

FORTY-FIFTH DAY

Wednesday, April 4, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Steve Murphy, Olivet Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Ihara and Menor who were excused.

The President announced that he had read and approved the Journal of the Forty-Fourth Day.

At this time, the following introductions were made to the members of the Senate:

Senators Matsunaga and Hogue congratulated the 2001 University of Hawaii Men's Basketball Team on winning the 2001 Western Athletic Conference Championship and introduced the following players representing the team: Todd Fields, Lane O'Connor, Nerijus Puida, and Troy Ostler. Accompanying the players were head coach, Riley Wallace; assistant head coach, Bob Nash; and assistant coaches Scott Rigot and Jackson Wheeler.

Senators Ige and Chun then introduced and congratulated Natalie Naomi Young, Hawaii's Junior Miss 2001; Lee Anne Cox, First Runner-Up; and Brianna Christianson, Second Runner-Up.

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 217, informing the Senate that on March 29, 2001, he signed the following bills into law:

House Bill No. 700 as Act 2, entitled: "RELATING TO THE SALE OF POISONS"; and

House Bill No. 692 as Act 3, entitled: "RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997,"

was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 365 to 368) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 365, transmitting H.C.R. No. 124, which was adopted by the House of Representatives on April 3, 2001, was placed on file.

By unanimous consent, action on H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF DIRECTORS OF 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," was deferred until Thursday, April 5, 2001.

Hse. Com. No. 366, transmitting H.C.R. No. 161, which was adopted by the House of Representatives on April 3, 2001, was placed on file.

By unanimous consent, action on H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE KAMEHAMEHA SCHOOLS TO CONDUCT A FEASIBILITY STUDY ON ESTABLISHING A RESOURCE CENTER FOR STUDENTS, PARENTS AND TEACHERS ON THE ISLAND OF KAUAI," was deferred until Thursday, April 5, 2001.

Hse. Com. No. 367, returning S.B. No. 1077, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2001, was placed on file.

Hse. Com. No. 368, returning S.B. No. 1104, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2001, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1104, S.D. 1, and requested a conference on the subject matter thereof.

STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1316) recommending that S.C.R. No. 18 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. 18, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A COORDINATING COMMITTEE TO OVERSEE THE CARE OF MEDICALLY FRAGILE CHILDREN," 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. 1317) recommending that S.R. No. 13 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.R. No. 13, entitled: "SENATE RESOLUTION REQUESTING THE CREATION OF A COORDINATING COMMITTEE TO OVERSEE THE CARE OF MEDICALLY FRAGILE CHILDREN," 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. 1318) recommending that S.C.R. No. 23, 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. 23, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FORMATION OF A WORKING GROUP TO DEVELOP A STATEWIDE CERTIFICATION PROGRAM FOR LONG-TERM CARE PROVIDERS," 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. 1319) recommending that S.R. No. 18, 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.R. No. 18, S.D. 1, entitled: "SENATE RESOLUTION URGING THE FORMATION OF A WORKING GROUP TO DEVELOP A STATEWIDE CERTIFICATION PROGRAM FOR LONG-TERM CARE PROVIDERS," 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. 1320) recommending that S.C.R. No. 41, 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. 41, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THAT PHARMACEUTICAL COMPANIES DOING BUSINESS IN HAWAII DEVELOP A MORE CONSUMER FRIENDLY UNIFIED SYSTEM FOR FREE PRESCRIPTION DRUGS," 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. 1321) recommending that S.R. No. 32, 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.R. No. 32, S.D. 1, entitled: "SENATE RESOLUTION URGING THAT PHARMACEUTICAL COMPANIES DOING BUSINESS IN HAWAII DEVELOP A MORE CONSUMER FRIENDLY UNIFIED SYSTEM FOR FREE PRESCRIPTION DRUGS," 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. 1322) recommending that S.C.R. No. 42 be referred to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 42, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA TO LEAD THE NATION AND IMMEDIATELY ADDRESS THE PROBLEM OF HIGH COST OF PRESCRIPTION DRUGS FOR ALL AMERICANS," was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1323) recommending that S.R. No. 33 be referred to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 33, entitled: "SENATE RESOLUTION

STRONGLY URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA TO LEAD THE NATION AND IMMEDIATELY ADDRESS THE PROBLEM OF HIGH COST OF PRESCRIPTION DRUGS FOR ALL AMERICANS," was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1324) recommending that S.C.R. No. 153 be referred 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.C.R. No. 153, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COLLABORATIVE EFFORTS AND THE PARTNERING INITIATIVES BETWEEN THE HAWAII HEALTH SYSTEMS CORPORATION AND THE VETERANS ADMINISTRATION IN HAWAII TO IMPROVE UPON THE QUALITY, DIVERSITY, AND ACCESSIBILITY OF HEALTHCARE ON THE NEIGHBOR ISLANDS," was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1325) recommending that S.C.R. No. 130 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1325 and S.C.R. No. 130, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS AND THE HEALTH CARE FINANCING ADMINISTRATION TO ADJUST HAWAII'S AEROMEDICAL REIMBURSEMENT RATES BY PROVIDING FOR IMMEDIATE PHASE-IN OF THE PROPOSED MEDICARE FEE SCHEDULE," was deferred until Thursday, April 5, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1326) recommending that S.R. No. 93 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1326 and S.R. No. 93, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS AND THE HEALTH CARE FINANCING ADMINISTRATION TO ADJUST HAWAII'S AEROMEDICAL REIMBURSEMENT RATES BY PROVIDING FOR IMMEDIATE PHASE-IN OF THE PROPOSED MEDICARE FEE SCHEDULE," was deferred until Thursday, April 5, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1327) recommending that S.C.R. No. 132 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1327 and S.C.R. No. 132, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FOOD INDUSTRY AND OTHER INTERESTED PARTIES, WITH THE COOPERATION OF THE DEPARTMENT OF HEALTH AND THE COUNTIES, TO CONTRACT WITH AN EXPERT CONSULTANT TO CONDUCT A COMPREHENSIVE ANALYSIS OF HAWAII'S SOLID WASTE AND LITTER SITUATION," was deferred until Thursday, April 5, 2001.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1328) recommending that S.C.R. No. 45 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1328 and S.C.R. No. 45, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO SUBMIT A REPORT ON ALIEN SPECIES PROGRAMS," was deferred until Thursday, April 5, 2001.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1329) recommending that S.R. No. 36 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1329 and S.R. No. 36, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO SUBMIT A REPORT ON ALIEN SPECIES PROGRAMS," was deferred until Thursday, April 5, 2001.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1330) recommending that S.C.R. No. 43, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1330 and S.C.R. No. 43, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF AND IMPROVEMENT RECOMMENDATIONS FOR THE MOLOKAI IRRIGATION SYSTEM," was deferred until Thursday, April 5, 2001.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1331) recommending that S.R. No. 34, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1331 and S.R. No. 34, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN ASSESSMENT OF AND IMPROVEMENT RECOMMENDATIONS FOR THE MOLOKAI IRRIGATION SYSTEM," was deferred until Thursday, April 5, 2001.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1332) recommending that S.C.R. No. 119, as amended in S.D. 1, 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.C.R. No. 119, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT AND REVIEW OF EXISTING AGRICULTURAL THEFT LAWS AND ENFORCEMENT ISSUES THAT HAMPER THE ARREST AND CONVICTION OF PERSON'S CAUGHT OR SUSPECTED OF AGRICULTURAL THEFT," was referred to the Committee on Judiciary.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1333) recommending that S.R. No. 88, as amended in S.D. 1, 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.R. No. 88, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN ASSESSMENT AND REVIEW OF EXISTING AGRICULTURAL THEFT LAWS AND ENFORCEMENT ISSUES THAT HAMPER THE ARREST AND CONVICTION OF PERSON'S CAUGHT OR SUSPECTED OF AGRICULTURAL THEFT," was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1334) recommending that S.C.R. No. 79, 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. 79, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, SCHOOL OF MEDICINE TO URGE ITS STUDENTS TO STUDY CHELATION THERAPY," was referred to the Committee on Commerce, Consumer Protection and Housing.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 3, 2001

Stand. Com. Rep. No. 1312 (S.C.R. No. 94):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 94, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR," was adopted.

Stand. Com. Rep. No. 1313 (S.R. No. 72):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 72, entitled: "SENATE RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR," was adopted.

Stand. Com. Rep. No. 1314 (S.C.R. No. 93):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 93, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING ACCELERATION OF THE DEVELOPMENT OF THE KAPALAMA CONTAINER TERMINAL FACILITY," was adopted.

Stand. Com. Rep. No. 1315 (S.R. No. 71):

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 71, entitled: "SENATE RESOLUTION SUPPORTING ACCELERATION OF THE DEVELOPMENT OF THE KAPALAMA CONTAINER TERMINAL FACILITY," was adopted.

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

H.B. No. 451;
H.B. No. 1003;
H.B. No. 1004;
H.B. No. 1016;
H.B. No. 1115;
H.B. No. 1211;
S.C.R. No. 54;
S.C.R. No. 148;
S.C.R. No. 160; and

S.R. No. 40,

and the Chair granted the waiver.

Senator Matsuura, Chair of the Committee on Health and Human Services, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following resolutions:

S.C.R. No. 24;
S.C.R. No. 133;
S.C.R. No. 150; and
S.R. No. 19,

and the Chair granted the waiver.

Senator Tam, Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following bill and resolutions:

H.B. No. 697
S.C.R. No. 103;
S.C.R. No. 140; and
S.R. No. 100,

and the Chair granted the waiver.

Senator Kim, Chair of the Committee on Tourism and Intergovernmental Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.C.R. No. 42 and S.R. No. 33, and the Chair granted the waiver.

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

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

“Mr. President and colleagues, the looming teacher’s strike is symptomatic of a much larger problem – that is the meltdown of the state budget. We’ve been dealing with it all Session long.

“Contributing another alarming problem is the Council on Revenues’ projections of a 5.5 percent increase in growth for the coming fiscal year, and a larger growth for the following fiscal years. Under the current projected spending and union demands, according to the Tax Foundation, the State is headed towards a \$100 million deficit at the end of next fiscal year 2002, and a whopping \$509 million budget deficit by 2003. I’m challenging the Council on Revenues’ projections, and therefore, warning Majority Party Legislators that we may be spending money that we may never see.

“What is particularly perplexing to me, Mr. President, is that no one from the Majority Party has challenged the Council on Revenues on their questionable projections. I speak from experience. I was here in the ’80s when the State was spending like a drunken sailor on leave. At that time, the Council on Revenues projected huge economic growth that facilitated dramatic spending increases and the growth of government beyond our means to pay for it. The Tax Foundation’s conservative outlook, which I supported then, proved to be accurate. Unfortunately, at that time the State Legislature chose to accept the Council on Revenues’ inaccurate projections to justify the continuation of reckless spending.

“Relying upon experience and past legislative inaction, I believe the Council on Revenues should review and reassess their projections and present them to this Legislature. Unfortunately, the Council on Revenues is not expected to meet again until May 24 – which may be too late for the Legislature to do anything to amend our spending plans.

“I’m asking my fellow Legislators to exercise our power, which is spelled out very clearly in the Hawaii Revised Statutes Section 37-111, to call the Council on Revenues back into action to see if they need to amend their revenue projections in view of the obvious slowdown both in the national and international economies. This is the prudent thing to do.

“I was in Ways and Means this morning. Your Ways and Means Chairman from Manoa is wrestling with a very, very serious dilemma – a lot of bills and not enough money to pay for it all. I don’t believe the Council on Revenues’ projections are accurate. We better deal with more accurate information. Therefore, I’m calling this body to please call the Council on Revenues to reassess their projections.

“Thank you, Mr. President.”

Senator Slom rose on a point of personal privilege also, and said:

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

“Last night in the news, I happened to see your smiling face seated next to the Speaker of the House, and both of you said that you were optimistic in terms of the looming educational strike. Do you have some positive news for us at this time?”

President Bunda answered:

“We’re still optimistic at this juncture.”

Senator Slom replied:

“Thank you, Mr. President.”

ADJOURNMENT

At 12:09 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., Thursday, April 5, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate