

FOURTEENTH DAY

Tuesday, February 6, 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 the Very Reverend Joseph Grimaldi, JCL, Vicar General and Judicial Vicar, Diocese of Honolulu, after which the Roll was called showing all Senators present with the exception of Senators English, Ihara and Matsunaga who were excused.

The President announced that he had read and approved the Journal of the Thirteenth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 121 to 135) were read by the Clerk and were placed on file:

Gov. Msg. No. 121, dated January 10, 2001, transmitting the "Annual Report on the Discoveries and Inventions Revolving Fund," prepared by the University of Hawaii, pursuant to Section 304-8.92, HRS.

Gov. Msg. No. 122, dated January 10, 2001, transmitting the "Annual Report on the Hawaii Research Center for Futures Study," prepared by the University of Hawaii, pursuant to Section 222-3, HRS.

Gov. Msg. No. 123, dated January 16, 2001, transmitting the Annual Report for Fiscal Year 2000 on the Violent Firearm Crime Coalition prepared by the Department of the Attorney General, pursuant to Act 127, SLH 2000.

Gov. Msg. No. 124, dated January 16, 2001, transmitting the Annual Report for Fiscal Year 2000 on the Proceedings Under the Hawaii Omnibus Criminal Forfeiture Act prepared by the Department of the Attorney General, pursuant to Section 712A-16, HRS.

Gov. Msg. No. 125, dated January 19, 2001, transmitting a report prepared by the Department of Agriculture, pursuant to Sections 155-4 and 219-4, HRS, on all transfers made between the Agriculture Loan Revolving Fund and the Aquaculture Loan Revolving Fund.

Gov. Msg. No. 126, dated January 19, 2001, transmitting the 2001 Annual Report of the Medical Claims Conciliation Panel and the Design Professional Conciliation Panel, pursuant to Sections 672-12 and 671-20, HRS.

Gov. Msg. No. 127, dated January 23, 2001, transmitting a report on The Bridge to Hope Program (Act 276, 2000) prepared by the University of Hawaii, Office of the Vice President for Student Affairs.

Gov. Msg. No. 128, dated January 23, 2001, transmitting the Separation Incentive Program Report prepared by the Department of Human Resources Development, pursuant to Act 253, Sections 119 and 120, SLH 2000.

Gov. Msg. No. 129, dated January 23, 2001, transmitting the Report on the Implementation of the Recommendations of the Small Business Task Force on Regulatory Relief Regarding Hawaii's Commercial Boating and Ocean Recreation Industry prepared by the Department of Land and Natural Resources,

Division of Boating and Ocean Recreation, in response to H.C.R. No. 165 (2000).

Gov. Msg. No. 130, dated January 23, 2001, transmitting the 2000 Annual Report of the Employment and Training Fund Program prepared by the Department of Labor and Industrial Relations, pursuant to Section 383-128, HRS.

Gov. Msg. No. 131, dated January 25, 2001, transmitting the 2000 Annual Report prepared by the High Technology Development Corporation, pursuant to Chapter 206M, HRS.

Gov. Msg. No. 132, dated January 25, 2001, transmitting the 2000 Annual Report of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities, pursuant to Section 340B-12, HRS.

Gov. Msg. No. 133, dated January 26, 2001, transmitting a joint report prepared by the Department of Agriculture and the Department of Health in response to H.C.R. No. 123 (2000), requesting the Department of Agriculture and the Department of Health to take measures to mitigate the infestation of flies, unpleasant odors, inundation by dust, and severe drainage problems at Maili Elementary School.

Gov. Msg. No. 134, dated January 30, 2001, transmitting the Aloha Tower Development Corporation's Annual Report for Fiscal Year Ending June 30, 2000.

Gov. Msg. No. 135, dated January 30, 2001, transmitting the Department of Human Services' Report on Fiscal Year 2000.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 13 and 14) were read by the Clerk and were placed on file:

Dept. Com. No. 13, from the State Auditor dated January 26, 2001, transmitting reports, "Allocation to New Century Schools Project - FY 2000-01," (Report No. 01-01) and "Sunset Evaluation of Barbering and Beauty Culture," (Report No. 01-02).

Dept. Com. No. 14, from the Department of Transportation dated January 16, 2001, transmitting the Safe Community Traffic Safety Annual Report for Federal Fiscal Year Ending September 30, 2000.

HOUSE COMMUNICATION

Hse. Com. No. 6, transmitting H.B. No. 1159, which passed Third Reading in the House of Representatives on February 5, 2001, was read by the Clerk and was placed on file.

On motion by Senator Chun, seconded by Senator Hemmings and carried, H.B. No. 1159, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed First Reading by title and was referred to the Committee on Judiciary.

STANDING COMMITTEE REPORTS

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 7) recommending that S.B. No. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 8) recommending that S.B. No. 175, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 175, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 9) recommending that S.B. No. 180, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 10) recommending that S.B. No. 793 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 793, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 11) recommending that S.B. No. 160 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 160, entitled: "A BILL FOR AN ACT RELATING TO SPEEDING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 12) recommending that S.B. No. 202, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 202, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed

Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 13) recommending that S.B. No. 203 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 203, entitled: "A BILL FOR AN ACT RELATING TO BICYCLES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 14) recommending that S.B. No. 206 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 206, entitled: "A BILL FOR AN ACT RELATING TO WHARFAGE," passed Second Reading and 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. 15) recommending that S.B. No. 207 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 207, entitled: "A BILL FOR AN ACT RELATING TO INTERISLAND VEHICLE TRANSFERS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 16) recommending that S.B. No. 211, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 211, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 17) recommending that S.B. No. 212 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 212, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY INSTRUCTION PERMIT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 18) recommending that S.B. No. 225 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 225, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY IMMUNITY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 19) recommending that S.B. No. 571 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 571, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE-BASED BUDGETING," passed Second Reading and 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. 20) recommending that S.B. No. 751 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 751, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and 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. 21) recommending that S.B. No. 755, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 755, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

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| Senate Bill | Referred to: |
| No. 2 | Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary |
| No. 36 | Committee on Judiciary |
| No. 43 | Committee on Labor, then to the Committee on Ways and Means |
| No. 181 | Committee on Health and Human Services, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, then to the Committee on Ways and Means |
| No. 477 | Committee on Judiciary |

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| No. 589 | Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services |
| No. 591 | Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, then to the Committee on Ways and Means |
| No. 613 | Committee on Judiciary |
| No. 760 | Committee on Labor, then to the Committee on Ways and Means |
| No. 763 | Committee on Judiciary |
| No. 812 | Committee on Water, Land, Energy, and Environment, then to the Committee on Tourism and Intergovernmental Affairs |
| No. 832 | Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means |
| No. 898 | Committee on Judiciary |
| No. 1380 | Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means |
| No. 1381 | Committee on Judiciary, then to the Committee on Ways and Means |
| No. 1426 | Committee on Judiciary |
| No. 1427 | Committee on Judiciary |
| No. 1428 | Committee on Judiciary |
| No. 1429 | Committee on Judiciary |
| No. 1430 | Committee on Judiciary |
| No. 1431 | Committee on Judiciary |
| No. 1432 | Committee on Judiciary |
| No. 1531 | Jointly to the Committee on Agriculture and the Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means |
| No. 1541 | Committee on Judiciary |
| No. 1543 | Committee on Judiciary |

Senator Chun, for the Committee on Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

- S.B. No. 101;
- S.B. No. 268;
- S.B. No. 496;
- S.B. No. 603; and
- S.B. No. 1490,

and the Chair granted the waiver.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, requested a

waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

S.B. No. 154;
 S.B. No. 679;
 S.B. No. 1341;
 S.B. No. 1517;
 S.B. No. 1605;
 S.B. No. 1608;
 S.B. No. 1610; and
 S.B. No. 1617,

Respectfully submitted,

Clerk of the Senate

Approved:

and the Chair granted the waiver.

President of the Senate

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

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

“Today, February 6, is the 90th birthday of Ronald Wilson Reagan, the 40th President of the United States. Only two former Presidents reached the age of 90 – that was John Adams and Herbert Hoover.

“It’s interesting that a dozen years after Mr. Reagan has left the Presidency, people are still talking about him. They’re still debating whether his policies were positive or negative, but they’re still talking about him. And I think that historians will treat him very well in terms of some of the initiatives that he began back in his Presidency in the early 1980s – the idea of peace through strength; the revitalization of the United States military; the ending of the cold war and the ending of the evil empire, the Soviet Union; the first attempts at privatization of Social Security; major welfare reform; drug programs for youth; decentralization of the cities; and so forth. These are all issues which are still being debated.

“I think that it is significant that we talk about and take a moment to reflect on the Presidency of Mr. Reagan. Next month, he and his wife Nancy will celebrate their 49th wedding anniversary. Mrs. Reagan, at that time, will christen a new Nimitz-class aircraft carrier, the USS Ronald Reagan. And, of course, for the last eight or nine years I think the focus of the former President has been his illness, Alzheimer’s disease. He has been a participant in studies and research to try to find a successful conclusion and alternative to this disease which affects so many people.

“For these and other reasons, I take a moment just to remember and to celebrate the birth of Ronald Reagan.

“Thank you, Mr. President.”

ADJOURNMENT

At 11:49 o’clock a.m., on motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Wednesday, February 7, 2001.