

EIGHTEENTH DAY

Monday, February 12, 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 Reverend Charles Carpenter, District Superintendent of the Missionary Churches of Hawaii, after which the Roll was called showing all Senators present with the exception of Senators Ige and Matsunaga who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 144 to 152) were read by the Clerk and were placed on file:

Gov. Msg. No. 144, dated January 30, 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 Health and the Department of Agriculture 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. 145, dated February 2, 2001, transmitting a report prepared by the Department of Health, pursuant to Act 148, SLH 1997, establishing within the Department of Health a Pipeline Safety Committee.

Gov. Msg. No. 146, dated February 2, 2001, transmitting a report prepared by the Department of Health, Health Resources Administration, Family Health Services Division, Maternal and Child Health Branch, relating to fees collected by the Department of Health.

Gov. Msg. No. 147, dated February 5, 2001, transmitting a report pursuant to S.C.R. No. 176 (2000), requesting the Office of the Governor to report to the Legislature on the progress made in developing proposals for a chief information officer.

Gov. Msg. No. 148, dated February 5, 2001, transmitting the Report of Receipt of Federal Funds for FY 2001 prepared by the Department of Accounting and General Services, pursuant to Act 281, Section 148.1, SLH 2000.

Gov. Msg. No. 149, dated February 5, 2001, transmitting the 1999-2000 Annual Report of the State Foundation on Culture and the Arts, pursuant to Section 9-3, HRS.

Gov. Msg. No. 150, dated February 6, 2001, transmitting the Annual Report of the Radiologic Technology Board for Fiscal Year 1999-2000, pursuant to Chapter 466J, HRS.

Gov. Msg. No. 151, dated February 1, 2001, transmitting the Environmental Report Card, 2000, An Assessment of Hawaii's Environmental Health, prepared by the Environmental Council and the Office of Environmental Quality Control, pursuant to Chapter 341, HRS.

Gov. Msg. No. 152, dated February 6, 2001, transmitting a Report on the Status of Preparations for the 2001 Reapportionment Commission and GIS (Geographic Information Systems) Development prepared by the Office of Elections, Office of Planning, and the Department of

Accounting and General Services, Information and Communication Services Division, pursuant to Act 281, Section 148.4, SLH 2000.

STANDING COMMITTEE REPORTS

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 88) recommending that S.B. No. 65 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 65, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 13, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 89) recommending that S.B. No. 66, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 66, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AWARDED CUSTODY AND VISITATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 14, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 90) recommending that S.B. No. 67, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 67, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 14, 2001.

Senator Kanno, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 91) recommending that S.B. No. 68, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 68, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 92) recommending that S.B. No. 69, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 69, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE ORDER," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 14, 2001.

Senators Nakata and Kim, for the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 93) recommending that S.B. No. 23, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 23, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 94) recommending that S.B. No. 173, 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 English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 173, 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 Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 95) recommending that S.B. No. 1137 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1137, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PENALTIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 96) recommending that S.B. No. 1161 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1161, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF ABANDONED OR SEIZED PROPERTY ON PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Buen, for the Committee on Water, Land, Energy, and Environment and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 97) recommending that S.B. No. 48, 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 English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 48, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Inouye and Buen, for the Committee on Water, Land, Energy, and Environment and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 98) recommending that S.B. No. 881 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 881, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE IMPLEMENTATION OF THE MAUI INVASIVE SPECIES COMMITTEE ACTION PLAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 99) recommending that S.B. No. 21 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 21, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANT AND NONDOMESTIC ANIMAL QUARANTINE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 100) recommending that S.B. No. 218 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 218, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 101) recommending that S.B. No. 936 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 936, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL PROMOTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 102) recommending that S.B. No. 971 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 971, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF EQUIPMENT FOR THE MOLOKAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 103) recommending that S.B. No. 982 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 982, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE IRRIGATION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Buen and Chun, for the Committee on Agriculture and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 104) recommending that S.B. No. 1227 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 1227, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR REPAIRS, MAINTENANCE, AND IMPROVEMENTS TO THE MOLOKAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 105) recommending that S.B. No. 1400 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1400, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 106) recommending that S.B. No. 840, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 107) recommending that S.B. No. 940 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 940, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE UNFAIR PRACTICES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 108) recommending that S.B. No. 331, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 331, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was recommitted to the Committee on Commerce, Consumer Protection and Housing.

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. 331, S.D. 1 | Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary |
| No. 390 | Committee on Health and Human Services, then to the Committee on Ways and Means |
| No. 394 | Committee on Health and Human Services, then to the Committee on Ways and Means |
| No. 1375 | Jointly to the Committee on Judiciary and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means |

Senator Kanno, for the Committee on Judiciary, requested a waiver of the 72-hour notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

- S.B. No. 106;
- S.B. No. 208;
- S.B. No. 440;
- S.B. No. 622;
- S.B. No. 734;
- S.B. No. 832;
- S.B. No. 834; and
- S.B. No. 894,

and the Chair granted the waiver.

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, February 13, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate