

## FIFTEENTH DAY

Thursday, February 7, 2002

## STANDING COMMITTEE REPORTS

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:43 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 Senators Menor and Sakamoto who were excused.

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

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 33 and 34) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 33 "SENATE CONCURRENT RESOLUTION OPPOSING THE PROPOSED MERGER BETWEEN HAWAIIAN AIRLINES, INC., AND ALOHA AIRLINES, INC."

Offered by: Senators Menor, Kawamoto, Hemmings, Hogue, Bunda, Tam, Buen, Inouye, Slom, Hanabusa, Taniguchi, Nakata, English, Fukunaga, Kokubun, Chun Oakland, Ige.

No. 34 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF PRIVATE SECTOR SPENDING TO ADVERTISE AND PROMOTE HAWAII AS A VISITOR DESTINATION."

Offered by: Senators Kim, Hogue, English, Sakamoto, Matsuura, Chun Oakland, Nakata, Matsunaga, Taniguchi, Kokubun, Inouye, Bunda, Slom, Hemmings, Chun, Buen, Kanno, Fukunaga.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 14 and 15) were read by the Clerk and were deferred:

## Senate Resolution

No. 14 "SENATE RESOLUTION OPPOSING THE PROPOSED MERGER BETWEEN HAWAIIAN AIRLINES, INC., AND ALOHA AIRLINES, INC."

Offered by: Senators Menor, Kawamoto, Hemmings, Hogue, Bunda, Tam, Buen, Inouye, Slom, Hanabusa, Taniguchi, Nakata, English, Fukunaga, Kokubun, Chun Oakland, Ige.

No. 15 "SENATE RESOLUTION REQUESTING A STUDY OF PRIVATE SECTOR SPENDING TO ADVERTISE AND PROMOTE HAWAII AS A VISITOR DESTINATION."

Offered by: Senators Kim, Hogue, English, Sakamoto, Matsuura, Kokubun, Inouye, Taniguchi, Nakata, Chun, Bunda, Slom, Hemmings, Buen, Kanno, Fukunaga.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2030) recommending that S.B. No. 2283, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Education.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was recommitted to the Committee on Education.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2031) recommending that S.B. No. 2183 pass Second Reading and be referred to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2183, entitled: "A BILL FOR AN ACT RELATING TO RESIDENCY OF POLICE OFFICER APPLICANTS," passed Second Reading and was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2032) recommending that S.B. No. 2789 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. 2789, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," 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. 2033) recommending that S.B. No. 2973 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 majority of the Committee was adopted and S.B. No. 2973, entitled: "A BILL FOR AN ACT RELATING TO PICKETING," 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. 2034) recommending that S.B. No. 1399, 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. 1399, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY AMBULANCE SERVICE ON THE ISLAND OF HAWAII," 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. 2035) recommending that S.B. No. 2075, 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. 2075, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senators Matsuura and Sakamoto, for the Committee on Health and Human Services and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2036) 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 English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 2145, S.D. 1, 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.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2037) recommending that S.B. No. 2147, 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. 2147, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TREATMENT OF INTRAFAMILIAL CHILD SEXUAL ABUSE," 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. 2038) recommending that S.B. No. 2227 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. 2227, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NEIGHBOR ISLAND DENTAL CARE," 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. 2039) recommending that S.B. No. 2275 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. 2275, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE MAUI ADULT DAY CARE CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2040) recommending that S.B. No. 2290 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. 2290, entitled: "A BILL FOR AN ACT RELATING TO INDEPENDENT BILL

REVIEWERS," 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. 2041) recommending that S.B. No. 2432 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. 2432, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIANAE COAST COMPREHENSIVE HEALTH CENTER," 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. 2042) recommending that S.B. No. 2461, 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. 2461, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 2043) recommending that S.B. No. 2500, 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. 2500, 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.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2044) recommending that S.B. No. 2528, 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. 2528, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," 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. 2045) recommending that S.B. No. 2593, 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. 2593, 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.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2046) recommending that S.B. No. 2096, 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. 2096, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL INSURANCE," 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. 2047) recommending that S.B. No. 2498, 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. 2498, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK," 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. 2048) 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 English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 2553, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR OUTREACH SERVICES FOR THE HOMELESS," 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. 2049) recommending that S.B. No. 2568, 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. 2568, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY," 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. 2050) recommending that S.B. No. 2120, 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. 2120, S.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 Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2051) recommending that S.B. No. 2624, 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. 2624, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," passed Second Reading and was referred to the Committee on Judiciary.

At 11:51 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.

**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. 2144	Committee on Judiciary, then to the Committee on Ways and Means
No. 2283, S.D. 1	Committee on Education, then to the Committee on Ways and Means
No. 2488	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 2526	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. 2609	Committee on Economic Development and Technology
No. 2820	Committee on Judiciary, then to the Committee on Ways and Means
No. 2992	Committee on Judiciary, then to the Committee on Ways and Means
No. 3051	Jointly to the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

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

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

"Mr. President, I'm vitally concerned about a procedural matter that I hope the Majority Party will take under advisement and remedy. It has to do with the very foundation of the democratic process and the Rule of Committees passing out legislation.

"In reviewing documents from April of last year on Conference Committee decision-making meetings, Rule No. 8, item B, all that was needed in the original draft of the April 6 Rule was for the majority of Committee members to vote in favor of an amendment of a C.D. to a Conference Committee draft of legislation. That subsequently was amended with a letter, Mr. President, from you and the House Speaker on April 16 that said to report a measure out of Conference Committee in an amended form, all Chairs and a majority of a quorum of House managers and a majority of a quorum of Senate Committee's managers must vote in favor of the proposed amendments. That basically will obfuscate the Rule of the majority of the Committee when one person can unilaterally bring legislation that we worked very hard on to a screeching halt.

"I would propose that it would be in everybody's best interest to remedy that by going back to the original Rule, and I'm hoping the Majority Party will take this under advisement and get back to the Senate and the House on this."

The President responded:

"Thank you, we will consider it with leadership in our caucus."

Senator Chun then rose and said:

"Thank you for your comments, Senator.

"We are in the process of drafting a Rule not only to address that question but also the question of whether or not a single Chair could override by not even attending a hearing. So there's more than just signing a piece of paper that's involved. We are in the process of looking at the overall problem as we talked about last year, and hopefully we'll be able to present some kind of amendments after we discuss it with leadership and the Majority Caucus.

"Thank you for your concerns."

#### ADJOURNMENT

At 12:03 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, February 8, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate