

## TWENTY-FOURTH DAY

**Thursday, February 28, 2002**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Steve Murphy, Olivet Baptist Church, after which the Roll was called showing all Senators present with the exception of Senator Fukunaga who was excused.

The President announced that he had read and approved the Journal of the Twenty-Third Day.

Senator Hanabusa, with the assistance of Senators Kanno, Chun, Matsunaga, Slom and Chun Oakland, introduced and congratulated the following recipients of the Ola Pono Award: Eric Enos, who was represented by Todd Motoyama; Edmarr Ramos; Bernard Carvalho; Kelly Hill, who was represented by Adina Stevens; Rochelle Murakami; and Melvin Nakama.

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 o'clock p.m.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 189 to 216) were read by the Clerk and were placed on file:

Gov. Msg. No. 189, dated January 22, 2002, transmitting the Carryover of Funds Annual Report, prepared by the Department of Education pursuant to Section 37-41.5, HRS.

Gov. Msg. No. 190, dated January 22, 2002, transmitting the Annual Report on Federal Grant Search, Development, and Application Revolving Fund, prepared by the Department of Education pursuant to Section 302A-1405, HRS.

Gov. Msg. No. 191, dated January 22, 2002, transmitting the Federal and Trust Funds Annual Report, prepared by the Department of Education pursuant to Section 29-25, HRS.

Gov. Msg. No. 192, dated January 22, 2002, transmitting the Annual Report on Incentive and Innovation Grant Trust Fund, prepared by the Department of Education pursuant to Section 302A-301, HRS.

Gov. Msg. No. 193, dated January 22, 2002, transmitting the Annual Report on School Priority Fund, prepared by the Department of Education pursuant to Section 302A-1309, HRS.

Gov. Msg. No. 194, dated January 22, 2002, transmitting the Annual Report on the Teacher Education Coordinating Committee, prepared by the Department of Education pursuant to Section 304-20, HRS.

Gov. Msg. No. 195, dated January 22, 2002, transmitting the Annual School-by-School Expenditures Report, prepared by the Department of Education pursuant to Section 302A-1004, HRS.

Gov. Msg. No. 196, dated January 22, 2002, transmitting the Educational Assessment and Accountability Annual Reports, prepared by the Department of Education pursuant to Section 302A-1004, HRS.

Gov. Msg. No. 197, dated January 22, 2002, transmitting the Report on Mandatory Expulsion Policy for Possession of a Firearm, prepared by the Department of Education pursuant to Section 302A-1134, HRS.

Gov. Msg. No. 198, dated January 22, 2002, transmitting the Feasibility Study on Establishing a Resource Center for Students, Parents, and Teachers on the Island of Kauai, prepared by the Department of Education pursuant to H.C.R. No. 161 (2001).

Gov. Msg. No. 199, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to H.C.R. No. 158 (2000), requesting that the Department of Education and the University of Hawaii Community Colleges initiate a collaborative partnership to improve services for adults and expand opportunities for high school students that will result in substantive outcomes for the two entities.

Gov. Msg. No. 200, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to S.C.R. No. 152 (2001), requesting the Department of Education to ensure that all middle and intermediate school students are provided with enrichment activities.

Gov. Msg. No. 201, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to S.C.R. No. 99 (2001), requesting the Department of Education and University of Hawaii to study the feasibility, benefits, and costs associated with linking their individual student information systems to create a linked K-16 database.

Gov. Msg. No. 202, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to S.C.R. No. 120 (2001), requesting the Department of Education to identify the full cost of educating federally connected children with disabilities as allowed by the federal impact aid formulas.

Gov. Msg. No. 203, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to S.C.R. No. 98 (2001), requesting the Department of Education to provide transportation for students involved in after school extracurricular activities.

Gov. Msg. No. 204, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to H.C.R. No. 163 (2001), requesting the Board and Department of Education to reevaluate reading goals for students in Hawaii's public schools and increase system accountability for attaining those goals.

Gov. Msg. No. 205, dated January 22, 2002, transmitting a report prepared by the Department of Education pursuant to H.C.R. No. 33 (2001), requesting the Board of Education to create a program that will facilitate the voluntary participation of high school students in community service, work experience, or service learning.

Gov. Msg. No. 206, dated January 22, 2002, transmitting a Report on School Rental Fees for Use of School Facilities, prepared by the Department of Education pursuant to Act 256, SLH 2000.

Gov. Msg. No. 207, dated January 22, 2002, transmitting a Report on the Interagency Educational Accountability Working Group, prepared by the Department of Education pursuant to Act 235, SLH 2000.

Gov. Msg. No. 208, dated January 22, 2002, transmitting the Report on the Education Research and Development Revolving Fund, prepared by the Department of Education pursuant to Act 261, SLH 2001.

Gov. Msg. No. 209, dated January 22, 2002, transmitting the Report on Personnel Expenditures for CIP, prepared by the Department of Education pursuant to Act 259, Section 98, SLH 2001.

Gov. Msg. No. 210, dated January 22, 2002, transmitting the Report on the DOE's Progress of Meeting Requirements of the Felix Response Plan, prepared by the Department of Education pursuant to Act 259, Section 51, SLH 2001.

Gov. Msg. No. 211, dated February 6, 2002, transmitting a report prepared by The Natural Energy Laboratory of Hawaii Authority (NELHA) pursuant to S.C.R. No. 19 (2001), requesting The Natural Energy Laboratory of Hawaii Authority to revive its proposal for the reactivation of the Noi'i O Puna Research Center.

Gov. Msg. No. 212, dated February 6, 2002, transmitting a report prepared by The Natural Energy Laboratory of Hawaii Authority (NELHA) pursuant to S.C.R. No. 124 (2001), requesting 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.

Gov. Msg. No. 213, dated February 8, 2002, transmitting a Report on the Feasibility of Developing Wave Power as a Renewable Energy Resource for Hawaii, prepared by the Department of Business, Economic Development, and Tourism pursuant to H.R. No. 8 (2001).

Gov. Msg. No. 214, dated February 11, 2002, transmitting the 2001 Report of the Commission to Promote Uniform Legislation of the Department of the Attorney General.

Gov. Msg. No. 215, dated February 14, 2002, transmitting a Report on the Separation Incentive Program, prepared by the Department of Human Resources Development pursuant to Act 253, Sections 119 and 120, SLH 2000.

Gov. Msg. No. 216, dated February 14, 2002, transmitting the Foreign-Trade Zone No. 9's Annual Report to the Foreign-Trade Zones Board for Federal Fiscal Year Ending September 30, 2001, prepared by the Department of Business, Economic Development and Tourism.

At 12:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:22 o'clock p.m.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 23 to 41) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 23, transmitting H.B. No. 1716, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1716, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed First Reading by title and was

referred to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary.

Hse. Com. No. 24, transmitting H.B. No. 1970, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1970, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE EMERGENCY RESPONSE COMMISSION," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 25, transmitting H.B. No. 2315, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2315, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OBSTRUCTION OF INGRESS OR EGRESS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 26, transmitting H.B. No. 2382, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2382, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 27, transmitting H.B. No. 2530, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2530, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE APPEALS," passed First Reading by title and was referred to the Committee on Labor, then to the Committee on Ways and Means.

Hse. Com. No. 28, transmitting H.B. No. 2601, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2601, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 29, transmitting H.B. No. 1726, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1726, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 30, transmitting H.B. No. 1746, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1746, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNATTENDED VEHICLES," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 31, transmitting H.B. No. 1761, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1761, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading by title and was referred 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.

Hse. Com. No. 32, transmitting H.B. No. 2014, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2014, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," passed First Reading by title and was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 33, transmitting H.B. No. 2192, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2192, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed First Reading by title and was referred to the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 34, transmitting H.B. No. 2451, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2451, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed First Reading by title and was referred jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 35, transmitting H.B. No. 2509, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2509, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed First Reading by title and was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 36, transmitting H.B. No. 2609, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2609, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," passed First Reading by title and was referred jointly to the Committee on Economic Development and Technology and Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 37, transmitting H.B. No. 2805, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2805, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed First Reading by title and was referred jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means.

Hse. Com. No. 38, transmitting H.B. No. 2834, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2834, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed First Reading by title and was referred 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.

Hse. Com. No. 39, transmitting H.B. No. 2848, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2002, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 2848, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTION 12, AND ARTICLE X, SECTION 1, OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE STATE TO ISSUE SPECIAL PURPOSE REVENUE BONDS AND USE THE PROCEEDS FROM THE BONDS TO ASSIST NOT-FOR-PROFIT PRIVATE ELEMENTARY SCHOOLS, SECONDARY SCHOOLS, COLLEGES, AND UNIVERSITIES," passed First Reading by title and was referred jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 40, transmitting H.C.R. No. 25, which was adopted by the House of Representatives on February 20, 2002, was placed on file.

By unanimous consent, H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE REPORTING DATE OF THE TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES," was referred to the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary.

Hse. Com. No. 41, informing the Senate that on February 20, 2002, the House reconsidered its action taken in passing S.B. No. 1058, S.D. 1, H.D. 1, C.D. 1, on final reading and said bill was recommitted to the Committee on Conference, was placed on file.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 44 to 56) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 44 "SENATE CONCURRENT RESOLUTION REQUESTING THE ARMY NATIONAL GUARD OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT TO THE EMERGENCY ENVIRONMENTAL WORKFORCE."

Offered by: Senators Kawamoto, Menor, Hemmings, Buen, Inouye, Tam, Fukunaga.

No. 45 "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION NECESSARY TO HONOR OUR COUNTRY'S MORAL OBLIGATION TO PROVIDE FULL VETERANS BENEFITS TO FILIPINO VETERANS OF THE UNITED STATES ARMED FORCES."

Offered by: Senators Kawamoto, Inouye, Menor, Buen, Tam, Fukunaga.

No. 46 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE DEVELOPMENT AND USE OF FOOD GARDENS AS A TEACHING TOOL IN ELEMENTARY SCHOOLS."

Offered by: Senator Sakamoto.

No. 47 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HEALTH'S EMERGENCY MEDICAL SERVICES SYSTEMS BRANCH."

Offered by: Senator Bunda, by request.

No. 48 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR NATUROPATHS, ACUPUNCTURISTS, AND CHIROPRACTORS."

Offered by: Senator Bunda.

No. 49 "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 PANGASINAN OF THE REPUBLIC OF THE PHILIPPINES."

Offered by: Senator Bunda.

No. 50 "SENATE CONCURRENT RESOLUTION DECLARING THE WISHES OF THE LEGISLATURE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS."

Offered by: Senator Bunda.

No. 51 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE

DEPARTMENT OF HEALTH TO NEGOTIATE THE INTRODUCTION OF HEALTHY JUICES AND SNACKS INTO THE DISPENSING MACHINES ALLOWED ON HAWAII SCHOOL PREMISES."

Offered by: Senators Chun Oakland, Kokubun, Kim, Kanno, Tam, Fukunaga, Chumbley, Kawamoto, Buen, Hanabusa, Sakamoto, Matsunaga.

No. 52 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO APPROPRIATE ADEQUATE FINANCIAL IMPACT ASSISTANCE FOR HAWAII'S FREELY ASSOCIATED STATES CITIZENS."

Offered by: Senator Matsuura.

No. 53 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A PANEL TO STUDY AND MAKE RECOMMENDATIONS ON WORKFORCE ISSUES RELATED TO THE NURSING PROFESSION."

Offered by: Senator Matsuura.

No. 54 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DESIGN AND REPORT FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTING A GRADES 6-12 CAREER AND LIFE SKILLS PROGRAM, AS A PART OF A COMPREHENSIVE CAREER DEVELOPMENT SYSTEM."

Offered by: Senator Matsuura.

No. 55 "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ACCELERATE ITS IMPLEMENTATION OF THE HONOLULU BICYCLE MASTER PLAN INITIATED UNDER ORDINANCE 94-39."

Offered by: Senator Matsunaga.

No. 56 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STRATEGIC PLAN FOR THE IMPLEMENTATION OF A PATIENT SAFETY AND MEDICAL ERRORS REDUCTION PROGRAM."

Offered by: Senator Matsuura.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 25 to 30) were read by the Clerk and were deferred:

Senate Resolution

No. 25 "SENATE RESOLUTION REQUESTING THE ARMY NATIONAL GUARD OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT TO THE EMERGENCY ENVIRONMENTAL WORKFORCE."

Offered by: Senators Kawamoto, Menor, Buen, Inouye, Tam, Fukunaga.

No. 26 "SENATE RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION NECESSARY TO HONOR OUR COUNTRY'S MORAL OBLIGATION TO PROVIDE

FULL VETERANS BENEFITS TO FILIPINO VETERANS OF THE UNITED STATES ARMED FORCES.”

Offered by: Senators Kawamoto, Inouye, Menor, Buen, Tam, Fukunaga.

No. 27 “SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE DEVELOPMENT AND USE OF FOOD GARDENS AS A TEACHING TOOL IN ELEMENTARY SCHOOLS.”

Offered by: Senator Sakamoto.

No. 28 “SENATE RESOLUTION DECLARING THE WISHES OF THE SENATE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS.”

Offered by: Senator Bunda.

No. 29 “SENATE RESOLUTION RELATING TO AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING THAT NO COURT SHALL HAVE THE POWER TO LEVY OR INCREASE TAXES.”

Offered by: Senators Slom, Hemmings.

No. 30 “SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ACCELERATE ITS IMPLEMENTATION OF THE HONOLULU BICYCLE MASTER PLAN INITIATED UNDER ORDINANCE 94-39.”

Offered by: Senator Matsunaga.

#### STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2452) recommending that S.B. No. 313, as amended in S.D. 1, pass Second Reading and be recommitted 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. 313, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS,” passed Second Reading and was recommitted to the Committee on Commerce, Consumer Protection and Housing.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2453) recommending that S.B. No. 1157 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 S.B. No. 1157, entitled: “A BILL FOR AN ACT RELATING TO CONTESTS OF OCCUPATIONAL SAFETY AND HEALTH MATTERS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2454) recommending that S.B. No. 2784, as amended in S.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 S.B. No. 2784, S.D. 1, entitled: “A BILL FOR AN

ACT RELATING TO WORKERS’ COMPENSATION,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2455) recommending that S.B. No. 2787 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 S.B. No. 2787, entitled: “A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2456) recommending that S.B. No. 2788 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 S.B. No. 2788, entitled: “A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE APPEALS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 5, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2457) recommending that S.B. No. 411, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 411, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” passed Second Reading and was recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2458), recommending that S.C.R. No. 19, as amended in S.D. 1, 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.C.R. No. 19, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF,” 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. 2459), recommending that S.C.R. No. 17, as amended in S.D. 1, 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.C.R. No. 17, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR BIOLOGICALLY BASED PSYCHIATRIC AND ADDICTION DISORDERS,” 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. 2460), recommending that S.C.R. No. 26, as amended in S.D. 1, 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.C.R. No. 26, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AND SUPPORTING IMPLEMENTATION OF A SINGLE ENTRY POINT SYSTEM FOR LONG-TERM CARE SERVICES," was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2461) recommending that H.B. No. 1806 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. 1806, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Second Reading and was referred to the Committee on Judiciary.

**ORDER OF THE DAY**

**THIRD READING**

S.B. No. 2810, S.D. 2:

By unanimous consent, action on S.B. No. 2810, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF LANDOWNER FOR SAFE HARBOR AGREEMENTS AND HABITAT CONSERVATION PLANS," was deferred until Tuesday, March 5, 2002.

S.B. No. 2264, S.D. 1:

By unanimous consent, action on S.B. No. 2264, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 5, 2002.

S.B. No. 2125:

By unanimous consent, action on S.B. No. 2125, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," was deferred until Tuesday, March 5, 2002.

S.B. No. 2529, S.D. 1:

By unanimous consent, action on S.B. No. 2529, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STALKING," was deferred until Tuesday, March 5, 2002.

S.B. No. 2625, S.D. 1:

By unanimous consent, action on S.B. No. 2625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," was deferred until Tuesday, March 5, 2002.

S.B. No. 2627, S.D. 1:

By unanimous consent, action on S.B. No. 2627, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY RECORDS," was deferred until Tuesday, March 5, 2002.

S.B. No. 2629, S.D. 1:

By unanimous consent, action on S.B. No. 2629, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," was deferred until Tuesday, March 5, 2002.

S.B. No. 2632:

By unanimous consent, action on S.B. No. 2632, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS," was deferred until Tuesday, March 5, 2002.

S.B. No. 2650:

By unanimous consent, action on S.B. No. 2650, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS," was deferred until Tuesday, March 5, 2002.

S.B. No. 2651, S.D. 1:

By unanimous consent, action on S.B. No. 2651, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF BAIL OR BONDS," was deferred until Tuesday, March 5, 2002.

S.B. No. 2696, S.D. 1:

By unanimous consent, action on S.B. No. 2696, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY," was deferred until Tuesday, March 5, 2002.

S.B. No. 2518, S.D. 1:

By unanimous consent, action on S.B. No. 2518, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," was deferred until Tuesday, March 5, 2002.

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Monday, February 4, 2002; Wednesday, February 6, 2002; Thursday, February 7, 2002; Friday, February 8, 2002; and Tuesday, February 12, 2002:

Senate Concurrent Resolution	Referred to:
No. 29	Committee on Labor, then to the Committee on Commerce, Consumer Protection and Housing
No. 30	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Tourism and Intergovernmental Affairs
No. 31	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 32	Committee on Judiciary
No. 33	Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing and the Committee on Tourism and Intergovernmental Affairs

No. 34 Committee on Tourism and Intergovernmental Affairs

No. 35 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 36 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs

No. 37 Committee on Transportation, Military Affairs, and Government Operations

No. 38 Committee on Health and Human Services, then to the Committee on Tourism and Intergovernmental Affairs

No. 39 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 40 Committee on Education, then to the Committee on Ways and Means

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Monday, February 4, 2002; Wednesday, February 6, 2002; Thursday, February 7, 2002; Friday, February 8, 2002; and Tuesday, February 12, 2002:

Senate Resolution Referred to:

No. 10 Committee on Health and Human Services

No. 11 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Tourism and Intergovernmental Affairs

No. 12 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 13 Committee on Judiciary

No. 14 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing and the Committee on Tourism and Intergovernmental Affairs

No. 15 Committee on Tourism and Intergovernmental Affairs

No. 16 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs

No. 17 Committee on Transportation, Military Affairs, and Government Operations

No. 18 Committee on Education, then to the Committee on Ways and Means

No. 19 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 20 Committee on Health and Human Services, then to the Committee on Tourism and Intergovernmental Affairs

**RE-REFERRAL OF SENATE BILLS**

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

Senate Bill Referred to:

No. 313, S.D. 1 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means

No. 411, S.D. 1 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Tourism and Intergovernmental Affairs and the Committee on Judiciary

No. 2036 Jointly to the Committee on Education and the Committee on Ways and Means

No. 2586 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Commerce, Consumer Protection and Housing

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

S.B. No. 883;  
S.B. No. 2613; and  
S.B. No. 2838.

Senator Kanno noted:

“Mr. President, these are all proposed drafts that have been prepared, are available in my office, and are already posted on the Capitol website.

“I just want to mention a couple of things about these measures. On S.B. No. 883, we have a proposed S.D. 1, which is a constitutional amendment question whether first-time nonviolent drug offenders should be provided drug treatment rather than be incarcerated.

“On S.B. No. 2838, we have a proposed S.D. 1 including in the existing bill a measure to prohibit the riding of motorized platform scooters on the roadway. These are the motorized razor scooters.

“Thank you.”

The Chair then granted the waiver.

Senator Taniguchi, for the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

S.B. No. 2139;  
S.B. No. 2177;  
S.B. No. 2330;  
S.B. No. 2832;  
S.B. No. 3020;  
S.B. No. 3028; and  
S.B. No. 3063.

Senator Taniguchi noted:

“Mr. President, after a review of all the bills heard by your Committee on Ways and Means, we have decided to schedule these bills for decision-making because of a number of strong recommendations from members of this body.”

The Chair granted the waiver.

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

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

“I just wanted to thank and congratulate the Chairman of the Judiciary Committee for what he did today, in terms of the waivers, by also handing us copies of the proposed Senate drafts so that we have an opportunity to look at them in advance and more so because they have already been posted, as I understand, up on the website. I think this is a good way to go. I hope that all the chairmen will follow this procedure in the future so that the public has the information and our colleagues have the information prior to hearings.

“So, thank you again, Mr. Chairman, and thank you, Mr. President.”

Senator Ihara also rose on a point of personal privilege and stated:

“Mr. President, I’d like to stand on a point of personal privilege.

“I’d like to also acknowledge one of our Committees for making an improvement in the legislative process – that is the Ways and Means Committee for allowing written testimony on decision-making bills. The Committee, last week, had decision-making on a number of bills and testimony was not accepted, and this week, I noticed that on the hearing notice at the end of the notice it says that written testimony . . . well, I presume that written testimony is accepted because it says you can submit 30 copies to the Clerk.

“Maybe an additional improvement might be to include at the top of the agenda, some kind of note saying that written testimony will be accepted because, traditionally, for the people who want to participate in the process, notice of decision-making essentially means no testimony. I’d like to applaud the Ways and Means Committee for doing that.

“Particularly, I wanted to note that there are a number of bills that were amended substantively in the first Committee. And by having decision-making only, and not accepting testimony, the public doesn’t have a chance to comment, and actually, members don’t know how the community feels about a bill that’s been amended before them because there was no chance for testimony. So I’d like to thank Ways and Means for doing that.

“I also wanted to point out that there were 575 bills heard before the first lateral and I think we’re doing slightly better than in the past. There were 89 bills that were deferred without a vote and discounting bills that were deferred due to an intent to consider a House draft that’s coming over to the Senate or a bill that is moving that’s similar, rather than holding the bill and voting on it to send a signal to the public that we are opposed to the contents, deferring in these situations, I think, is appropriate.

“There are, I think, still a couple dozen bills that were deferred because there was not an intent to move the bill, and I think we could still improve on those.

“Thank you, Mr. President.”

**ADJOURNMENT**

At 12:32 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 1, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate