

## FORTY-THIRD DAY

## Tuesday, April 2, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:53 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Edgar Brillantes, St. John the Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators Hemmings and Matsuura who were excused.

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

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

Senators Sakamoto and Hanabusa introduced and congratulated the following recipients of the Milken Family Foundation National Educator Awards: Herman Leong, Radford High School; and Robin Kitsu, Nanakuli High and Intermediate School. Also recognized was Georgia Goeas, Konawaena Middle School, who was not present.

Senator Tam recognized and commended the Reverend Yoko Asada for her many contributions to Hawaii as Associate Pastor of Nuuanu Congregational Church. Accompanying the honoree was the Reverend Fujita.

At 12:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:29 o'clock p.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 324 to 332) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 324, returning S.B. No. 99, which passed Third Reading in the House of Representatives on April 1, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 99, and requested a conference on the subject matter thereof.

Hse. Com. No. 325, returning S.B. No. 331, S.D. 2, which passed Third Reading in the House of Representatives on April 1, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 331, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 326, returning S.B. No. 859, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 859, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 327, returning S.B. No. 2046, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2046, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 328, returning S.B. No. 2290, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, in an amended form, was placed on file.

On motion by Senator English, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2290, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 329, returning S.B. No. 2692, which passed Third Reading in the House of Representatives on April 1, 2002, was placed on file.

Hse. Com. No. 330, returning S.B. No. 2727, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, was placed on file.

Hse. Com. No. 331, returning S.B. No. 2728, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, was placed on file.

Hse. Com. No. 332, returning S.B. No. 2734, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 2002, was placed on file.

## STANDING COMMITTEE REPORTS

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3085) recommending that S.C.R. No. 110 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3085 and S.C.R. No. 110, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT AND IMPLEMENTATION OF A STRATEGY FOR STATEWIDE ERADICATION OF PEST FRUIT FLIES," was deferred until Wednesday, April 3, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3086) recommending that S.R. No. 60 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3086 and S.R. No. 60, entitled: "SENATE RESOLUTION REQUESTING DEVELOPMENT AND IMPLEMENTATION OF A STRATEGY FOR STATEWIDE ERADICATION OF PEST FRUIT FLIES," was deferred until Wednesday, April 3, 2002.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 3087) recommending that S.R. No. 28 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3087 and S.R. No. 28, entitled: "SENATE RESOLUTION DECLARING THE WISHES OF THE SENATE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND

THEIR COMPONENTS," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3088) recommending that S.C.R. No. 60 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3088 and S.C.R. No. 60, entitled: "SENATE CONCURRENT 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," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3089) recommending that S.C.R. No. 65 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3089 and S.C.R. No. 65, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING CONGRESSIONAL ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3090) recommending that S.C.R. No. 71 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3090 and S.C.R. No. 71, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3091) recommending that S.R. No. 33 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3091 and S.R. No. 33, entitled: "SENATE RESOLUTION EXPRESSING SUPPORT FOR A WOMEN'S HEALTH PLATFORM THAT RECOGNIZES SERIOUS INEQUITIES IN THE HEALTH PREVENTION AND TREATMENT OF WOMEN, AND CALLS FOR THE ELIMINATION OF THESE INEQUITIES TO IMPROVE THE HEALTH STATUS OF WOMEN IN HAWAII," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3092) recommending that S.C.R. No. 75, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3092 and S.C.R. No. 75, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT BY THE PATIENT SAFETY TASK FORCE OF THE HEALTHCARE ASSOCIATION OF HAWAII," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3093) recommending that S.C.R. No. 102 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3093 and S.C.R. No. 102, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE HEALTH CARE NEEDS OF WEST MAUI RESIDENTS," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3094) recommending that S.R. No. 59 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3094 and S.R. No. 59, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE HEALTH CARE NEEDS OF WEST MAUI RESIDENTS," was deferred until Wednesday, April 3, 2002.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3095) recommending that H.C.R. No. 88 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3095 and H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING 2003 AS THE YEAR OF THE HAWAIIAN FORESTS," was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3096) recommending that the Senate advise and consent to the nominations of DEAN T. AOKI, HAROLD R. DECOSTA, CHARLES W. FLEMING, DEAN M. GEORGIEV, STEPHEN G. LARACUENTE and CHRISTINA M. PILKINGTON to the Disability and Communication Access Board, in accordance with Gov. Msg. No. 230.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3096 and Gov. Msg. No. 230 was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3097) recommending that the Senate advise and consent to the nominations of WINNIFRED AOKI, DONNA M. BUHRMAN, J. COURTNEY FITZSIMMONS, RANDOLPH C. HACK, FRANCINE M.L. KENYON, KEVIN KIMURA, VIRGINIA M. KLINE, ALISA MITCHENER, CHARLOTTE GEORGE SMITH, ANDRICK C. TONG and LINDA WONG to the Statewide Independent Living Council, in accordance with Gov. Msg. No. 233.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3097 and Gov. Msg. No. 233 was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3098) recommending that the Senate advise and consent to the nominations of SANDRA LEE KOFEL, KATHLEEN DELAHANTY, DOROTHY (NANI) FIFE and JOANNE H. KEALOHA to the State Rehabilitation Council, in accordance with Gov. Msg. No. 238.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3098 and Gov. Msg. No. 238 was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3099) recommending that the Senate advise and consent to the nomination of ROSEMARY C. ADAM-TEREM, PH.D., to the

Reproductive Rights Protection Committee, in accordance with Gov. Msg. No. 239.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3099 and Gov. Msg. No. 239 was deferred until Wednesday, April 3, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3100) recommending that the Senate advise and consent to the nomination of ALLAN L. PARKER to the Hoisting Machine Operators Advisory Board, in accordance with Gov. Msg. No. 232.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3100 and Gov. Msg. No. 232 was deferred until Wednesday, April 3, 2002.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3101), recommending that S.C.R. No. 16 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 16, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF HYPNOTHERAPISTS," 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. 3102), recommending that S.C.R. No. 69 be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 69, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO ALLOCATE ADDITIONAL FUNDING FOR THE RESIDENTIAL ALTERNATIVE COMMUNITY CARE PROGRAM," 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. 3103), recommending that S.C.R. No. 88, 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 Slom and carried, the report of the Committee was adopted and S.C.R. No. 88, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF OPTOMETRIC THERAPY LAWS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Nakata and Kawamoto, for the Committee on Labor and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3104), recommending that S.C.R. No. 103, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.C.R. No. 103, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PRIVATIZATION CONTRACTS ENTERED INTO BY CERTAIN STATE AND COUNTY

AGENCIES," 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. 3105), recommending that S.C.R. No. 140 be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 140, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE WHETHER THE STATE IS RECEIVING A PROPORTIONATE SHARE OF MEDICARE REIMBURSEMENTS," 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. 3106), recommending that S.C.R. No. 177 be referred to the Committee on Education.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 177, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING ALL ACCREDITED POST-SECONDARY MEDICAL AND HEALTHCARE EDUCATION PROGRAMS IN HAWAII TO OFFER COURSES IN PALLIATIVE CARE," was referred to the Committee on Education.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 3107), recommending that S.C.R. No. 178 be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 178, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A WORKING GROUP TO DEVELOP LEGISLATION ESTABLISHING A CENTER FOR NURSING IN HAWAII," 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. 3108) recommending that S.R. No. 47 be adopted.

By unanimous consent, Stand. Com. Rep. No. 3108 and S.R. No. 47, entitled: "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," were recommitted to the Committee on Health and Human Services.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3109), recommending that S.C.R. No. 39, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 39, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PROCUREMENT SYSTEM," was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3110), recommending that S.R. No. 19, as amended in S.D. 1, be referred to the Committee on Ways and Means.

No. 160 Committee on Tourism and Intergovernmental Affairs

**RE-REFERRAL OF  
SENATE RESOLUTION**

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 19, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PROCUREMENT SYSTEM," was referred to the Committee on Ways and Means.

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

Senate Resolution Referred to:

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 3111), recommending that S.C.R. No. 79, as amended in S.D. 1, be referred to the Committee on Ways and Means.

No. 53 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs

**ADJOURNMENT**

On motion by Senator English, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 79, S.D. 1, entitled: "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," was referred to the Committee on Ways and Means.

At 12:34 o'clock p.m., on motion by Senator English, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 3, 2002.

Respectfully submitted,

**ORDER OF THE DAY**

Clerk of the Senate

**ADOPTION OF RESOLUTION**

**MATTER DEFERRED FROM  
MONDAY, APRIL 1, 2002**

Approved:

Stand. Com. Rep. No. 3084 (S.C.R. No. 12, S.D. 1):

President of the Senate

On motion by Senator English, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO DEVELOP A MASTER PLAN FOR THE HONOLULU WATERFRONT," was adopted.

**THIRD READING**

**MATTER DEFERRED FROM  
MONDAY, APRIL 1, 2002**

H.B. No. 1764:

By unanimous consent, H.B. No. 1764, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was recommitted to the Committee on Judiciary.

**REFERRAL OF  
HOUSE CONCURRENT RESOLUTION**

**MATTER DEFERRED FROM  
MONDAY, APRIL 1, 2002**

The President made the following committee assignment of a concurrent resolution that was received on Monday, April 1, 2002:

House Concurrent Resolution Referred to: