE ISSUES RELATED TO CRUISE SHIPS."
- Offered by: Senators English, Inouye, Kokubun, Ihara, Fukunaga, Matsuura, Buen, Matsunaga, Tam, Chun, Sakamoto.

No. 95 "SENATE RESOLUTION REQUESTING THE FORMATION OF AN ECONOMIC TASK FORCE TO DEVELOP CLEAR GOALS AND AN IMPLEMENTATION PLAN TO IMPROVE HAWAII'S ECONOMIC DIVERSITY."

Offered by: Senator Tam.

No. 96 "SENATE RESOLUTION REQUESTING THE FORMATION OF A SENATE HIGH TECHNOLOGY TASK FORCE TO DEVELOP CLEAR GOALS AND AN IMPLEMENTATION PLAN TO IMPROVE HAWAII'S HIGH TECHNOLOGY INDUSTRY."

Offered by: Senator Tam.

No. 97 "SENATE RESOLUTION SUPPORTING THE FUTURE PRESERVATION OF MAHA'ULEPU."

Offered by: Senator Chun.

No. 98 "SENATE RESOLUTION REQUESTING THE UNITED STATES GOVERNMENT AND THE UNITED NATIONS TO REVIEW THE ACTIONS TAKEN IN 1959 RELEVANT TO HAWAII'S STATEHOOD."

Offered by: Senator Chun.

No. 99 "SENATE RESOLUTION REQUESTING AN INVESTIGATION OF THE IMPACTS OF INCREASED PUBLIC ACCESS ON KA'AWALOA AND KEALAKEKUA BAY, ISLAND OF HAWAII."

Offered by: Senator Kokubun.

No. 100 "SENATE RESOLUTION REQUESTING FURTHER ACTION ON THE DESIGNATION OF A STATE RECREATIONAL AND HISTORIC PARK AND NATURE RESERVE AT KAPUA, HONOMALINO, OKOE, KAULANAMAUNA, AND MANUKA DISTRICTS IN SOUTH KONA AND KA'U, ISLAND OF HAWAII."

Offered by: Senator Kokubun.

No. 101 "SENATE RESOLUTION REQUESTING THE FORMATION OF A WORKING GROUP TO ADDRESS THE ISSUES RAISED IN THE FAMILY BILL OF RIGHTS."

Offered by: Senator Kanno.

No. 102 "SENATE RESOLUTION REQUESTING A SOLUTION TO INCREASE THE RECYCLING RATES OF BEVERAGE CONTAINERS."

Offered by: Senator Fukunaga.

No. 103 "SENATE RESOLUTION CALLING FOR THE VOLUNTARY REDUCTION OF THE USE OF PESTICIDES, HERBICIDES, AND INSECTICIDES IN THE STATE OF HAWAII AND THE INTRODUCTION OF AN INTEGRATED PESTICIDE MANAGEMENT PROGRAM WHEREVER POSSIBLE."

Offered by: Senator Fukunaga.

#### STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1038) recommending that H.B. No. 87, 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 English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 87, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SUPPORT CENTERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1039) recommending that H.B. No. 282, 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 English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 282, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1040) recommending that H.B. No. 336, 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 H.B. No. 336, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1041) recommending that H.B. No. 527, H.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 H.B. No. 527, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE FAMILY SUPPORT," 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. 1042) recommending that H.B. No. 543, 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 H.B. No. 543, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS PROGRAMS," 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. 1043) recommending that H.B. No. 630, H.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 H.B. No. 630, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION ON THE NATURAL

PARENTS OF THE ADOPTED MINOR CHILD,” 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. 1044) recommending that H.B. No. 637 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 H.B. No. 637, entitled: “A BILL FOR AN ACT RELATING TO OHANA CONFERENCING,” 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. 1045) recommending that H.B. No. 663, 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 English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 663, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATEWIDE NEWBORN HEARING SCREENING PROGRAM,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1046) recommending that H.B. No. 993, H.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 H.B. No. 993, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROMOTING CHILD ABUSE,” 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. 1047) recommending that H.B. No. 700, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 700, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE SALE OF POISONS,” passed Second Reading and was placed on the calendar for Third Reading on Monday, March 19, 2001.

**ORDER OF THE DAY**

**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

- |                 |  |
|-----------------|--|
| House Bill      | Referred to:   |
| No. 168, H.D. 1 | Committee on Judiciary, then to the Committee on Ways and Means  |
| No. 170, H.D. 1 | Jointly to the Committee on Judiciary, the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations |

No. 543 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 698 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 699 Committee on Health and Human Services, then to the Committee on Judiciary

At this time, the Chair made the following announcement:

“If there are no objections from the members, the following changes to Standing Committee assignments will be made:

Senator Slom is added as a member of the Committee on Ways and Means; and

Senators Kanno and Taniguchi are removed as members of the Committee on Health and Human Services.

“The Clerk is ordered to place the memorandum of Committee changes into the Journal.”

The Chair having so ordered, the memorandum of Committee assignment changes is identified as ATTACHMENT “A” to the Journal of this day.

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

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

“I just want to correct an error or misrepresentation in the morning Advertiser that says, apparently, Republicans are unaware that Gary Rodrigues had stepped down before we introduced our resolutions. For the record, our resolutions were introduced in advance of Gary Rodrigues making that announcement publicly.

“Secondly, I’m extremely proud that your Minority took a stand on this issue for what is ethical and right in the judicial selection process.

“I must say, in all honesty, I also want to thank Gary Rodrigues for doing what is right in this situation and he deserves our recognition of that.

“Thank you, Mr. President.”

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

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

“Yesterday, the teacher’s union took a strike vote – a very decisive and overwhelming strike vote – and I think that our community is in turmoil about the possibility of a teacher’s walkout. It would certainly have economic considerations that would be devastating. It would be divisive.

“I think that a strike against the educational system is really a strike against state-sponsored education, and it’s a strike against those of us that want to resolve this situation and this problem. I think we should keep in mind, however, that this is not an idea of trying to resolve problems with the HSTA or with the teachers or with the Governor or with the State, as much as it is to try to keep the focus on the solution for our children.

“We remember what happened the last time, Mr. President, when we went to the early hours of the morning on the day of the strike for a settlement, last ditch settlement. I think it’s incumbent upon us to try to reach a settlement prior to that time and I have every belief that there is enough creativity in this room alone, Mr. President – as evidenced by bills that have been introduced, by discussions that have been held, by comments and beliefs by my colleagues, both sides of the political aisle – that we can in fact get involved in this issue at this time in a proactive way to try to offer not only our support, but also solutions that go beyond the mere addition of monetary or compensation wages to look at and offer up a solution that will include systemic changes, changes that will involve also merit incentives and will be long term in nature, rather than short term. Otherwise, we’re going to go through this again in another couple of years.

“So, Mr. President, I would like to formally request that you, with your good offices, form a bipartisan Senate committee, one in which is not here to take sides, but one which is to offer real life solutions to this problem so that we can resolve it now, rather than waiting till the morning of April 5.

“Thank you, Mr. President.”

The Chair responded:

“The Majority is willing to work with the Minority on some of the solutions.”

#### ADJOURNMENT

At 12:12 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., Friday, March 16, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

ATTACHMENT "A"

The Senate  
State of Hawaii

STATE CAPITOL  
HONOLULU, HAWAII 96813

March 15, 2001

MEMORANDUM

To: Senate President Robert Bunda

Cc: All Senate Members  
Chief Clerk  
Senate Majority Office  
Senate Minority Office

From: Senator Jonathan Chun   
Senator Cal Kawamoto   
Majority Leaders

Re: **COMMITTEE MEMBERSHIP**

Pursuant to the Rules of the Senate, Rule 13, and discussions with the chairs of the Ways and Means Committee and the Health and Human Services Committee, please amend the membership appointment of the following committees as indicated:

**WAYS AND MEANS COMMITTEE:**

Brian Taniguchi, Chair  
Colleen Hanabusa, Vice-Chair  
Jan Yagi Buen  
Jonathan Chun  
Suzanne Chun Oakland  
J. Kalani English  
David Ige  
Lorraine Inouye  
Cal Kawamoto  
Donna Mercado Kim  
Norman Sakamoto  
Rod Tam  
Fred Hemmings  
Sam Slom (**addition**)

*The Senate*  
*State of Hawaii*

Memo Senate President  
March 14, 2001

**HEALTH AND HUMAN SERVICES:**

David Matsuura, Chair  
Jan Yagi Buen, Vice-Chair  
J. Kalani English  
Carol Fukunaga  
Brian Kanno (**removal**)  
Russell Kokubun  
Bob Nakata  
Brian Taniguchi (**removal**)  
Bob Hogue`

Approved: \_\_\_\_\_

