

TWENTIETH DAY

Wednesday, February 14, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Urasaki, Aiea Hongwanji Mission, after which the Roll was called showing all Senators present with the exception of Senator Matsunaga who was excused.

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

STANDING COMMITTEE REPORTS

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 164) recommending that S.B. No. 16 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. 16, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL FEE SCHEDULES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 165) recommending that S.B. No. 18 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. 18, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

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. 166) recommending that S.B. No. 449, 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 joint report of the majority of the Committees was adopted and S.B. No. 449, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 167) recommending that S.B. No. 1039 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. 1039, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 168) recommending that S.B. No. 1040 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. 1040, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 169) recommending that S.B. No. 1146 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. 1146, entitled: "A BILL FOR AN ACT RELATING TO THE HOISTING MACHINE OPERATORS ADVISORY BOARD," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 170) recommending that S.B. No. 1635 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. 1635, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the majority of the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 171) recommending that S.B. No. 1029, 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. 1029, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Inouye, for the Committee on Hawaiian Affairs and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 172) recommending that S.B. No. 586 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. 586, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KIKALA KEOKEA SUBDIVISION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Inouye, for the Committee on Hawaiian Affairs and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 173) recommending that S.B. No. 105 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. 105, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Inouye, for the Committee on Hawaiian Affairs and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 174) recommending that S.B. No. 1441, 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. 1441, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KIKALA-KEOKEA SUBDIVISION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun and Inouye, for the Committee on Hawaiian Affairs and the Committee on Water, Land, Energy, and Environment, presented a joint report (Stand. Com. Rep. No. 175) recommending that S.B. No. 1489, 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. 1489, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BURIAL SITES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 176) recommending that S.B. No. 30, 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. 30, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 177) recommending that S.B. No. 197, 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 majority of the Committee was adopted and S.B. No. 197, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 178) recommending that S.B. No. 566, 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 Committee was adopted and S.B. No. 566, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 179) recommending that S.B. No. 818, 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. 818, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 180) recommending that S.B. No. 821, 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 Committee was adopted and S.B. No. 821, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LAPTOPS FOR LEARNING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 181) recommending that S.B. No. 1090, 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 Committee was adopted and S.B. No. 1090, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 182) recommending that S.B. No. 1208, 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. 1208, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 183) recommending that S.B. No. 1210, 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 Committee was adopted and S.B. No. 1210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 184) recommending that S.B. No. 522, 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 Committee was adopted and S.B. No. 522, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EDUCATION STOREROOM,"

passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 185) recommending that S.B. No. 560 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. 560, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 186) recommending that S.B. No. 567, 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. 567, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE-BASED BUDGETING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 187) recommending that S.B. No. 806, 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. 806, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 188) recommending that S.B. No. 1087 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. 1087, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS AT PUBLIC LIBRARY FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 189) recommending that S.B. No. 1205 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. 1205, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 190) recommending that S.B. No. 1206 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. 1206, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 191) recommending that S.B. No. 1236 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. 1236, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 192) recommending that S.B. No. 1220 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. 1220, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUND," 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. 193) recommending that S.B. No. 742, 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 Committee was adopted and S.B. No. 742, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," 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. 194) recommending that S.B. No. 875 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. 875, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 16, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 195) recommending that S.B. No. 1017 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. 1017, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 16, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 196) recommending that S.B. No. 1293, 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 Committee was adopted and S.B. No. 1293, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC COOPERATIVES," 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. 197) recommending that S.B. No. 1022 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. 1022, entitled: "A BILL FOR AN ACT RELATING TO THE DOWNPAYMENT LOAN PROGRAM," 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. 198) recommending that S.B. No. 570 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. 570, entitled: "A BILL FOR AN ACT RELATING TO SUBMISSION OF REPORTS TO THE LEGISLATURE," 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. 199) recommending that S.B. No. 558, 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 Committee was adopted and S.B. No. 558, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," 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. 200) recommending that S.B. No. 25, 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 Committee was adopted and S.B. No. 25, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL WORLD WAR II MEMORIAL," 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. 201) recommending that S.B. No. 214, 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 Committee was adopted and S.B. No. 214, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERAN BURIAL GRANTS," 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. 202) recommending that S.B. No. 749, 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 Committee was adopted and S.B. No. 749, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," 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. 203) recommending that S.B. No. 1608, 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. 1608, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," 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. 204) recommending that S.B. No. 1610, 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. 1610, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFACING SERIAL NUMBERS, ETC., OF MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Menor and Kanno, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 205) recommending that S.B. No. 1195 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. 1195, entitled: "A BILL FOR AN ACT RELATING TO TAXPAYER COMMUNICATION CONFIDENTIALITY PRIVILEGES," 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. 206) recommending that S.B. No. 98 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. 98, entitled: "A BILL FOR AN ACT RELATING TO LEGAL SERVICES FOR THE INDIGENT," 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. 207) recommending that S.B. No. 113, 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 Committee was adopted and S.B. No. 113, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTINUED SERVICES OF THE DOMESTIC VIOLENCE CLEARINGHOUSE AND LEGAL HOTLINE," 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. 208) recommending that S.B. No. 131 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. 131, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CHILD SUPPORT ENFORCEMENT AGENCY," 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. 209) recommending that S.B. No. 704 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. 704, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," 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. 210) recommending that S.B. No. 1186 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. 1186, entitled: "A BILL FOR AN ACT RELATING TO THE CRIME VICTIM COMPENSATION COMMISSION," 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. 211) recommending that S.B. No. 804, 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 Committee was adopted and S.B. No. 804, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DOMESTIC VIOLENCE SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 212) recommending that S.B. No. 1183 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. 1183, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," 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. 213) recommending that S.B. No. 1296, 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 Committee was adopted and S.B. No. 1296, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES FOR APPOINTED COUNSEL," 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. 214) recommending that S.B. No. 1530 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. 1530, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," 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. 215) recommending that S.B. No. 1568 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. 1568, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF CRIME VICTIMS AND WITNESSES," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

THIRD READING

MATTER DEFERRED FROM TUESDAY, FEBRUARY 13, 2001

S.B. No. 65:

Senator Kanno moved that S.B. No. 65, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose to speak with reservations and said:

"Mr. President, I rise in support of the measure with strong reservations.

"Clearly, our objective is, and should be, stopping domestic violence. That is essential to our community. It is a charge that we have as we've seen an increase in domestic violence. However, oftentimes when we are debating and passing legislation, the legislation has unintended consequences.

"This bill, for example, takes the least serious of all assault offenses and what it does with a third degree assault is requires only physical pain by the victim, which is very subjective and can be in varying degrees. As we have done in the past couple of years, we've also expanded the definition of household for domestic violence purposes. So you have a situation here where you could have individuals that push or shove or do something that the other person says causes pain and we have escalated it into this assault charge. The difference is that the deferred acceptance procedure, which is currently allowed

under law as an alternative from harsh consequences of a first offense, is removed under this bill.

“In addition to that, it has consequences for people such as law enforcement officers and others who own or possess, legally, firearms. Because if they were convicted under this new law and not have an opportunity for a deferred acceptance, then in fact they could probably lose the opportunity to possess these firearms for the rest of their lives.

“So I would hope that as this bill moves to the House and elsewhere, that there would be additional language and an exception for a first time offense, depending again on the circumstances.

“I want to reiterate our strong support for the elimination of domestic violence, but I think that we have to also use prudence when we look at legislation we’ve crafted.

“Thank you.”

Senator Hemmings also rose with reservations and said:

“Mr. President, I speak with reservations, although I’m voting in favor of this legislation.

“In looking over the documentation and the history of this legislation, it’s clear that the intent is to further curb domestic violence, but it may be too extensive to include first-time alleged offenders who may not have domestic violence in their mind or in their deeds. Case histories on domestic violence also reflect that usually it’s not the first-time offender that is the problem in a family, it’s the fifth- and sixth- and seventh-time offender and the people who are violating restraining orders. It seems that the law is oftentimes a lot more liberal with that end of the spectrum. Most of the crimes committed recently in the State of Hawaii have been by people who have been convicted of felonious crimes many times over.

“I would urge caution on this bill in order that we do not unduly indict and convict, or not allow a deferred acceptance plea for those who may not be actually involved in domestic violence as we know it.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, S.B. No. 65, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Matsunaga).

THIRD READING

S.B. No. 66, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 66, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AWARDED CUSTODY AND VISITATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Matsunaga).

S.B. No. 67, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 67, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE

ORDERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Matsunaga).

S.B. No. 69, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 69, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROTECTIVE ORDER,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Chumbley). Excused, 1 (Matsunaga).

Senator Kanno, for the Committee on Judiciary, requested a waiver pursuant to Senate Rule 20 for S.B. No. 535, and the Chair granted the waiver.

Senator Inouye, Chair of the Committee on Water, Land, Energy, and Environment, requested a waiver pursuant to Senate Rule 20 for S.B. Nos. 1131, 1136, and 1435, and the Chair granted the waiver.

At 11:55 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o’clock a.m.

Senator Chun, for the Committee on Hawaiian Affairs, requested a waiver pursuant to Senate Rule 20 for S.B. Nos. 72, 496, and 897, and the Chair granted the waiver.

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver pursuant to Senate Rule 20 for S.B. Nos. 257 and 1056, and the Chair granted the waiver.

ADJOURNMENT

At 12:00 o’clock noon, on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Thursday, February 15, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate