

## TENTH DAY

## Thursday, January 30, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Jim Tweedie, Mililani Presbyterian Church and Preschool, after which the Roll was called showing all Senators present with the exception of Senators Ige and Ihara who were excused.

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

At this time, Senator Menor, on behalf of the Senate, recognized `Olelo Community Television and introduced Lurline McGregor, President and CEO, and Angela Angel, Director of Communications.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 104 to 127) were read by the Clerk and were placed on file:

Gov. Msg. No. 104, dated December 16, 2002, transmitting the Multi-Year Program and Financial Plan and Executive Budget for the Period 2003-2009, pursuant to Sections 37-69 and 37-71.

Gov. Msg. No. 105, dated December 16, 2002, transmitting the Variance Report for Fiscal Years 2002 and 2003, pursuant to Section 37-75, HRS.

Gov. Msg. No. 106, dated December 20, 2002, transmitting the Department of Accounting and General Services' Annual Report.

Gov. Msg. No. 107, dated December 23, 2002, transmitting a Report on the Hawaii Research Center for Future Studies, prepared by the University of Hawaii pursuant to Section 222-3, HRS.

Gov. Msg. No. 108, dated December 27, 2002, transmitting the Reporting Requirements of Act 259, SLH 2001, General Appropriations Act of 2001, as amended by Act 3, 3rd Sp SLH 2001, and Act 177, SLH 2002, Supplemental Appropriations Act of 2002.

Gov. Msg. No. 109, dated December 30, 2002, transmitting the Hawaii Real Estate Commission 2002 Progress Report on the Recodification of Chapter 514A, HRS, prepared by the Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, Hawaii Real Estate Commission, pursuant to Act 213, Section 4, SLH 2000.

Gov. Msg. No. 110, dated December 31, 2002, transmitting a report prepared by the Department of Public Safety in response to Act 259, Section 64, SLH 2001.

Gov. Msg. No. 111, dated December 31, 2002, transmitting a report prepared by the Department of Public Safety in response to H.C.R. No. 62 (2002).

Gov. Msg. No. 112, dated December 31, 2002, transmitting the Annual Report on the Status of the Federal Reimbursement Maximization Special Fund for Fiscal Year 2002, prepared by the Department of Public Safety pursuant to Section 353C-7, HRS.

Gov. Msg. No. 113, dated December 31, 2002, transmitting the Expenditure Report for Out-of-State Inmates, FY 2001-2002, prepared by the Department of Public Safety pursuant to Act 177, Section 4, Subsection 26, SLH 2002.

Gov. Msg. No. 114, dated December 31, 2002, transmitting the Expenditure Report for Out-of-State Inmates, FY 2001-2002, prepared by the Department of Public Safety pursuant to Act 177, Section 4, Subsection 25, SLH 2002.

Gov. Msg. No. 115, dated December 31, 2002, transmitting the Spouse and Child Abuse Special Account Annual Report for Fiscal Year Ending June 30 2002, prepared by the Department of Human Services, Social Services Division, pursuant to Act 232, Section 2, SLH 1994.

Gov. Msg. No. 116, dated December 31, 2002, transmitting the Department of Human Services' Annual Report for Fiscal Year Ending June 30, 2002.

Gov. Msg. No. 117, dated December 31, 2002, transmitting a report prepared by the Department of Human Services, Social Services Division, pursuant to Act 177, Sections 37 and 38, SLH 2002.

Gov. Msg. No. 118, dated January 2, 2003, transmitting the Pesticide Use Revolving Fund Annual Report for Fiscal Year Ending June 30, 2002, prepared by the Department of Agriculture pursuant to Act 154, SLH 2000.

Gov. Msg. No. 119, dated January 2, 2003, transmitting the Supplement to the Multi-Year Program and Financial Plan and Executive Budget (PFP), prepared by the Department of Budget and Finance, Budget, Program Planning and Management Division.

Gov. Msg. No. 120, dated January 3, 2003, transmitting a report prepared by the Department of Education pursuant to S.C.R. No. 131 and S.R. 113 (2002), requesting expedited budgeting, financing, and construction of new school facilities.

Gov. Msg. No. 121, dated January 3, 2003, transmitting a Report on the Mandatory Expulsion Policy for Possession of a Firearm, prepared by the Department of Education, pursuant to Section 302A-1134, HRS.

Gov. Msg. No. 122, dated January 3, 2003, transmitting the Educational Assessment and Accountability Annual Reports, prepared by the Department of Education pursuant to Section 302A-1004, HRS.

Gov. Msg. No. 123, dated January 3, 2003, transmitting the Report to Promote Healthy Eating, prepared by the Department of Health, the Department of Agriculture and the Department of Education pursuant to H.C.R. No. 151 (2001).

Gov. Msg. No. 124, dated January 3, 2003, transmitting a report, Kindergarten – Change in Entry Age, prepared by the Department of Education, Office of the Superintendent, pursuant to S.C.R. No. 107 (2002).

Gov. Msg. No. 125, dated January 3, 2003, transmitting the Annual Report on Federal and Trust Funds, prepared by the Department of Education pursuant to Section 29-25, HRS.

Gov. Msg. No. 126, dated January 3, 2003, transmitting the Report on the Classification/Compensation Appeals Board, prepared by the Department of Education pursuant to Section 302A-620, HRS.

Gov. Msg. No. 127, dated January 3, 2003, transmitting the Annual Report on School Priority Fund, prepared by the Department of Education pursuant to Section 302A-1309, HRS.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 11 to 19) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 11 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF PROPOSED MANDATORY HEALTH INSURANCE COVERAGE FOR HEARING AID DEVICES AND SERVICES."

Offered by: Senators Chun Oakland, Kanno, Hanabusa, Sakamoto, Fukunaga, Aduja, Ige, Kawamoto.

No. 12 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON GRADUATED PARENTING."

Offered by: Senators Chun Oakland, Kanno, Hanabusa, Sakamoto, Kawamoto, Fukunaga, Aduja, Ige.

No. 13 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A STATEWIDE INTERAGENCY TASK FORCE TO DEVELOP A PLAN FOR COORDINATION AND EXPANSION OF SERVICES PROVIDED THROUGH HEALTHY START TO YOUNG CHILDREN AND THEIR FAMILIES."

Offered by: Senators Chun Oakland, Hanabusa, Sakamoto, Fukunaga, Aduja, Ige, Kawamoto.

No. 14 "SENATE CONCURRENT RESOLUTION REQUESTING THAT ALL OPERATING SODA MACHINES IN PUBLIC HIGH SCHOOLS DISPENSE ONLY HEALTHY AND NON-CARBONATED BEVERAGES."

Offered by: Senators Chun Oakland, Kanno, Espero, Fukunaga, Ige, Kawamoto.

No. 15 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, TO ESTABLISH A SUN PROTECTION PROGRAM FOR HAWAII'S ELEMENTARY SCHOOL CHILDREN."

Offered by: Senators Chun Oakland, Kanno, Sakamoto, Aduja, Ige.

No. 16 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP PUBLIC HEALTH STRATEGIES TO ADDRESS THE HEPATITIS C PROBLEM."

Offered by: Senators Chun Oakland, Baker.

No. 17 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO CONVENE A TASK FORCE TO RE-EVALUATE THE PLACEMENT OF THE OFFICE OF THE PUBLIC GUARDIAN."

Offered by: Senator Bunda.

No. 18 "SENATE CONCURRENT RESOLUTION REAFFIRMING THE STATE OF HAWAII'S COMMITMENT TO CIVIL LIBERTIES AND THE BILL OF RIGHTS."

Offered by: Senators Hanabusa, Trimble, Chun Oakland, Ige.

No. 19 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY."

Offered by: Senators Hanabusa, Slom, Ihara, Sakamoto, Trimble, Espero.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 6 to 9) were read by the Clerk and were deferred:

Senate Resolution

No. 6 "SENATE RESOLUTION REQUESTING THAT ALL OPERATING SODA MACHINES IN PUBLIC HIGH SCHOOLS DISPENSE ONLY HEALTHY AND NON-CARBONATED BEVERAGES."

Offered by: Senators Chun Oakland, Kanno, Fukunaga, Kawamoto, Ige.

No. 7 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, TO ESTABLISH A SUN PROTECTION PROGRAM FOR HAWAII'S ELEMENTARY SCHOOL CHILDREN."

Offered by: Senators Chun Oakland, Kanno, Fukunaga, Kawamoto, Aduja, Ige.

No. 8 "SENATE RESOLUTION REAFFIRMING THE STATE OF HAWAII'S COMMITMENT TO CIVIL LIBERTIES AND THE BILL OF RIGHTS."

Offered by: Senators Hanabusa, Trimble, Chun Oakland, Ige.

No. 9 "SENATE RESOLUTION REQUESTING AN AUDIT OF THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY."

Offered by: Senators Hanabusa, Slom, Sakamoto, Trimble, Espero.

**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. 2 Jointly to the Committee on Transportation, Military Affairs, and Government Operations

and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 74 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 349 Jointly to the Committee on Education and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 362 Committee on Economic Development, then to the Committee on Ways and Means

No. 474 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Education, then to the Committee on Ways and Means

No. 556 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 684 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Health, then to the Committee on Ways and Means

No. 744 Jointly to the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 748 Jointly to the Committee on Health and the Committee on Education, then to the Committee on Ways and Means

No. 749 Jointly to the Committee on Health and the Committee on Education, then to the Committee on Ways and Means

No. 868 Committee on Economic Development, then to the Committee on Ways and Means

No. 903 Committee on Commerce, Consumer Protection and Housing

No. 952 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 953 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 975 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, then to the Committee on Judiciary and Hawaiian Affairs

No. 1022 Committee on Health, then to the Committee on Ways and Means

No. 1061 Jointly to the Committee on Human Services and the Committee on Health

No. 1062 Committee on Health, then to the Committee on Ways and Means

No. 1076 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 1088 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 1133 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 1159 Committee on Labor, then to the Committee on Ways and Means

No. 1188 Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Energy and Environment, then to the Committee on Ways and Means

No. 1193 Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing

No. 1218 Jointly to the Committee on Health and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 1238 Committee on Health, then to the Committee on Ways and Means

No. 1242 Jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 1258 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 1263 Committee on Science, Arts, and Technology, then to the Committee on Transportation, Military Affairs, and Government Operations

No. 1280 Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 1282 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1283 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1286 Committee on Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 1288 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 1291 Committee on Tourism, then to the Committee on Ways and Means

No. 1292 Jointly to the Committee on Energy and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1315 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1335 Jointly to the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 1338 Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means

No. 1340 Committee on Education, then to the Committee on Ways and Means

No. 1343 Jointly to the Committee on Labor and the Committee on Education, then to the Committee on Ways and Means

No. 1366 Jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 1399 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 1402 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 1414 Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 1421 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1433 Jointly to the Committee on Education and the Committee on Economic Development, then to the Committee on Ways and Means

No. 1436 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Energy and Environment

No. 1446 Jointly to the Committee on Health and the Committee on Science, Arts, and Technology, then to the Committee on Ways and Means

No. 1449 Committee on Science, Arts, and Technology, then to the Committee on Judiciary and Hawaiian Affairs

No. 1451 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 1457 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 1470 Jointly to the Committee on Economic Development, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 1497 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 1499 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 1501 Jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 1532 Committee on Water, Land, and Agriculture

No. 1537 Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing

No. 1548 Committee on Energy and Environment, then to the Committee on Commerce, Consumer Protection and Housing

No. 1657 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Health, then to the Committee on Ways and Means

No. 1664 Committee on Health

#### ADJOURNMENT

At 11:55 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, January 31, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate