

THIRTEENTH DAY

Tuesday, February 5, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:49 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Joseph Grimaldi, Vicar General, Diocese of Honolulu, 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 Twelfth Day.

At this time, Senator Inouye, on behalf of herself and Senators Kokubun and Matsuura, recognized the following members of the Big Island Community Recycling Center Task Force: Paula Helfrich, Barbara Bell, Ginny Aste, Jon Olson, Galen Kuba, Andy Levin, Margaret Pahio and Ululani Rosario.

At 11:58 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. 143 to 163) were read by the Clerk and were placed on file:

Gov. Msg. No. 143, dated January 10, 2002, transmitting the Contraceptive Services Report, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Act 267, SLH 1999.

Gov. Msg. No. 144, dated January 10, 2002, 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. 145, dated January 22, 2002, transmitting the Report on 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.

Gov. Msg. No. 146, dated January 25, 2002, transmitting the 2001 Annual Report prepared by the High Technology Development Corporation.

Gov. Msg. No. 147, dated January 28, 2002, transmitting the Report Relating to Fees Collected by the Department of Health for the Domestic Violence Prevention Special Fund, prepared by the Department of Health pursuant to Act 216, SLH 1997.

Gov. Msg. No. 148, dated January 25, 2002, transmitting the Project-Funded Staff Services Budget Report, prepared by the Hawaii Community Development Authority pursuant to Act 259, Section 92, SLH 2001.

Gov. Msg. No. 149, dated January 28, 2002, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of December, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001.

Gov. Msg. No. 150, dated January 8, 2002, transmitting the Report on Substance Abuse Treatment for Offenders, prepared

by the Department of Health, Alcohol and Drug Abuse Division, pursuant to Act 259, Section 32, SLH 2001.

Gov. Msg. No. 151, dated January 28, 2002, transmitting the Report by the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, pursuant to Section 329-3, HRS.

Gov. Msg. No. 152, dated January 28, 2002, transmitting the Report Regarding Maternal and Child Health Services and Contract Services for Home Visitation to Support the Healthy Start Program, prepared by the Department of Health pursuant to Act 259, Section 25, SLH 2001.

Gov. Msg. No. 153, dated January 28, 2002, transmitting the 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 Sections 342D-80 through 342D-87, HRS.

Gov. Msg. No. 154, dated January 28, 2002, transmitting the Annual 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. 155, dated January 28, 2002, transmitting the Department of Agriculture's Annual Report for Fiscal Year 2001.

Gov. Msg. No. 156, dated January 29, 2002, transmitting the Report Relating to Youth Services, prepared by the Department of Human Services, Office of Youth Services, pursuant to Act 253, SLH 2001.

Gov. Msg. No. 157, dated January 29, 2002, transmitting the Report of the Revenues and Expenditures of the Hawaii National Guard Youth Challenge Academy, pursuant to Act 259, Section 47, SLH 2001.

Gov. Msg. No. 158, dated January 29, 2002, transmitting the Department of Human Services' Annual Report for the Fiscal Year Ending June 30, 2001, pursuant to Act 231, SLH 2001.

Gov. Msg. No. 159, dated January 31, 2002, transmitting the Report on the Hawaii State Incentive Grant, Youth Substance Abuse Prevention Strategy, 2001.

Gov. Msg. No. 160, dated January 31, 2002, transmitting the Report Relating to the Drinking Water Treatment Revolving Loan Fund of the Department of Health, prepared by the Department of Health pursuant to Sections 340E-31 through 340E-41, HRS.

Gov. Msg. No. 161, dated February 1, 2002, transmitting the Assessment of the Repair and Maintenance Needs of the State's War Memorials and Veteran's Cemeteries, prepared by the Department of Defense, Office of Veterans Services, pursuant to Section 363-3, HRS.

Gov. Msg. No. 162, dated February 4, 2002, transmitting the Report on the Status of the Environmental Health Education Fund as Established by Act 169, SLH 1994, prepared by the Department of Health.

Gov. Msg. No. 163, dated February 4, 2002, transmitting the Annual Report of the Radiologic Technology Board for the Fiscal Year 2000-2001, pursuant to Chapter 466J, HRS.

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.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 10 to 12) were read by the Clerk and were placed on file:

Dept. Com. No. 10, from the Department of Education dated January 18, 2002, transmitting the Financial Report of the Department of Education for the Period July 1, 2000 to June 30, 2001.

Dept. Com. No. 11, from the State Auditor dated February 1, 2002, transmitting a report, "New Century School Allocations Project - FY2001-2002," (Report No. 02-03).

Dept. Com. No. 12, from the State Auditor dated January 30, 2002, transmitting a report, "Management Audit of the Department of Education's Storeroom," (Report No. 02-02).

STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2011) recommending that S.B. No. 2086, 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. 2086, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE PLAN," 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. 2012) recommending that S.B. No. 2089, 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. 2089, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF PRESCRIPTIVE AUTHORITY OVER CONTROLLED SUBSTANCES," 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. 2013) recommending that S.B. No. 2091 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. 2091, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH, ALCOHOL, AND DRUG ABUSE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Matsuura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2014) 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 English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 2092, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED INSURANCE FORMS," 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. 2015) recommending that S.B. No. 2351, 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. 2351, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING EDUCATION," 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. 2016) recommending that S.B. No. 2140 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. 2140, entitled: "A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM MONDAY, FEBRUARY 4, 2002

Stand. Com. Rep. No. 2008 (S.C.R. No. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 1, entitled: "SENATE CONCURRENT RESOLUTION CONTINUING THE JOINT SENATE-HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE STATE'S EFFORTS TO COMPLY WITH THE FELIX CONSENT DECREE," was adopted.

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 2010	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 2031	Committee on Economic Development and Technology, then to the Committee on Ways and Means
No. 2035	Committee on Education, then to the Committee on Ways and Means
No. 2056	Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means

- No. 2083 Committee on Labor, then to the Committee on Ways and Means
- No. 2105 Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2249 Jointly to the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2259 Jointly to the Committee on Judiciary, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2265 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2302 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, then to the Committee on Ways and Means
- No. 2312 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2362 Jointly to the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations
- No. 2369 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
- No. 2378 Jointly to the Committee on Water, Land, Energy, and Environment, the Committee on Economic Development and Technology and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2421 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2469 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2485 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
- No. 2497 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. 2519 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2520 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2521 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 2526 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2534 Jointly to the Committee on Health and Human Services, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2555 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2569 Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
- No. 2573 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2575 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2617 Jointly to the Committee on Judiciary, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs
- No. 2621 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2622 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2634 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2655 Jointly to the Committee on Labor, the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means
- No. 2675 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2699 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2726 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2747 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2792 Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2810 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Judiciary

No. 2906 Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs

No. 2939 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2962 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2989 Committee on Agriculture

No. 3033 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 3046 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs, the Committee on Judiciary and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 3082 Jointly to the Committee on Labor, the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means

No. 3083 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means

No. 3086 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION

The Chair re-referred the following concurrent resolution that was received:

House Concurrent Resolution Referred to:

No. 7, H.D. 1 Committee on Education, then to the Committee on Ways and Means

Senator Tam, Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

- S.B. No. 2051;
- S.B. No. 2247;
- S.B. No. 2538;
- S.B. No. 2540;
- S.B. No. 2674;
- S.B. No. 3014; and
- S.B. No. 3021.

Senator Tam explained:

“Mr. President and fellow colleagues, the hearing notice was filed in the Clerk’s Office yesterday afternoon and missed the 72-hour notice requirement by about 3 hours.”

The Chair then granted the waiver.

Senator Kim, Chair of the Committee on Tourism and Intergovernmental Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. No. 2511.

Senator Kim then noted:

“Mr. President, the reason for this waiver is that it was a triple referral and it took us a while to get all of the approvals coordinated, so we added it to the original agenda and that agenda was filed on time.”

The Chair then granted the waiver.

Senator Buen, Chair of the Committee on Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

- S.B. No. 2135;
- S.B. No. 2242;
- S.B. No. 2245;
- S.B. No. 2474;
- S.B. No. 2491;
- S.B. No. 2494;
- S.B. No. 2517;
- S.B. No. 2578;
- S.B. No. 2968; and
- S.B. No. 2971.

Senator Buen explained:

“Mr. President, the hearing notice was filed in the Clerk’s Office yesterday afternoon and missed the 72-hour notice requirement by 3 hours. I have a new committee clerk and apologize for this, but she’s trying really hard.”

The Chair then granted the waiver.

Senator Kim rose on a point of personal privilege and stated:

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

“If you notice on your Order of the Day on the re-referrals, members, you have the old referral as well as the new referral. I want to thank the Clerk’s Office for doing that. I think it makes it a lot more user friendly for us to be able to make the changes.

“Thank you.”

ADJOURNMENT

At 12:10 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., Wednesday, February 6, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate