

## THIRTIETH DAY

Monday, March 12, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable J. Kalani English, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Ihara and Inouye who were excused.

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

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 52 to 62) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 52 "SENATE CONCURRENT RESOLUTION SUPPORTING THE ACQUISITION OF KAHUKU RANCH BY THE UNITED STATES NATIONAL PARK SERVICE FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK."

Offered by: Senator Inouye.

No. 53 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HUMAN SERVICES TO CONVENE AN INFORMAL QUEST PRESCRIPTION DRUG FORMULARY WORK GROUP TO ESTABLISH ONE STANDARD, COMMON FORMULARY FOR USE BY ALL QUEST HEALTH PLANS."

Offered by: Senator Kokubun.

No. 54 "SENATE CONCURRENT RESOLUTION REQUESTING THE FAMILY COURT TO CONSIDER ALL SUPPORT OBLIGATIONS WHEN DETERMINING CHILD SUPPORT PAYMENTS, AND TO AMEND THE 1998 AMENDED CHILD SUPPORT GUIDELINES TO CLARIFY THAT A PARENT CAN REQUEST THE COURT TO CONSIDER ALL SUPPORT OBLIGATIONS."

Offered by: Senator Matsuura.

No. 55 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, IN CONJUNCTION WITH THE SEVERAL COUNTIES, TO ESTABLISH PUBLIC PARKS AND BEACHES THAT ALLOW DOGS."

Offered by: Senators Hemmings, Hogue, Kawamoto, English, Slom.

No. 56 "SENATE CONCURRENT RESOLUTION REQUESTING EQUAL TREATMENT FOR JAPANESE LATIN AMERICANS INTERNED IN THE UNITED STATES DURING WORLD WAR II."

Offered by: Senator Menor.

No. 57 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PURCHASE SYSTEM."

Offered by: Senators Hanabusa, Matsuura, Kawamoto, Taniguchi, Kokubun, Chun, Nakata, Ige, Bunda, Kanno.

No. 58 "SENATE CONCURRENT RESOLUTION REQUESTING A PUBLIC HEARING BEFORE A SOCIAL SERVICES FACILITY IS ALLOWED TO OPEN IN A RESIDENTIAL NEIGHBORHOOD."

Offered by: Senator Tam.

No. 59 "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A JOINT LEGISLATIVE HIGH TECHNOLOGY TASK FORCE TO DEVELOP CLEAR GOALS AND AN IMPLEMENTATION PLAN TO IMPROVE HAWAII'S HIGH TECHNOLOGY INDUSTRY."

Offered by: Senator Tam.

No. 60 "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF AN ECONOMIC TASK FORCE TO DEVELOP CLEAR GOALS AND AN IMPLEMENTATION PLAN TO IMPROVE HAWAII'S ECONOMIC DIVERSITY."

Offered by: Senator Tam.

No. 61 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY RELATING TO THE MANAGEMENT OF THE AHUPUA'A O KAHANA."

Offered by: Senators Nakata, Chun, Hanabusa.

No. 62 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, IN CONSULTATION WITH THE DEPARTMENT OF THE ATTORNEY GENERAL AND PRIVATE GROUPS SUCH AS THE OHANA HO'OPAKELE, TO IMPLEMENT PROGRAMS OF RESTORATIVE JUSTICE AND ESTABLISH WELLNESS CENTERS TO REDUCE THE RATE OF INCARCERATION AND INCREASE OPPORTUNITIES FOR INMATE REHABILITATION, PARTICULARLY AMONG NATIVE HAWAIIANS."

Offered by: Senators Nakata, Chun, Hanabusa.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 39 to 44) were read by the Clerk and were deferred:

## Senate Resolution

No. 39 "SENATE RESOLUTION SUPPORTING THE ACQUISITION OF KAHUKU RANCH BY THE UNITED STATES NATIONAL PARK SERVICE FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK."

Offered by: Senator Inouye.

No. 40 "SENATE RESOLUTION REQUESTING THE FAMILY COURT TO CONSIDER ALL SUPPORT OBLIGATIONS WHEN DETERMINING CHILD SUPPORT PAYMENTS, AND TO AMEND THE 1998 AMENDED CHILD SUPPORT GUIDELINES TO CLARIFY THAT A PARENT CAN REQUEST THE COURT TO CONSIDER ALL SUPPORT OBLIGATIONS."

Offered by: Senator Matsuura.

No. 41 "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, IN CONJUNCTION WITH THE SEVERAL COUNTIES, TO ESTABLISH PUBLIC PARKS AND BEACHES THAT ALLOW DOGS."

Offered by: Senators Hemmings, Hogue, Kawamoto, English, Slom.

No. 42 "SENATE RESOLUTION REQUESTING A REVIEW OF THE PERFORMANCE INFORMATION PURCHASE SYSTEM."

Offered by: Senators Hanabusa, Matsuura, Kawamoto, Taniguchi, Kokubun, Chun, Nakata, Bunda, Ige, Kanno.

No. 43 "SENATE RESOLUTION REQUIRING A PUBLIC HEARING BEFORE A SOCIAL SERVICES FACILITY IS ALLOWED TO OPEN IN A RESIDENTIAL NEIGHBORHOOD."

Offered by: Senator Tam.

No. 44 "SENATE RESOLUTION REQUESTING A STUDY RELATING TO THE MANAGEMENT OF THE AHUPUA`A `O KAHANA."

Offered by: Senators Nakata, Chun, Hanabusa.

### ORDER OF THE DAY

### ADVISE AND CONSENT

Stand. Com. Rep. No. 1021 (Gov. Msg. No. 157):

Senator Nakata moved that Stand. Com. Rep. No. 1021 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Nakata then moved that the Senate advise and consent to the nomination of CAROL T. RABER to the Board of Trustees, Deferred Compensation Plan, terms to expire June 30, 2001, and June 30, 2005, seconded by Senator Chumbley.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ihara, Inouye, Menor).

Stand. Com. Rep. No. 1022 (Gov. Msg. No. 164):

Senator Nakata moved that Stand. Com. Rep. No. 1022 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Nakata then moved that the Senate advise and consent to the nomination of SHARON S. NARIMATSU to the Hawai'i Performance Partnerships Board, term to expire December 2, 2002, seconded by Senator Chumbley.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Ihara, Inouye, Menor).

Stand. Com. Rep. No. 1023 (Gov. Msg. No. 115):

Senator Nakata moved that Stand. Com. Rep. No. 1023 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Nakata then moved that the Senate advise and consent to the nomination of LEONARD AGOR as Director of Labor and Industrial Relations, term to expire December 2, 2002, seconded by Senator Chumbley.

Senator Nakata rose to speak in favor of the nominee and said:

"Mr. President, I rise to speak in favor of this governor's message.

"Mr. President, your Committee on Labor has held a hearing on Mr. Agor. We have examined his qualifications. We have examined his character. It is with pleasure and honor that we are recommending that the Senate advise and consent to this nomination.

"Your Committee received testimony in support of Mr. Agor's nomination from our congressional delegation, the Lieutenant Governor, the Attorney General, the Chairman of the Labor and Industrial Relations Appeals Board, and others, including the Building Industry Association of Hawaii, the Hawaii Business League, and many others. Testimony was unanimous and overwhelmingly supportive of the nominee.

"He has a strong background in labor, but he is a man of integrity and we can trust him to carry out his duties in a fair, open, and honest way. He's a gentle man, but in my conversations with him, on occasion I have touched on issues which I guess touch a nerve in him and I can assure you that in spite of that quiet and calm exterior, there is steel to the character.

"So, it is with, again, honor and pride that I recommend to my fellow Senators that we advise and consent to this nomination. Thank you."

Senator Slom rose in support of the nominee and said:

"Mr. President, I, too, rise in support of the nominee.

"I have not spoken in support of a nominee for the Department of Labor before, but I'm very happy to do so with Mr. Agor. As the Senate Labor Chairman has pointed out, he has received support from both the business and labor communities, and I think that's important. I think he is the right man for the job at the right time. It's an idea that all of us, in fact, are laborers or should be. We should be workers. I think he brings dedication, experience, very strong work ethic, honesty, and integrity to the job.

"We look forward to working with him and look forward to confirming him. Thank you, Mr. President."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ihara, Inouye).

At this time, Senator Nakata introduced Mr. Agor, who was seated in the gallery with his family, to the members of the Senate.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, March 6 2001 and Thursday, March 8, 2001:

Senate Concurrent Resolution	Referred to:
No. 21	Jointly to the Committee on Education and the Committee on Health and Human Services
No. 22	Committee on Education
No. 23	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 24	Committee on Health and Human Services
No. 25	Committee on Water, Land, Energy, and Environment
No. 26	Committee on Education
No. 27	Committee on Transportation, Military Affairs, and Government Operations
No. 28	Committee on Economic Development and Technology
No. 29	Committee on Economic Development and Technology
No. 30	Committee on Tourism and Intergovernmental Affairs
No. 31	Committee on Tourism and Intergovernmental Affairs
No. 32	Committee on Health and Human Services
No. 33	Committee on Judiciary
No. 34	Committee on Health and Human Services
No. 35	Committee on Ways and Means
No. 36	Committee on Economic Development and Technology
No. 37	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 38	Committee on Education
No. 39	Committee on Economic Development and Technology
No. 40	Committee on Ways and Means
No. 41	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 42 Committee on Health and Human Services, then to Committee on Tourism and Intergovernmental Affairs

### REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Tuesday, March 6, 2001 and Thursday, March 8, 2001:

Senate Resolution	Referred to:
No. 16	Jointly to the Committee on Education and the Committee on Health and Human Services
No. 17	Committee on Education
No. 18	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 19	Committee on Health and Human Services
No. 20	Committee on Education
No. 21	Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Judiciary
No. 22	Committee on Transportation, Military Affairs, and Government Operations
No. 23	Committee on Tourism and Intergovernmental Affairs
No. 24	Committee on Transportation, Military Affairs, and Government Operations
No. 25	Committee on Health and Human Services
No. 26	Committee on Judiciary
No. 27	Committee on Ways and Means
No. 28	Committee on Health and Human Services
No. 29	Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 30	Committee on Education
No. 31	Committee on Ways and Means
No. 32	Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing
No. 33	Committee on Health and Human Services, then to the Committee on Tourism and Intergovernmental Affairs

### RE-REFERRAL OF HOUSE BILLS

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

House Bill	Referred to:
No. 531	Committee on Judiciary
No. 1282, H.D. 2	Committee on Water, Land, Energy, and Environment, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means
No. 1399, H.D. 1	Jointly to the Committee on Hawaiian Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

#### ADJOURNMENT

At 11:58 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 13, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate