

THIRTY-THIRD DAY

Friday, March 15, 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 Conrado Lomibao, Saint Philomena Church, after which the Roll was called showing all Senators present with the exception of Senators Buen, Chumbley, Chun, Ige, Matsuura and Menor who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 243 and 244) were read by the Clerk and were placed on file:

Gov. Msg. No. 243, dated March 8, 2002, transmitting the Hawaii Performance Partnerships Board Report for 2001, pursuant to Act 160, SLH 1999.

Gov. Msg. No. 244, dated March 11, 2002, transmitting the Report on the Funds Expended for Health Promotion and Disease Prevention Programs from the Tobacco Settlement Fund, Including Expenditure and Allocation of Funds for the State Children's Health Insurance Program, prepared by the Department of Health pursuant to Act 259, Section 27, SLH 2001.

STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2839) recommending that H.B. No. 1766 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1766, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," 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. 2840) recommending that H.B. No. 2459, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2459, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATION FOR SOCIAL SECURITY/MEDICARE 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. 2841) recommending that H.B. No. 2495 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2495, 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 majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2842) recommending that H.B. No. 2506, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 2506, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," 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. 2843) recommending that H.B. No. 2512, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC HEALTH NURSING SERVICES SPECIAL FUND," 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. 2844) recommending that H.B. No. 2518 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2518, 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. 2845) recommending that H.B. No. 2523 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2523, 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. 2846) recommending that H.B. No. 2571, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2571, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF PERSONS WITH IMPAIRED SIGHT OR HEARING OR WHO ARE TOTALLY DISABLED THAT ARE ENGAGED IN

BUSINESS,” 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. 2847) recommending that H.B. No. 2738, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2738, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LANGUAGE,” passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2838 (Jud. Com. No. 1):

Senator Kanno moved that Stand. Com. Rep. No. 2838 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Kanno then moved that the Senate consent to the nomination of CHRISTOPHER P. MCKENZIE as Judge of the District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Fukunaga.

Senator Kanno rose in support of the nominee and said:

“Mr. President, I rise to speak in support of the nominee.

“Mr. President, the Committee on Judiciary held a public hearing on the nomination of Christopher P. McKenzie to the District Court of the First Circuit on March 12, and the testimony was unanimously in support of the nominee, including a number of officials from the Judiciary, the Department of the Prosecuting Attorney, the Iron Workers’ Union, the Inlandboatmen’s Union, a number of private attorneys and a deputy public defender.

“The nominee has served as district court judge in the first circuit on a per diem basis since 1995. During this time, he has served on every district court division in the first circuit. He is a member of the Bar of Hawaii, the Ninth Circuit Court of Appeals, and the United States Supreme Court.

“The Hawaii State Bar Association subjected the nominee to rigorous review and evaluation before rating the nominee as ‘highly qualified’ for the position. That rating is the highest endorsement given by the Hawaii State Bar Association. The criteria for evaluation include: integrity, legal knowledge and ability, professional expertise, judicial temperament, diligence, financial responsibility, public service, collegiality, and writing ability.

“Mr. President, I urge my colleagues to support this outstanding nominee.”

Senator Slom also rose in support of the nominee and stated:

“Mr. President, I, too, rise in support of the nominee.

“On behalf of the Minority, we are very pleased to support this nominee. He has a very good track record already. He handled himself quite well in the hearings. I think he has some very good and creative ideas and I think he’s going to make some needed changes within the Judiciary, but the most

important thing that he brings is that integrity and the respect that he has in the community.

“We’re very happy to support him. Thank you.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Buen, Chumbley, Chun, Ige, Matsuura, Menor).

At this time, Senator Kanno introduced Judge McKenzie, who was seated in the gallery with his family, to the members of the Senate.

At 11:52 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:54 o’clock a.m.

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, March 5, 2002; Thursday, March 7, 2002; Friday, March 8, 2002; Monday, March 11, 2002; Tuesday, March 12, 2002; and Wednesday, March 13, 2002:

Senate Concurrent Resolution	Referred to:
No. 61	Committee on Commerce, Consumer Protection and Housing
No. 62	Jointly to the Committee on Labor and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 63	Committee on Health and Human Services
No. 64	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. 65	Committee on Health and Human Services
No. 66	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education
No. 67	Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations
No. 68	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology
No. 69	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 70	Committee on Water, Land, Energy, and Environment
No. 71	Committee on Health and Human Services

No. 72 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Health and Human Services

No. 73 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 74 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 75 Committee on Health and Human Services

No. 76 Committee on Health and Human Services, then to the Committee on Ways and Means

No. 77 Committee on Health and Human Services

No. 78 Committee on Agriculture

No. 79 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 80 Committee on Health and Human Services

No. 81 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 82 Committee on Judiciary, then to the Committee on Ways and Means

No. 83 Committee on Ways and Means

No. 84 Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 85 Committee on Economic Development and Technology

No. 86 Committee on Transportation, Military Affairs, and Government Operations

No. 87 Committee on Judiciary

No. 88 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 89 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 90 Committee on Ways and Means

No. 91 Committee on Ways and Means

No. 92 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 93 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 94 Committee on Economic Development and Technology, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 95 Committee on Water, Land, Energy, and Environment

No. 96 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 97 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 98 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing

No. 99 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs

No. 100 Committee on Judiciary

No. 101 Committee on Hawaiian Affairs

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Tuesday, March 5, 2002; Friday, March 8, 2002; Monday, March 11, 2002; Tuesday, March 12, 2002; and Wednesday, March 13, 2002:

Senate Resolution	Referred to:
No. 31	Committee on Commerce, Consumer Protection and Housing
No. 32	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Education
No. 33	Committee on Health and Human Services
No. 34	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Health and Human Services
No. 35	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 36	Committee on Health and Human Services, then to the Committee on Ways and Means
No. 37	Committee on Agriculture
No. 38	Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means
No. 39	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means
No. 40	Committee on Health and Human Services

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| <p>No. 41 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology</p> | <p>Respectfully submitted,</p> |
| <p>No. 42 Committee on Transportation, Military Affairs, and Government Operations</p> | <p>Clerk of the Senate</p> |
| <p>No. 43 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</p> | <p>Approved:</p> |
| <p>No. 44 Committee on Health and Human Services</p> | <p>President of the Senate</p> |
| <p>No. 45 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means</p> | |
| <p>No. 46 Committee on Health and Human Services, then to the Committee on Ways and Means</p> | |
| <p>No. 47 Committee on Health and Human Services, then to the Committee on Ways and Means</p> | |
| <p>No. 48 Committee on Judiciary, then to the Committee on Ways and Means</p> | |
| <p>No. 49 Committee on Transportation, Military Affairs, and Government Operations</p> | |
| <p>No. 50 Committee on Health and Human Services</p> | |
| <p>No. 51 Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs</p> | |
| <p>No. 52 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing</p> | |
| <p>No. 53 Committee on Water, Land, Energy, and Environment</p> | |
| <p>No. 54 Committee on Hawaiian Affairs</p> | |
| <p>No. 55 Committee on Judiciary</p> | |

RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

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| <p>House Bill</p> | <p>Referred to:</p> |
| <p>No. 2552, H.D. 1</p> | <p>Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Judiciary</p> |

ADJOURNMENT

At 11:56 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., Monday, March 18, 2002.