

## TWENTY-NINTH DAY

Monday, March 11, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Shigenori Makino, Honpa Hongwanji Buddhist Temple, after which the Roll was called showing all Senators present with the exception of Senators Chumbley and Fukunaga who were excused.

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

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 217, advising the Senate that the term for the nominee to the Education Commission of the States, CARL T. TAKAMURA, under Gov. Msg. No. 182, dated February 19, 2002, has been amended to expire June 30, 2004, was read by the Clerk and was placed on file.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 72 to 81) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 72 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO END THE 'GLOBAL GAG RULE' IMPOSED ON INTERNATIONAL FAMILY PLANNING ORGANIZATIONS."

Offered by: Senators Fukunaga, Chun Oakland, Matsunaga, Hanabusa, Ihara, Kim, Inouye, Buen, Chumbley, Ige, Kokubun.

No. 73 "SENATE CONCURRENT RESOLUTION REQUESTING THE DRAFTING AND IMPLEMENTATION OF A PROTOCOL TO ALLOW EMERGENCY CONTRACEPTION."

Offered by: Senators Fukunaga, Buen, Inouye, Kim, Chun Oakland, Hanabusa.

No. 74 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO DRAFT NECESSARY PROPOSED LEGISLATION TO ENABLE THE STATE COMMITTEE OF BLIND VENDORS TO EXPEND FUNDS FROM THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT TO HIRE LAWYERS OR OTHER CONSULTANTS FOR THE PURPOSE OF BENEFITING BLIND VENDORS OF HAWAII."

Offered by: Senator Matsuura.

No. 75 "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII."

Offered by: Senator Matsuura.

No. 76 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY REGARDING THE

REGULATION OF PRESCRIPTIVE AUTHORITY FOR ADVANCED PRACTICE REGISTERED NURSES."

Offered by: Senator Matsuura.

No. 77 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RESTORE FOOD STAMP BENEFITS TO LEGAL, NONCITIZEN IMMIGRANTS."

Offered by: Senator Matsuura.

No. 78 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO SCIENTIFICALLY EVALUATE QUARANTINE OPTIONS THAT REDUCE ANIMAL CONFINEMENT."

Offered by: Senators Buen, Matsuura, Kokubun, Hogue, Tam, Chun Oakland, Kanno, Nakata, Kawamoto, Hanabusa.

No. 79 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A PROGRAM AND FINANCIAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES HISTORIC PRESERVATION DIVISION."

Offered by: Senators Kokubun, Buen, Kim, Slom, Inouye, Matsunaga, Chun, Kanno, Hanabusa.

No. 80 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE IMPORTATION TO HAWAII OF TUNA PROCESSED WITH 'TASTELESS SMOKE' OR CARBON MONOXIDE."

Offered by: Senator Matsuura.

No. 81 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INVESTIGATE THE FEASIBILITY OF USING NATIONAL HIGHWAY TRANSPORTATION SAFETY ADMINISTRATION SECTION 402 FUNDS FOR THE ESTABLISHMENT OF A CHILD PASSENGER RESTRAINT REBATE PROGRAM."

Offered by: Senators Taniguchi, Kawamoto.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 34 to 47) were read by the Clerk and were deferred:

## Senate Resolution

No. 34 "SENATE RESOLUTION REQUESTING CONGRESS TO END THE 'GLOBAL GAG RULE' IMPOSED ON INTERNATIONAL FAMILY PLANNING ORGANIZATIONS."

Offered by: Senators Fukunaga, Chun Oakland, Matsunaga, Hanabusa, Ihara, Kim, Inouye, Buen, Chumbley, Ige, Kokubun.

No. 35 "SENATE RESOLUTION REQUESTING THE DRAFTING AND IMPLEMENTATION OF A PROTOCOL TO ALLOW EMERGENCY CONTRACEPTION."

Offered by: Senators Fukunaga, Buen, Inouye, Kim, Chun Oakland, Hanabusa.

No. 36 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO DRAFT NECESSARY PROPOSED LEGISLATION TO ENABLE THE STATE COMMITTEE OF BLIND VENDORS TO EXPEND FUNDS FROM THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT TO HIRE LAWYERS OR OTHER CONSULTANTS FOR THE PURPOSE OF BENEFITING BLIND VENDORS OF HAWAII."

Offered by: Senator Matsuura.

No. 37 "SENATE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO SCIENTIFICALLY EVALUATE QUARANTINE OPTIONS THAT REDUCE ANIMAL CONFINEMENT."

Offered by: Senators Buen, Matsuura, Kokubun, Hogue, Tam, Chun Oakland, Hanabusa, Kanno, Nakata, Kawamoto.

No. 38 "SENATE RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A PROGRAM AND FINANCIAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES HISTORIC PRESERVATION DIVISION."

Offered by: Senators Kokubun, Buen, Kim, Slom, Inouye, Matsunaga, Chun, Kanno, Hanabusa.

No. 39 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO SUSPEND THE USE OF PHOTO TRAFFIC ENFORCEMENT CAMERAS TO CITE SPEEDERS ON STATE ROADWAYS UNTIL THE DEPARTMENT CAN PROVIDE THE PUBLIC WITH A CLEAR PLAN TO ADDRESS ROADWAY SAFETY."

Offered by: Senators Tam, Nakata, Taniguchi, Kim, Buen.

No. 40 "SENATE RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO DO A THOROUGH INVESTIGATION INTO THE QUALITY OF THE AIR CONDITIONING SYSTEM OF THE STATE CAPITOL BUILDING."

Offered by: Senators Tam, Slom, Nakata, Kokubun, Hemmings, Fukunaga, Taniguchi, Kim, Buen, Kawamoto.

No. 41 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP A MASTER PLAN FOR THE HONOLULU WATERFRONT."

Offered by: Senators Tam, Slom, Nakata, Kokubun, Hemmings, Fukunaga, Kim, Buen, Kawamoto.

No. 42 "SENATE RESOLUTION URGING HAWAII CELLULAR TELEPHONE COMPANIES TO PROVIDE THEIR CUSTOMERS WITH AN INFORMATION PAMPHLET ON THE SAFE USE OF CELLULAR TELEPHONES AND A SAFETY VIDEO."

Offered by: Senators Tam, Nakata, Buen.

No. 43 "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY TO INVESTIGATE THE SMALL

BOAT HARBORS MANAGEMENT PRACTICES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF BOATING AND OCEAN RECREATION."

Offered by: Senators Tam, Slom, Nakata, Hemmings, Fukunaga, Kim, Kawamoto.

No. 44 "SENATE RESOLUTION REQUESTING A REVIEW OF THE IMPORTATION TO HAWAII OF TUNA PROCESSED WITH 'TASTELESS SMOKE' OR CARBON MONOXIDE."

Offered by: Senator Matsuura.

No. 45 "SENATE 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."

Offered by: Senator Matsuura.

No. 46 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A FOOD ASSISTANCE PROGRAM."

Offered by: Senator Matsuura.

No. 47 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STRATEGIC PLAN TO COORDINATE PROGRAM SUPPORT OF SUBSTANCE ABUSE AND MENTAL HEALTH RESIDENTIAL TREATMENT PROGRAMS FOR ADOLESCENTS."

Offered by: Senator Matsuura.

**ORDER OF THE DAY**

**REFERRAL OF HOUSE CONCURRENT RESOLUTION**

**MATTER DEFERRED FROM FRIDAY, MARCH 8, 2002**

H.C.R. No. 28 (Hse. Com. No. 310):

By unanimous consent, action on H.C.R. No. 28, entitled: "HOUSE 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," was deferred until Tuesday, March 12, 2002.

**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

House Bill Referred to:

No. 1542, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary

No. 2094, H.D. 1 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 2451 Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

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

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

“I’m quite alarmed at the disingenuousness of this and the presumptuousness of it and how misleading it is that the state administration to the Office of Aging would send out a brochure announcing, basically, the CarePlus program. Nothing is in this brochure that says it has not passed the Legislature yet. To the reader of this, the aged and the needy, they will think that CarePlus is on the way and that this alleged program to help the senior citizens is going to be available. It erroneously says CarePlus is scheduled to begin receiving contributions starting 2003.

“This is tremendously presumptuous, to you and me and members of this Legislature, that the administration would think so little of us that they would send out a brochure announcing a program that we haven’t even passed yet. I’ll be willing to bet, because there are so many viable alternatives, that the proposed legislation will not pass. What is the ethics on this? How much did it cost? How presumptuous it is for the administration to send this out.

“Mr. President, colleagues, oftentimes we stand up and protest programs that we think are not going to benefit our people. But likewise, you Minority has always – always – offered viable options and alternatives. I’d like to announce once again today that there are alternatives for long-term care. For instance, if you log on to AARP on the Internet, you can see that you can get many different programs and you get a cafeteria choice of programs, not just one-size-fits-all, something the state seems to be so always in favor of. For instance, for \$10.08 a year a 50-year old can get a benefit that is going to pay out for four years, not one year by the state.

“Time is not available for me to tell you how disingenuous and how misleading this is, especially for our old people who are being led to believe that starting soon for \$10 a month they’ll be taken care of by the state. Of course, we all know in the small print that you have to wait 10 years before you’re even vested fully in the program.

“Mr. President, I’m hoping you and your Majority Party colleagues will address this issue and ask by what right does the Governor have to preempt us with this brochure, how much did it cost, and how misleading it is for our senior citizens.

“Thank you, Mr. President.”

#### ADJOURNMENT

At 11:47 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 12, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate