

THIRTY-FIRST DAY

Tuesday, March 13, 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 Brother Franklin Pao, SM Educator, St. Louis High School, Center Marianist Community, after which the Roll was called showing all Senators present.

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

Senator Matsunaga introduced Alison Higa of Palolo Elementary School and congratulated her on being named the 2001 State Elementary School Counselor of the Year. Accompanying Mrs. Higa were her husband Randall Higa, and their parents, Irene Yagi and Seiko and Betsy Higa.

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

The Senate reconvened at 11:55 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 177 to 188) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 177, submitting for consideration and confirmation to the Board of Agriculture, the nominations of SUMNER PARDEE ERDMAN and SUSAN MATSUSHIMA, terms to expire June 30, 2005, was referred to the Committee on Agriculture.

Gov. Msg. No. 178, submitting for consideration and confirmation to the Board of Directors, Aloha Tower Development Corporation, the nomination of DAVID M. LOUIE, term to expire June 30, 2005, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 179, submitting for consideration and confirmation to the Civil Rights Commission, the nominations of: FAYE KENNEDY, term to expire June 30, 2003; and HARRY YEE, term to expire June 30, 2005, was referred to the Committee on Judiciary.

Gov. Msg. No. 180, submitting for consideration and confirmation to the Crime Victim Compensation Commission, the nomination of LES S. IHARA, term to expire June 30, 2005, was referred to the Committee on Judiciary.

Gov. Msg. No. 181, submitting for consideration and confirmation to the Board of Trustees, Deferred Compensation Plan, the nomination of WAYNE L. CHU, term to expire June 30, 2005, was referred to the Committee on Labor.

Gov. Msg. No. 182, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nominations of HENRY CHO SR., THOMAS P. CONTRADES and HERRING K. KALUA, terms to expire June 30, 2005, was referred to the Committee on Hawaiian Affairs.

Gov. Msg. No. 183, submitting for consideration and confirmation to the Board of Directors, High Technology

Development Corporation, the nominations of DAVID LASSNER, PH.D., and RUSSELL T. YAMANE, terms to expire June 30, 2005, was referred to the Committee on Economic Development and Technology.

Gov. Msg. No. 184, submitting for consideration and confirmation to the Land Use Commission, the nominations of P. ROY CATALANI, ISAAC FIESTA JR. and PETER YUKIMURA, terms to expire June 30, 2005, was referred to the Committee on Water, Land, Energy, and Environment.

Gov. Msg. No. 185, submitting for consideration and confirmation to the Real Estate Commission, the nominations of MITCHELL A. IMANAKA and JOHN OHAMA, terms to expire June 30, 2005, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 186, submitting for consideration and confirmation to the Board of Regents, University of Hawai'i, the nomination of CAPSUN M. POE, term to expire June 30, 2003, was referred to the Committee on Education.

Gov. Msg. No. 187, submitting for consideration and confirmation to the Board of Directors, Research Corporation of the University of Hawai'i, the nominations of LYNN C. KINNEY and EUGENE N. TIWANAK, terms to expire June 30, 2005, was referred to the Committee on Education.

Gov. Msg. No. 188, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education (WICHE), the nomination of RAYMOND S. ONO, term to expire June 30, 2005, was referred to the Committee on Education.

SENATE COMMUNICATION

Sen. Com. No. 1, notice to the Governor dated March 13, 2001, transmitting S.B. No. 94; S.B. No. 780, S.D. 1; S.B. No. 996; S.B. 1430; and S.B. No. 1580, S.D. 2, which propose amendments to the Hawaii State Constitution, was read by the Clerk and was disposed of as follows:

By unanimous consent, the following notice was sent to the Governor:

"March 13, 2001

The Honorable Benjamin J. Cayetano
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following Senate Bill(s), a copy of which is attached hereto:

S.B. NO. 94
RELATING TO EDUCATION.

S.B. NO. 780, S.D. 1
PROPOSING AN AMENDMENT TO ARTICLE I OF THE HAWAII CONSTITUTION, TO ADD A SECTION ON CRIME VICTIMS' RIGHTS.

S.B. NO. 996
PROPOSING AMENDMENTS TO ARTICLE I, SECTION 10,
OF THE HAWAII CONSTITUTION.

S.B. NO. 1430
PROPOSING AN AMENDMENT TO ARTICLE III,
SECTION 6, OF THE HAWAII CONSTITUTION, TO
CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER
OF THE SENATE OR HOUSE OF REPRESENTATIVES.

S.B. NO. 1580, S.D. 2
RELATING TO EDUCATION.

Respectfully,

/s/ Paul T. Kawaguchi
PAUL T. KAWAGUCHI
Clerk of the Senate"

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 63 to 76)
were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 63 "SENATE CONCURRENT RESOLUTION
REQUESTING THE ADOPTION OF AN OFFICIAL STATE
TARTAN."

Offered by: Senator Chun.

No. 64 "SENATE CONCURRENT RESOLUTION
REQUESTING THE ESTABLISHMENT OF A MAKUA
VALLEY TASK FORCE."

Offered by: Senators Hanabusa, Slom, Taniguchi,
Kokubun, Chun, Chumbley, Nakata, Matsuura, Sakamoto,
Bunda, Ige, Matsunaga, Kanno, Hemmings, Hogue, Buen,
Chun Oakland, Kim, Ihara, Tam, English.

No. 65 "SENATE CONCURRENT RESOLUTION
REQUESTING THE UNITED STATES CONGRESS TO
APPROPRIATE FUNDS FOR FORTY PER CENT OF
SPECIAL EDUCATION AND RELATED SERVICES FOR
CHILDREN WITH DISABILITIES."

Offered by: Senator Sakamoto.

No. 66 "SENATE CONCURRENT RESOLUTION
REQUESTING A WORKING GROUP BE CONVENED TO
EVALUATE AND RECOMMEND MEASURES TO
ENCOURAGE THE USE OF SAFETY PROGRAMS SUCH
AS THE EDDIE EAGLE PROGRAM FOR FIREARM
SAFETY."

Offered by: Senator Sakamoto.

No. 67 "SENATE CONCURRENT RESOLUTION
URGING THE COUNTIES TO STUDY THE
INADEQUACIES OF PARATRANSIT SERVICES FOR THE
ELDERLY AND DISABLED, TO EXAMINE THE
FEASIBILITY OF THE ADOPTING COUNTY
ORDINANCES OR RESOLUTIONS TO SUPPLEMENT
PARATRANSIT SERVICES WITH TAXICAB
TRANSPORTATION, AND TO EXAMINE THE
POSSIBILITY OF COUNTY APPLICATION FOR FEDERAL
DEPARTMENT OF TRANSPORTATION FUNDING TO

SUBSIDIZE PARATRANSIT PROGRAMS FOR THE
ELDERLY AND DISABLED."

Offered by: Senators Chumbley, Ihara, Chun Oakland,
Fukunaga, Ige, Matsunaga.

No. 68 "SENATE CONCURRENT RESOLUTION
REQUESTING THE ESTABLISHMENT OF NEW DESIGN
GUIDELINES FOR STATE ROAD AND BRIDGE
PROJECTS."

Offered by: Senators Chumbley, Matsuura, Buen,
English, Kokubun, Chun, Inouye.

No. 69 "SENATE CONCURRENT RESOLUTION
REQUESTING THE SUPERINTENDENT OF EDUCATION
TO CONVENE A TASK FORCE TO DEVELOP A
DEMONSTRATION PROJECT FOR GIFTED AND
TALENTED STUDENTS IN THE PEARL CITY HIGH
SCHOOL COMPLEX."

Offered by: Senators Kawamoto, Ige.

No. 70 "SENATE CONCURRENT RESOLUTION
REQUESTING THE ATTORNEY GENERAL TO REVIEW
AND COMPARE SELECTED PROVISIONS OF HAWAII
FAMILY LAW."

Offered by: Senator Kanno.

No. 71 "SENATE CONCURRENT RESOLUTION
REQUESTING THE JUDICIARY TO MONITOR THE
COLLECTION OF CRIME VICTIM COMPENSATION
FEES."

Offered by: Senator Kanno.

No. 72 "SENATE CONCURRENT RESOLUTION
DECLARING THAT NO PUBLIC MONEYS BE EXPENDED
BY STATE AGENCIES FOR CONTRACTS WITH PRIVATE
ENTITIES FOR THE PURPOSES OF LOBBYING THE
LEGISLATURE."

Offered by: Senator Tam.

No. 73 "SENATE CONCURRENT RESOLUTION
REQUESTING AN INCREASE TO THE BUSINESS
EXPENSE FEDERAL TAX DEDUCTION."

Offered by: Senator Tam.

No. 74 "SENATE CONCURRENT RESOLUTION
REQUESTING THE GOVERNOR TO ESTABLISH
CRITERIA FOR GRANTING PARDONS."

Offered by: Senator Tam.

No. 75 "SENATE CONCURRENT RESOLUTION
REQUESTING THE AUDITOR TO INVESTIGATE THE
HAWAII COMMUNITY DEVELOPMENT AUTHORITY."

Offered by: Senator Tam.

No. 76 "SENATE CONCURRENT RESOLUTION
REQUESTING THE CONVENING OF A HAWAIIAN
AFFAIRS TASK FORCE."

Offered by: Senators Hanabusa, Chun, Matsuura,
Nakata, Kokubun.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 45 to 55) were read by the Clerk and were deferred:

Senate Resolution

No. 45 "SENATE RESOLUTION ESTABLISHING POLICIES FOR CAPITOL TELEVISION CABLECASTS OF SENATE PROCEEDINGS."

Offered by: Senators English, Bunda, Chun, Hanabusa, Kawamoto.

No. 46 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A MAKUA VALLEY TASK FORCE."

Offered by: Senators Hanabusa, Slom, Taniguchi, Kokubun, Chun, Chumbley, Nakata, Matsuura, Sakamoto, Bunda, Kanno, Hemmings, Matsunaga, Hogue, Buen, Chun Oakland, Kim, Ihara, Tam, Ige, English.

No. 47 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE FUNDS FOR FORTY PER CENT OF SPECIAL EDUCATION AND RELATED SERVICES FOR CHILDREN WITH DISABILITIES."

Offered by: Senator Sakamoto.

No. 48 "SENATE RESOLUTION REQUESTING A WORKING GROUP BE CONVENED TO EVALUATE AND RECOMMEND MEASURES TO ENCOURAGE THE USE OF SAFETY PROGRAMS SUCH AS THE EDDIE EAGLE PROGRAM FOR FIREARM SAFETY."

Offered by: Senator Sakamoto.

No. 49 "SENATE RESOLUTION URGING THE COUNTIES TO STUDY THE INADEQUACIES OF PARATRANSIT SERVICES FOR THE ELDERLY AND DISABLED, TO EXAMINE THE FEASIBILITY OF THE ADOPTING COUNTY ORDINANCES OR RESOLUTIONS TO SUPPLEMENT PARATRANSIT SERVICES WITH TAXICAB TRANSPORTATION, AND TO EXAMINE THE POSSIBILITY OF COUNTY APPLICATION FOR FEDERAL DEPARTMENT OF TRANSPORTATION FUNDING TO SUBSIDIZE PARATRANSIT PROGRAMS FOR THE ELDERLY AND DISABLED."

Offered by: Senators Chumbley, Ihara, Chun Oakland, Fukunaga, Ige, Matsunaga.

No. 50 "SENATE RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION TO CONVENE A TASK FORCE TO DEVELOP A DEMONSTRATION PROJECT FOR GIFTED AND TALENTED STUDENTS IN THE PEARL CITY HIGH SCHOOL COMPLEX."

Offered by: Senators Kawamoto, Ige.

No. 51 "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REVIEW AND COMPARE SELECTED PROVISIONS OF HAWAII FAMILY LAW."

Offered by: Senator Kanno.

No. 52 "SENATE RESOLUTION REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME VICTIM COMPENSATION FEES."

Offered by: Senator Kanno.

No. 53 "SENATE RESOLUTION DECLARING THAT NO PUBLIC MONEYS BE EXPENDED BY STATE AGENCIES FOR CONTRACTS WITH PRIVATE ENTITIES FOR THE PURPOSES OF LOBBYING THE LEGISLATURE."

Offered by: Senator Tam.

No. 54 "SENATE RESOLUTION REQUESTING THE CONVENING OF A HAWAIIAN AFFAIRS TASK FORCE."

Offered by: Senators Hanabusa, Chun, Matsuura, Nakata, Kokubun.

No. 55 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY OF ESTABLISHING A K-16 MODEL."

Offered by: Senator Sakamoto.

STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1024) recommending that the Senate advise and consent to the nomination of BOBBIE ONZUKA-ANDERSON to the Policy Advisory Board for Elder Affairs, in accordance with Gov. Msg. No. 159.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1024 and Gov. Msg. No. 159 was deferred until Wednesday, March 14, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1025) recommending that the Senate advise and consent to the nominations of ROBYN S. KAUFMAN and JOHN MARSH to the Board of Health, in accordance with Gov. Msg. No. 166.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1025 and Gov. Msg. No. 166 was deferred until Wednesday, March 14, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1026) recommending that the Senate consent to the nomination of REINETTE W. COOPER to the office of Judge, District Court of the Second Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1026 and Jud. Com. No. 1 was deferred until Wednesday, March 14, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1027) recommending that the Senate consent to the nomination of TRUDY K. SENDA to the office of Judge, District Court of the Fifth Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 2.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1027 and Jud. Com. No. 2 was deferred until Wednesday, March 14, 2001.

ORDER OF THE DAY

**REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Friday, March 9, 2001:

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| Senate
Concurrent
Resolution | Referred to: |
| No. 43 | Committee on Agriculture |
| No. 44 | Jointly to the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations |
| No. 45 | Committee on Agriculture |
| No. 46 | Committee on Education |
| No. 47 | Committee on Economic Development and Technology, then to the Committee on Tourism and Intergovernmental Affairs |
| No. 48 | Committee on Economic Development and Technology, then to the Committee on Transportation, Military Affairs, and Government Operations |
| No. 49 | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology |
| No. 50 | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development and Technology |
| No. 51 | Committee on Economic Development and Technology, then to the Committee on Transportation, Military Affairs, and Government Operations |

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Friday, March 9, 2001:

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| Senate
Resolution | Referred to: |
| No. 34 | Committee on Agriculture |
| No. 35 | Jointly to the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations |
| No. 36 | Committee on Agriculture |
| No. 37 | Committee on Education |
| No. 38 | Committee on Economic Development and Technology, 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:

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| House Bill | Referred to: |
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| No. 73, H.D. 2 | Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Hawaiian Affairs, then to the Committee on Ways and Means |
| No. 118, H.D. 3 | Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing |
| No. 152, H.D. 1 | Committee on Judiciary, then to the Committee on Ways and Means |
| No. 161, H.D. 2 | Jointly to the Committee on Labor, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary, then to the Committee on Ways and Means |
| No. 216, H.D. 1 | Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means |
| No. 509, H.D. 1 | Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Judiciary |
| No. 518, H.D. 1 | Committee on Health and Human Services, then to the Committee on Judiciary |
| No. 539, H.D. 1 | Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing |
| No. 551, H.D. 1 | Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means |
| No. 592, H.D. 1 | Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary, then to the Committee on Ways and Means |
| No. 599, H.D. 1 | Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary |
| No. 603, H.D. 2 | Committee on Commerce, Consumer Protection and Housing |
| No. 620, H.D. 2 | Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Labor and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means |
| No. 628 | Committee on Education, then to the Committee on Judiciary, then to the Committee on Ways and Means |
| No. 646, H.D. 1 | Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing |
| No. 697 | Jointly to the Committee on Economic Development and Technology and the Committee on Commerce, Consumer Protection and Housing |
| No. 723 | Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means |

No. 725, H.D. 1 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

and the Chair granted the waiver.

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., Wednesday, March 14, 2001.

No. 857, H.D. 2 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 917, H.D. 1 Committee on Health and Human Services, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary

Respectfully submitted,

No. 1243, H.D. 1 Committee on Commerce, Consumer Protection and Housing

Clerk of the Senate

No. 1361, H.D. 1 Jointly to the Committee on Hawaiian Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

Approved:

No. 1411 Committee on Education, then to the Committee on Ways and Means

President of the Senate

No. 1474, H.D. 1 Committee on Hawaiian Affairs

No. 1547, H.D. 1 Committee on Transportation, Military Affairs, and Government Operations

**RE-REFERRAL OF
SENATE CONCURRENT RESOLUTION**

The Chair re-referred the following concurrent resolution that was offered:

Senate
Concurrent
Resolution Referred to:

No. 37 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

**RE-REFERRAL OF
SENATE RESOLUTION**

The Chair re-referred the following resolution that was offered:

Senate
Resolution Referred to:

No. 29 Jointly to the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

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

- H.B. No. 462;
- H.B. No. 498;
- H.B. No. 523;
- H.B. No. 962; and
- H.B. No. 1000,