

THIRTY-FOURTH DAY

Monday, March 18, 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 Honorable Fred Hemmings, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Buen, Chumbley, Fukunaga, Hanabusa, Ige and Ihara who were excused.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 245, dated March 13, 2002, transmitting the Actuarial Report on the Proposed Hawaii Long-Term Care Financing Program, prepared by the Executive Office on Aging pursuant to S.C.R. No. 23 (2001), was read by the Clerk and was placed on file.

HOUSE COMMUNICATION

Hse. Com. No. 313, transmitting H.C.R. No. 34, which was adopted by the House of Representatives on March 15, 2002, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT LEGISLATION TO REPEAL THE RESCISSION ACT OF 1946 AND THE SECOND SUPPLEMENTAL SURPLUS APPROPRIATION RESCISSION ACT (1946), AND TO RESTORE FILIPINO WORLD WAR II VETERANS' STATUS AND BENEFITS," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

STANDING COMMITTEE REPORTS

Senator Matsuura, for the majority of the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2848) recommending that H.B. No. 1867, 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. 1867, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH CARE FOR THE UNINSURED," 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. 2849) recommending that H.B. No. 2228, H.D. 2, 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. 2228, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," 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. 2850) recommending that H.B. No. 2282 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. 2282, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS TO ARBITRATE MADE BEFORE JULY 1, 2002," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2851) recommending that H.B. No. 2501, 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 Committee was adopted and H.B. No. 2501, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPROPRIATION FOR STATE EMPLOYEE BENEFIT PROGRAMS," 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. 2852) recommending that H.B. No. 2526 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. 2526, 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. 2853) recommending that H.B. No. 2530, 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. 2530, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE APPEALS," 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. 2854) recommending that H.B. No. 2531, H.D. 2, 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. 2531, H.D. 2, 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 Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2855) recommending that H.B. No. 2128, 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. 2128, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2856) recommending that H.B. No. 2266, H.D. 2, 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. 2266, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2857) recommending that H.B. No. 2536 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. 2536, entitled: "A BILL FOR AN ACT RELATING TO SECTION 17 OF ACT 85, SESSION LAWS OF HAWAII 1999," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2858) recommending that H.B. No. 2537, 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 H.B. No. 2537, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2859) recommending that H.B. No. 2538 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. 2538, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2860) recommending that H.B. No. 2550, H.D. 2, 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. 2550, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO APPURTENANT RIGHTS UNDER THE WATER CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No.

2861) recommending that H.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 H.B. No. 2553, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 2862) recommending that H.B. No. 2731, 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. 2731, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CENTRAL OAHU RECYCLING AND DISPOSAL FACILITY, INC.," passed Second Reading and was referred to the Committee on Ways and Means.

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. 2863) recommending that S.C.R. No. 18 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2863 and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION ADOPTING OUTCOME INDICATORS OF WELL-BEING FOR HAWAII'S CHILDREN AND FAMILIES," was deferred until Tuesday, March 19, 2002.

ORDER OF THE DAY

RE-REFERRAL OF HOUSE BILL

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

House Bill	Referred to:
No. 2251, H.D. 2	Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Economic Development and Technology, then to the Committee on Ways and Means

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

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

Senate Concurrent Resolution	Referred to:
No. 95	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs

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

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

"The events of this past weekend involving the decision by Hawaiian Airlines and Aloha Airlines not to merge, I think, is a

very good decision. I think it's in the best interest of our community and our State and the future. But I think that it is in large measure, depending on what you read and who you listen to, it's dependent on large measure to the hearings that were held in the Senate and the line of questioning in a bipartisan manner in terms of trying to get at the accurate financial statistics, the reasons for the merger, viable alternatives, why certain things were done and weren't done, and so forth.

"So I think that in this case, first of all, the decision was the right one. The community will benefit and I think that people can be assured that the Legislature, and particularly this body, had done the right thing in really scrutinizing this particular operation. I just hope that this will translate into the future, into our budget hearings, and into other tax and related issues as well, because when you start looking at things such as long-term care, for example, you find all of the things that are questionable and need to be answered, and better that we do it in this forum before it becomes law and we have problems.

"So, to my colleagues, congratulations. I think that we finally earned our keep on this one. Aloha."

Senator English rose on a point of personal privilege and said:

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

"Following up on the good Senator from the East Side of this island, I would like to just add that I think we did do a good job with the handling of the merger. It did raise a number of very interesting and serious questions, and to me, one of the most important ones, and one that I hope that we will continue to pursue, is service to the rural airports.

"This is something that is lacking – Kamuela, Hana, Kalaupapa, Moloka'i, Lana'i, Princeville – these airports are seriously underserved. Our people cannot get access to these centers; medical access is denied . . . services – newspapers are a day or two delayed, all of this because of the lack of proper air-links.

"So while we preserve a competitive free-market system in Hawaii for the airlines, we also have to make sure that our rural areas continue to be serviced or that services are provided.

"So, with that, I say thank you all for your wonderful work on this one."

ADJOURNMENT

At 11:51 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, March 19, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate