

THIRTIETH DAY

Tuesday, March 12, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:47 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend James McFadden, St. John the Baptist Church, after which the Roll was called showing all Senators present with the exception of Senators English, Kawamoto, Kokubun and Menor who were excused.

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

Senator Tam, with the assistance of Senators Sakamoto, Matsuura, Chun, Buen, Taniguchi and Fukunaga, introduced and congratulated the following recipients of the 2002 US Small Business Administration's Small Business Awards: Thanh Quoc Lam, Small Business Person of the Year; David De Luz, Sr., Entrepreneurial Success Award; Yu-Sen Hwang, Small Business Exporter of the Year; Darren T. Kimura, Young Entrepreneur of the Year; Alan Yee, Accountant Advocate of the Year; Ray Kamikawa, Financial Services Advocate of the Year; Barry Gay, Home-Based Business Advocate of the Year; Leona Jona, Minority Small Business Advocate of the Year; Jocelyn Kumi Fujii, Small Business Journalist of the Year; and Cheryl Kauhane, Women in Business Advocate of the Year. Accompanying the honorees was Andy Poepoe, District Director of the US Small Business Administration.

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

The Senate reconvened at 12:21 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 229 to 242) were read by the Clerk and were referred to committees:

Gov. Msg. No. 229, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of RICHARD TURBIN, term to expire June 30, 2004, was referred to the Committee on Judiciary.

Gov. Msg. No. 230, submitting for consideration and confirmation to the Disability and Communication Access Board, the nominations of DEAN T. AOKI, HAROLD R. DECOSTA, CHARLES W. FLEMING, DEAN M. GEORGIEV, STEPHEN G. LARACUENTE and CHRISTINA M. PILKINGTON, terms to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 231, submitting for consideration and confirmation to the Board of Directors, Hawai'i Tourism Authority, the nomination of MIKE MCCARTNEY, term to expire June 30, 2004, was referred to the Committee on Tourism and Intergovernmental Affairs.

Gov. Msg. No. 232, submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, the nomination of ALLAN L. PARKER, term to expire June 30, 2006, was referred to the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 233, submitting for consideration and confirmation to the Statewide Independent Living Council, 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, terms to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 234, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nominations of: TOBY MARTYN, term to expire June 30, 2005; and VIRGINIA H. GOLDSTEIN and TIMOTHY E. JOHNS, terms to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 235, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nomination of JAMES D. JACOBI, PH.D., term to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 236, submitting for consideration and confirmation to the State Post-Secondary Education Commission, the nomination of LOIS C. MIYASHIRO, term to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 237, submitting for consideration and confirmation to the Public Utilities Commission, the nominations of: WAYNE H. KIMURA, terms to expire June 30, 2002, and June 30, 2008; and JANET K. KAWELO, term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 238, submitting for consideration and confirmation to the State Rehabilitation Council, the nominations of: SANDRA LEE KOFEL, term to expire June 30, 2004; and KATHLEEN DELAHANTY, DOROTHY (NANI) FIFE and JOANNE H. KEALOHA, terms to expire June 30, 2005, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 239, submitting for consideration and confirmation to the Reproductive Rights Protection Committee, the nomination of ROSEMARY C. ADAM-TEREM, PH.D., term to expire June 30, 2006, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 240, submitting for consideration and confirmation to the Board of Directors, Research Corporation of the University of Hawai'i, the nominations of: LYNN C. KINNEY, term to expire June 30, 2005; and SHIGEO IWAMOTO and BRIAN T. TAMAMOTO, terms to expire June 30, 2006, was referred to the Committee on Education.

Gov. Msg. No. 241, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nomination of ELIZABETH KENT, term to expire June 30, 2006, was referred to the Committee on Judiciary.

Gov. Msg. No. 242, submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, the nomination of IAN KAGIMOTO, term to expire June 30, 2006, was referred to the Committee on Water, Land, Energy, and Environment.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 20, from the State Auditor dated March 7, 2002, transmitting a report, "Management Audit of the Disability Compensation Division and A Study of the Correlation Between Medical Access and Reimbursement Rates Under the Medical Fee Schedule," (Report No. 02-07), was read by the Clerk and was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 82 to 87) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 82 "SENATE CONCURRENT RESOLUTION REQUESTING INVESTIGATION OF THE MAUI FAMILY COURT SYSTEM."

Offered by: Senators Hemmings, Tam, Hogue, Nakata, Slom, Kim, Ige.

No. 83 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE UNIVERSITY OF HAWAII FOUNDATION."

Offered by: Senator Taniguchi.

No. 84 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM'S USE OF PETROLEUM VIOLATION ESCROW FUNDS."

Offered by: Senator Taniguchi, by request.

No. 85 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO INVESTIGATE EXISTING CONFLICTS BETWEEN ORGANIZED WATER SPORTS EVENTS AND INDIVIDUAL RECREATIONAL USERS AND DEVELOP RECOMMENDATIONS FOR EQUITABLE ACCESS TO AND USE OF THE WATERS AND BEACHES OF THE STATE."

Offered by: Senator Bunda.

No. 86 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF PROCEDURES FOR THE EXPEDITIOUS CLEARING OF FILM AND VIDEOTAPES THROUGH AIRPORT SECURITY."

Offered by: Senators Kanno, Buen, Matsunaga, Kokubun, Ihara, Chun Oakland, Matsuura, Tam, English.

No. 87 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, WITH THE ASSISTANCE OF THE HAWAII CRIMINAL JUSTICE DATA CENTER, TO COMPARE THE RECIDIVISM RATES OF INMATES TRANSFERRED TO MAINLAND CORRECTIONAL FACILITIES WITH SIMILARLY SITUATED INMATES WHO REMAINED INCARCERATED IN HAWAII."

Offered by: Senators Kanno, Matsuura, Chun, Ihara, Kokubun, Hanabusa, Nakata, Fukunaga.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 48 and 49) were read by the Clerk and were deferred:

Senate Resolution

No. 48 "SENATE RESOLUTION REQUESTING INVESTIGATION OF THE MAUI FAMILY COURT SYSTEM."

Offered by: Senators Hemmings, Hogue, Slom, Tam, Kim, Ige.

No. 49 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF PROCEDURES FOR THE EXPEDITIOUS CLEARING OF FILM AND VIDEOTAPES THROUGH AIRPORT SECURITY."

Offered by: Senators Kanno, Buen, Matsunaga, Kokubun, Ihara, Chun Oakland, Matsuura, Tam, English.

STANDING COMMITTEE REPORT

Senators Inouye and Kim, for the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2837) recommending that S.C.R. No. 8, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2837 and S.C.R. No. 8, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EACH COUNTY TO DEVELOP A PLAN FOR THE REGULAR MAINTENANCE OF THE CHANNELS, STREAMBEDS, STREAMBANKS, AND DRAINAGEWAYS LOCATED IN THE COUNTY," was deferred until Wednesday, March 13, 2002.

ORDER OF THE DAY

REFERRAL OF HOUSE CONCURRENT RESOLUTION

MATTER DEFERRED FROM MONDAY, MARCH 11, 2002

The President made the following committee assignment of a concurrent resolution that was received on Friday, March 8, 2002:

House Concurrent Resolution Referred to:

No. 28 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. 1770, H.D. 2 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2803, H.D. 2 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Economic

Development and Technology, then to the Committee on Ways and Means

ADJOURNMENT

At 12:23 o'clock p.m., on motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 13, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate