

SEVENTEENTH DAY

Monday, February 11, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Burton Maxwell, Central Seventh-Day Adventist Church, after which the Roll was called showing all Senators present with the exception of Senators Ihara and Tam who were excused.

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

At this time, Senator Hemmings introduced Peter Schall, Senior Vice President of Hilton Hotels Corporation, and commended him for his many achievements and his commitment to service in the community.

At 11:50 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.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 164 to 177) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 164, dated January 31, 2002, transmitting the 2001 Annual Report of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities, pursuant to Section 340B-12, HRS, was placed on file.

Gov. Msg. No. 165, dated January 31, 2002, transmitting a report prepared by the Department of Agriculture pursuant to Sections 155-14 and 219-4, HRS, on the transfer of funds between the Agriculture Loan Revolving Fund and the Aquaculture Loan Revolving Fund, was placed on file.

Gov. Msg. No. 166, dated February 4, 2002, transmitting a Report Requesting Process and Outcome Evaluations by an Independent Evaluator of New Treatment or Service Programs, Employed by the Child and Adolescent Mental Health Division to Serve Emotionally Disturbed Children and Adolescents, prepared by the University of California San Francisco, Child Services Research Group, for the Department of Health pursuant to Act 25, SLH 2000, was placed on file.

Gov. Msg. No. 167, dated February 5, 2002, transmitting a report prepared by the Department of Health pursuant to S.C.R. No. 41 (2001), requesting the Department of Health to establish a neurotrauma task force, was placed on file.

Gov. Msg. No. 168, dated February 6, 2002, transmitting the Environmental Report Card 2001, Annual Report of the Environmental Council, pursuant to Chapter 341, HRS, was placed on file.

Gov. Msg. No. 169, dated February 6, 2002, transmitting the Report on the Statewide Comprehensive Strategic Plan for Services and Supports for Individuals with Developmental Disabilities or Mental Retardation, prepared by the Department of Health pursuant to S.C.R. No. 151 (1999), was placed on file.

Gov. Msg. No. 170, dated January 18, 2002, transmitting the Report of the Insurance Commissioner of Hawaii 2001, pursuant to Section 431:2-211, HRS, was placed on file.

Gov. Msg. No. 171, submitting for consideration and confirmation to the Board of Acupuncture, the nomination of JUNE S. TAKENO, term to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 172, submitting for consideration and confirmation to the Board of Directors, Agribusiness Development Corporation, the nomination of WAYNE K. KATAYAMA, term to expire June 30, 2005, was referred to the Committee on Agriculture.

Gov. Msg. No. 173, submitting for consideration and confirmation to the Crime Victim Compensation Commission, the nominations of: SANDRA JOY EASTLACK, terms to expire June 30, 2002, and June 30, 2006; and DAWN YOSHIMURA SINCLAIR, term to expire June 30, 2003, was referred to the Committee on Judiciary.

Gov. Msg. No. 174, submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, the nominations of: LANI BOWMAN, KEVIN M.F. HO, PHARM.D., T. VIVIAN ISHIMARU-TSENG, M.D., BARBARA-ANN KELLER, MITCHELL KEPA and CHAD Y. KOYANAGI, M.D., terms to expire June 30, 2005; and JUDITH Y. AKAMINE, term to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 175, submitting for consideration and confirmation to the Drug Product Selection Board, the nominations of: LORIANN M. KANNO, PHARM.D., and GEORGE W. READ, PH.D., terms to expire June 30, 2005; and MARCELLA SETO CHOCK, PHARM.D., and MARY JO KEEFE, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 176, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of CHARLES P.M.K. BURROWS, ED.D., term to expire June 30, 2004, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 177, submitting for consideration and confirmation to the Commission on Water Resource Management, the nominations of MEREDITH J. CHING and CLAYTON W. DELA CRUZ, terms to expire June 30, 2005, was referred to the Committee on Water, Land, Energy, and Environment.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 13, from the State Auditor dated February 6, 2002, transmitting a report, "Management Audit of the Hawaii Tourism Authority," (Report No. 02-04), was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2065) recommending that S.B. No. 2497, 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. 2497, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HYPNOTHERAPISTS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2066) recommending that S.B. No. 2703, 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. 2703, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," 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. 2067) recommending that S.B. No. 2705 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. 2705, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2068) recommending that S.B. No. 2722, 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. 2722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," 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. 2069) recommending that S.B. No. 2723, 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. 2723, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," 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. 2070) recommending that S.B. No. 2724, 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. 2724, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 2071) recommending that S.B. No. 2729, 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. 2729, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," 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. 2072) recommending that S.B. No. 2730, 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. 2730, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MERGERS," 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. 2073) recommending that S.B. No. 2731, 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. 2731, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," 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. 2074) recommending that S.B. No. 2732, 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. 2732, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," 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. 2075) recommending that S.B. No. 2743 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. 2743, entitled: "A BILL FOR AN ACT RELATING TO CENTRAL SERVICE EXPENSES," 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. 2076) recommending that S.B. No. 2139 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. 2139, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRESCHOOLS OPEN DOORS 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. 2077) recommending that S.B. No. 2690 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. 2690, entitled: "A BILL FOR AN ACT RELATING TO DIRECT PAYMENT OF CHILD 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. 2078) recommending that S.B. No. 2691, 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. 2691, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," 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. 2079) recommending that S.B. No. 2692 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. 2692, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL SUPPORT FOR CHILDREN," 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. 2080) recommending that S.B. No. 2693 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. 2693, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," 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. 2081) recommending that S.B. No. 2698, 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. 2698, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," 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. 2082) recommending that S.B. No. 2753 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. 2753, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF 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. 2083) recommending that S.B. No. 2754 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. 2754, 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. 2084) recommending that S.B. No. 2776 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. 2776, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2085) recommending that S.B. No. 2777 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. 2777, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," 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. 2086) recommending that S.B. No. 2781 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. 2781, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2087) recommending that S.B. No. 3054, 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. 3054, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUIRED IMMUNE DEFICIENCY SYNDROME VACCINATIONS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Housing.

Senator Kawamoto, for the majority of the Committee on Transportation, Military Affairs, and Government Operations,

presented a report (Stand. Com. Rep. No. 2088) recommending that S.C.R. No. 28, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2088 and S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Tuesday, February 12, 2002.

Senator Kawamoto, for the majority of the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2089) recommending that S.R. No. 9, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2089 and S.R. No. 9, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE OF HAWAII'S PHOTO TRAFFIC ENFORCEMENT PROGRAM," was deferred until Tuesday, February 12, 2002.

ADJOURNMENT

At 11:59 o'clock a.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 12, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 2799	Jointly to the Committee on Transportation, Military Affairs, and Government Operations, 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. 2984	Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary
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Senator Sлом rose on a point of personal privilege as follows:

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

"Several of our colleagues may recall that there was a gentleman visiting on his vacation from the State of Minnesota, Mr. Nito Quiteves who is a highway safety expert and very knowledgeable about transportation issues. And I must admit, Mr. President, that I strong-armed him and made him give up part of his vacation so that he could come and testify before various committees on the traffic cam issue which he was very knowledgeable about.

"I just got an e-mail from Mr. Quiteves today, thanking our colleagues for their hospitality and so forth and passing along a little tidbit of information that upon his return to the State of Minnesota there had been some communications from individuals within the state government here and also the private vendor, questioning his superiors as to why he was allowed to come here, why he was allowed to exercise his free speech, why he was allowed to testify on issues that he is familiar with and experience that he's had over 30 years.

"So I thought I would just pass that along, Mr. President, since there is now a very active public relations campaign to try to get some of us to revise our positions on the traffic cam issue.

"Thank you very much."