

SEVENTEENTH DAY

Monday, February 10, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor David Monroy, Hope Chapel, Manoa, after which the Roll was called showing all Senators present.

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

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

STANDING COMMITTEE REPORTS

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 28) recommending that S.B. No. 205, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Labor.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was recommitted to the Committee on Labor.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 29) recommending that S.B. No. 209, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Labor.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was recommitted to the Committee on Labor.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 30) recommending that S.B. No. 645, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Labor.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 645, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH FUND," passed Second Reading and was recommitted to the Committee on Labor.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 31) recommending that S.B. No. 649, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Labor.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 649, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM," passed Second Reading and was recommitted to the Committee on Labor.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 32) recommending

that S.B. No. 140, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Education.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 140, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was recommitted to the Committee on Education.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 33) recommending that S.B. No. 235, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 235, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 34) recommending that S.B. No. 237, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS," passed Second Reading and was recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 35) recommending that S.B. No. 382, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 382, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 36) recommending that S.B. No. 477 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 477, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOME LANDS COMMISSION ACT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 37) recommending that S.B. No. 611 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 611, entitled: "A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 38) recommending that S.B. No. 615 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 615, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL ATTORNEYS GENERAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 39) recommending that S.B. No. 634, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 634, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TWO COUNSELORS TO TREAT WOMEN INCARCERATED FOR DRUG-RELATED OFFENSES ON MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 40) recommending that S.B. No. 1134 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1134, entitled: "A BILL FOR AN ACT RELATING TO COURT COSTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 41) recommending that S.B. No. 1135 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1135, entitled: "A BILL FOR AN ACT RELATING TO COURT FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 42) recommending that S.B. No. 1138 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1138, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE SANCTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 43) recommending that S.B. No. 1139, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1139, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 44) recommending that S.B. No. 1333, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1333, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE JUDICIAL BRANCH OF STATE GOVERNMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 45) recommending that S.B. No. 486 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 486, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANA YOUTH CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 46) recommending that S.B. No. 494 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 494, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MAUI ADULT DAY CARE CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 47) recommending that S.B. No. 504 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 504, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MAUI FOOD BANK," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 48) recommending that S.B. No. 865, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 865, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE FOOD SECURITY COUNCIL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 49) recommending that S.B. No. 918, 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 Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 918, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS AND ORGANIZATIONS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 50) recommending that S.B. No. 964 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 964, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TREATMENT SERVICES FOR CHILD VICTIMS OF INTRAFAMILIAL SEXUAL ABUSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 51) recommending that S.B. No. 967 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 967, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TRANSITIONAL LIVING SERVICES FOR UNSERVED STREET YOUTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 52) recommending that S.B. No. 969, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 969, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE BLUEPRINT FOR CHANGE PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 53) recommending that S.B. No. 976, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 976, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE TREATMENT SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 54) recommending that S.B. No. 980, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 980, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NEEDS AND RIGHTS OF CHILDREN," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Hanabusa and Kawamoto, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 55) recommending that S.B. No. 1393, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 1393, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE DEPARTMENTS OF STATE GOVERNMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 56) recommending that S.B. No. 261, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Water, Land, and Agriculture.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 261, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was recommitted to the Committee on Water, Land, and Agriculture.

ORDER OF THE DAY

THIRD READING

S.B. No. 442, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 442, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 933, S.D. 1:

Senator Hanabusa moved that S.B. No. 933, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to speak in favor of the measure with reservations and said:

"Mr. President, I rise to speak in favor of this bill with reservations.

"This is an improvement on our current stalking bill but there were some concerns that were expressed in Committee with regards to specific definitions in the bill, or non-definitions in the bill. For example, on page 2 of the bill, line 12, they talk about legitimate purpose, but then that phrase is not actually defined. Later they talk about non-consensual contact on page 3 of the bill and defined it as 'non-consensual contact consists

of, but is not limited to, direct personal visual or oral contact, or contact via telephone, facsimile, or electronic mail transmission.’

“This wording is vague and I think it really needs to be tightened up. Therefore, I’ll vote with reservations. Thank you.”

Senator Slom then requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 933, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STALKING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 934, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 934, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSFER OF OWNERSHIP OF FIREARMS AND AMMUNITION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Trimble).

S.B. No. 935:

Senator Hanabusa moved that S.B. No. 935, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose in support of the measure with reservations and said:

“Mr. President, I also rise in support of this measure with reservations.

“It essentially sets up mandatory sentencing with regards to TROs. Certainly, the sentencing is a lot simpler this way. There’s something to be said for the velocity that violating the order is violating the order. However, opposing points of view which were expressed in the Committee is that there is a huge difference between sending a note to your child, which could violate these orders, and assaulting someone, which also is a violation.

“For those reasons, I’ll be voting with reservations and I hope we can tighten up the wording.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 935, entitled: “A BILL FOR AN ACT RELATING TO ORDERS FOR PROTECTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Slom, Trimble).

RE-REFERRAL OF SENATE BILLS

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

Senate Bill Referred to:

No. 205, S.D. 1 Committee on Labor, then to the Committee on Ways and Means

No. 209, S.D. 1 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 235, S.D. 1 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

No. 237, S.D. 1 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs

No. 261, S.D. 1 Committee on Commerce, Consumer Protection and Housing

No. 645, S.D. 1 Committee on Labor, then to the Committee on Ways and Means

No. 649, S.D. 1 Committee on Labor, then to the Committee on Ways and Means

ADJOURNMENT

At 11:54 o’clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Tuesday, February 11, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate