

## TWENTY-FOURTH DAY

**Thursday, February 27, 2003**

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Peter Kamakawiwoole, Kalihi Union Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twenty-Third Day.

At this time, Senator Aduja introduced Lolinda Daoang Ramos and commended her on being named the 2002 Business Woman of the Year by the Filipino Business Women's Association. Accompanying the honoree was her son, Gregory Ramos; her niece, Cirvalina Ramos; and her friends, Melga Gendrano, Flora Pasion, and Jeny Quizon.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 210 to 224) were read by the Clerk and were placed on file:

Gov. Msg. No. 210, dated February 12, 2003, transmitting a Report on the Findings and Recommendations on a Review of the Home and Community-Based Waiver Program in Developmental Disabilities, prepared by the Department of Budget and Finance, Budget, Program Planning and Management Division, pursuant to Act 177, SLH 2002.

Gov. Msg. No. 211, dated February 21, 2003, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of November 2002, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001.

Gov. Msg. No. 212, dated February 21, 2003, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of August 2002, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001.

Gov. Msg. No. 213, dated February 21, 2003, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of December 2002, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001.

Gov. Msg. No. 214, dated February 21, 2003, transmitting the Monthly Notification of Expenditures from the Director of Health Relative to the Felix Consent Decree for the Month of September 2002, prepared by the Department of Health pursuant to Act 259, Section 34, SLH 2001.

Gov. Msg. No. 215, dated February 21, 2003, transmitting the Detailed Quarterly Reports on Projected and Actual Expenditures from the Behavioral Health Administration for the Quarter Ending September 30, 2002, prepared by the Department of Health pursuant to Act 259, Section 36, SLH 2001.

Gov. Msg. No. 216, dated February 21, 2003, transmitting the 2002 Annual Report of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities, pursuant to Section 340B-12, HRS.

Gov. Msg. No. 217, dated February 21, 2003, transmitting a Report on the Statewide Comprehensive Strategic Plan for Services and Supports for Individuals with Developmental Disabilities or Mental Retardation, prepared by the Department of Health pursuant to S.C.R. No. 151 (1999).

Gov. Msg. No. 218, dated January 9, 2003, transmitting a Report Concerning the Effectiveness of the Invasive Species Programs, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Act 259, Section 18, SLH 2001.

Gov. Msg. No. 219, dated January 9, 2003, transmitting the Annual Report Relating to the Natural Area Reserves System and Natural Area Partnership Program, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195-6.6, HRS.

Gov. Msg. No. 220, dated January 9, 2003, transmitting the Annual Report on the Status of the Issuance of Incidental Take Licenses for Endangered, Threatened, Proposed, and Candidate Species; and the Condition of the Endangered Species Trust Fund for the Period July 1, 2001 - June 30, 2002, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195D-26, HRS.

Gov. Msg. No. 221, dated January 17, 2003, transmitting the Annual Report Relating to the Forest Stewardship Program, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195F-6, HRS.

Gov. Msg. No. 222, dated January 21, 2003, transmitting a Report on the Hawaii Statewide Trail and Access System, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 198D-9, HRS.

Gov. Msg. No. 223, dated February 18, 2003, transmitting the Annual Report of the Hawaii Community-Based Economic Development Technical and Financial Assistant Program.

Gov. Msg. No. 224, dated January 9, 2003, transmitting the Annual Report on the Wildlife Revolving Fund, prepared by the Department of Land and Natural Resources pursuant to Section 183D-10.5, HRS.

**DEPARTMENTAL COMMUNICATION**

Dept. Com. No. 25, from the Department of Land and Natural Resources, Division of State Parks, transmitting a report: "The Hawaii State Park System: A Vision for the Future and a Plan for Repair and Maintenance of Park Facilities," pursuant to Act 250, SLH 2002, was read by the Clerk and was placed on file.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 6 to 11) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 6, transmitting H.B. No. 182, which passed Third Reading in the House of Representatives on February 19, 2003, was placed on file.

By unanimous consent, action on H.B. No. 182, entitled: "A BILL FOR AN ACT RELATING TO BROWN TREE SNAKES," was deferred until Friday, February 28, 2003.

Hse. Com. No. 7, transmitting H.B. No. 562, which passed Third Reading in the House of Representatives on February 19, 2003, was placed on file.

By unanimous consent, action on H.B. No. 562, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," was deferred until Friday, February 28, 2003.

Hse. Com. No. 8, transmitting H.B. No. 652, which passed Third Reading in the House of Representatives on February 19, 2003, was placed on file.

By unanimous consent, action on H.B. No. 652, 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," was deferred until Friday, February 28, 2003.

Hse. Com. No. 9, transmitting H.B. No. 899, which passed Third Reading in the House of Representatives on February 19, 2003, was placed on file.

By unanimous consent, action on H.B. No. 899, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred until Friday, February 28, 2003.

Hse. Com. No. 10, transmitting H.B. No. 991, which passed Third Reading in the House of Representatives on February 19, 2003, was placed on file.

By unanimous consent, action on H.B. No. 991, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was deferred until Friday, February 28, 2003.

Hse. Com. No. 11, transmitting H.B. No. 1113, which passed Third Reading in the House of Representatives on February 19, 2003, was placed on file.

By unanimous consent, action on H.B. No. 1113, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," was deferred until Friday, February 28, 2003.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 27 to 36) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 27 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO LOOK INTO EXPANDING THE ANTITRUST EXEMPTION TO ENABLE HAWAIIAN AIRLINES TO COORDINATE INDIVIDUAL ROUTE SCHEDULES."

Offered by: Senators Kawamoto, Espero, Kanno, Baker, Aduja, Whalen.

No. 28 "SENATE CONCURRENT RESOLUTION URGING THE AUDIT OF THE KAHO'OLAWA ISLAND RESERVE COMMISSION'S USE OF FEDERAL FUNDS AND REQUESTING THAT THE KAHO'OLAWA ISLAND RESERVE COMMISSION SUBMIT A MASTER PLAN FOR THE NAVY'S TRANSFER OF ADMINISTRATIVE CONTROL."

Offered by: Senators Kawamoto, Espero, Aduja, Whalen.

No. 29 "SENATE CONCURRENT RESOLUTION URGING THE STATE, COUNTIES, AND PARTICIPATING PRIVATE ENTITIES TO SUPPORT THE DEVELOPMENT AND ESTABLISHMENT OF AN OFFICIALLY RECOGNIZED URBAN SEARCH AND RESCUE TEAM IN HAWAII."

Offered by: Senator Kawamoto.

No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND DISTRIBUTE A SERIES OF PUBLICATIONS DESIGNED TO INFORM PARENTS AND GUARDIANS ABOUT WHAT THEIR CHILDREN ARE LEARNING IN LANGUAGE ARTS/READING, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES FROM KINDERGARTEN THROUGH GRADE SIX."

Offered by: Senators Sakamoto, Hooser.

No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO INVESTIGATE AND QUANTIFY ECONOMIC DIFFERENCES BETWEEN THE WORKING POOR AND FAMILIES ON PUBLIC ASSISTANCE IN FEDERAL LOW INCOME HOUSING."

Offered by: Senators Sakamoto, English, Hooser.

No. 32 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO MEET THE REQUIREMENTS OF THE NO CHILD LEFT BEHIND ACT WITHOUT 'TEACHING TO THE TEST'."

Offered by: Senator Sakamoto.

No. 33 "SENATE CONCURRENT RESOLUTION URGING THE STATE TO PURSUE LITIGATION AGAINST CHEVRONTXACO FOR NONPAYMENT OF TAXES."

Offered by: Senators Menor, Aduja, Ige, Sakamoto, Kokubun, Bunda, Ihara, Hooser, English, Espero, Kim, Baker, Tsutsui, Chun Oakland, Fukunaga, Hanabusa, Kanno, Whalen.

No. 34 "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DENTAL HEALTH DIVISION OF THE DEPARTMENT OF HEALTH."

Offered by: Senators Baker, Hogue, Inouye, Tsutsui, Ige, Kokubun, Ihara, Chun Oakland, Hooser, Fukunaga.

No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN CONJUNCTION WITH THE COUNTY OF HAWAII, TO REVIEW THE CAUSES OF MOTOR VEHICLE COLLISIONS AT THE INTERSECTION OF HIGHWAY 11 AND THE ENTRY ROAD TO THE

TOWN OF PAHALA AND MAKE ANY NECESSARY IMPROVEMENTS TO LESSEN THE RISK OF ACCIDENTS.”

Offered by: Senators Kokubun, English, Inouye, Whalen.

No. 36 “SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY ON THE CONSTRUCTION OF PERMANENT FAIR GROUNDS ON THE LOWER HALAWA PARKING LOT AT ALOHA STADIUM.”

Offered by: Senator Kim.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 16 to 23) were read by the Clerk and were deferred:

##### Senate Resolution

No. 16 “SENATE RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO LOOK INTO EXPANDING THE ANTITRUST EXEMPTION TO ENABLE HAWAIIAN AIRLINES TO COORDINATE INDIVIDUAL ROUTE SCHEDULES.”

Offered by: Senators Kawamoto, Espero, Kanno, Baker, Aduja, Whalen.

No. 17 “SENATE RESOLUTION URGING THE STATE, COUNTIES, AND PARTICIPATING PRIVATE ENTITIES TO SUPPORT THE DEVELOPMENT AND ESTABLISHMENT OF AN OFFICIALLY RECOGNIZED URBAN SEARCH AND RESCUE TEAM IN HAWAII.”

Offered by: Senator Kawamoto.

No. 18 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND DISTRIBUTE A SERIES OF PUBLICATIONS DESIGNED TO INFORM PARENTS AND GUARDIANS ABOUT WHAT THEIR CHILDREN ARE LEARNING IN LANGUAGE ARTS/READING, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES FROM KINDERGARTEN THROUGH GRADE SIX.”

Offered by: Senators Sakamoto, Hooser.

No. 19 “SENATE RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO INVESTIGATE AND QUANTIFY ECONOMIC DIFFERENCES BETWEEN THE WORKING POOR AND FAMILIES ON PUBLIC ASSISTANCE IN FEDERAL LOW INCOME HOUSING.”

Offered by: Senators Sakamoto, English, Hooser.

No. 20 “SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO MEET THE REQUIREMENTS OF THE NO CHILD LEFT BEHIND ACT WITHOUT ‘TEACHING TO THE TEST’.”

Offered by: Senator Sakamoto.

No. 21 “SENATE RESOLUTION URGING THE STATE TO PURSUE LITIGATION AGAINST CHEVRONTEXACO FOR NONPAYMENT OF TAXES.”

Offered by: Senators Menor, Aduja, Ige, Kokubun, Bunda, Ihara, Hooser, Espero, Kim, Tsutsui, Baker, Chun Oakland, Fukunaga, Hanabusa, English, Kanno, Sakamoto, Whalen.

No. 22 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN CONJUNCTION WITH THE COUNTY OF HAWAII, TO REVIEW THE CAUSES OF MOTOR VEHICLE COLLISIONS AT THE INTERSECTION OF HIGHWAY 11 AND THE ENTRY ROAD TO THE TOWN OF PAHALA AND MAKE ANY NECESSARY IMPROVEMENTS TO LESSEN THE RISK OF ACCIDENTS.”

Offered by: Senators Kokubun, English, Inouye, Whalen.

No. 23 “SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY ON THE CONSTRUCTION OF PERMANENT FAIR GROUNDS ON THE LOWER HALAWA PARKING LOT AT ALOHA STADIUM.”

Offered by: Senator Kim.

#### STANDING COMMITTEE REPORTS

Senators Kawamoto and Fukunaga, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 578) recommending that S.B. No. 42, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 42, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WATERCRAFT,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 579) 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 Kawamoto, seconded by Senator Hogue 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 THE TEACHER EDUCATION COORDINATING COMMITTEE,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 580) recommending that S.B. No. 1245 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1245, entitled: “A BILL FOR AN ACT RELATING TO THE EVALUATION OF TEACHERS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 581) recommending that S.B. No. 840, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue 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 ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senators English and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 582) recommending that S.B. No. 1080, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 1080, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 583) recommending that S.B. No. 394 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 394, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 584) recommending that S.B. No. 678, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 678, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 585) recommending that S.B. No. 1077, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR INSURANCE LICENSEES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 586) recommending that S.B. No. 1314 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1314, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGIST LICENSING

REQUIREMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 587) recommending that S.B. No. 1319, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1319, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 588) recommending that S.B. No. 1323 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1323, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 589) recommending that S.B. No. 1325 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1325, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 590) recommending that S.B. No. 1630 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1630, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 591) recommending that S.B. No. 368 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 368, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 592) recommending that S.B. No. 390 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted

and S.B. No. 390, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 593) recommending that S.B. No. 616 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 616, entitled: "A BILL FOR AN ACT RELATING TO HATE CRIMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 594) recommending that S.B. No. 617 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 617, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 595) recommending that S.B. No. 685 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 685, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBERS PLACED IN POLL BOOKS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 596) recommending that S.B. No. 830, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 830, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 597) recommending that S.B. No. 1130 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1130, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 598) recommending that S.B. No. 1131 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1131, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 599) recommending that S.B. No. 29, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 29, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 600) recommending that S.B. No. 1611 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1611, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 601) recommending that S.B. No. 538, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 538, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senators Inouye and Kawamoto, for the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 602) recommending that S.B. No. 1403 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 1403, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION'S MARITIME-RELATED USES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senators Menor and Baker, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 603) recommending that S.B. No. 958, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 958, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY,"

passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 604) recommending that S.B. No. 1058, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1058, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 605) recommending that S.B. No. 1200, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1200, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 606) recommending that S.B. No. 1306 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1306, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS RELAY SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 607) recommending that S.B. No. 1589, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1589, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 608) recommending that S.B. No. 345, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 608 and S.B. No. 345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 609) recommending that S.B. No. 373, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 373, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 610) recommending that S.B. No. 562 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 610 and S.B. No. 562, entitled: "A BILL FOR AN ACT RELATING TO TERMINABLE RENTAL ADJUSTMENT CLAUSE VEHICLE LEASES," was deferred until Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 611) recommending that S.B. No. 676 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 611 and S.B. No. 676, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 612) recommending that S.B. No. 1468, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 612 and S.B. No. 1468, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," was Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 613) recommending that S.B. No. 550, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 613 and S.B. No. 550, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," was deferred until Tuesday, March 4, 2003.

Senators Hanabusa and Taniguchi, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 614) recommending that S.B. No. 38 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 614 and S.B. No. 38, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," was deferred until Tuesday, March 4, 2003.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 615) recommending that S.B. No. 1002 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 615 and S.B. No. 1002, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO ALLOW THE STUDENT MEMBER OF THE BOARD OF EDUCATION TO VOTE," was deferred until Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 616) recommending that S.B. No. 1242 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 616 and S.B. No. 1242, entitled: "A BILL FOR AN ACT RELATING TO FAIR ACCESS FOR STATE GOVERNMENT," was deferred until Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 617) recommending that S.B. No. 1449, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 617 and S.B. No. 1449, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," was deferred until Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 618) recommending that S.B. No. 1415 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 618 and S.B. No. 1415, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT," was deferred until Tuesday, March 4, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 619) recommending that S.B. No. 1594 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 619 and S.B. No. 1594, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT," was deferred until Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 620) recommending that S.B. No. 792, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 620 and S.B. No. 792, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," was deferred until Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 621) recommending that S.B. No. 1318, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1318, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 622) recommending that S.B. No. 1320, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 1320, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO MEDICAL SAVINGS ACCOUNTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 4, 2003.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 623) recommending that S.B. No. 254, 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. 254, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was recommitted to the Committee on Water, Land, and Agriculture.

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 624) recommending that the Senate advise and consent to the nomination of RUSSELL SAITO as Comptroller of the Department of Accounting and General Services, in accordance with Gov. Msg. No. 3.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 624 and Gov. Msg. No. 3 was deferred until Friday, February 28, 2003.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 625) recommending that the Senate advise and consent to the nomination of BRIGADIER GENERAL ROBERT G.F. LEE as Adjutant General and Director of Civil Defense, in accordance with Gov. Msg. No. 8.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 625 and Gov. Msg. No. 8 was deferred until Friday, February 28, 2003.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 626) recommending that the Senate advise and consent to the nomination of RODNEY HARAGA as Director of the Department of Transportation, in accordance with Gov. Msg. No. 102.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 626 and Gov. Msg. No. 102 was deferred until Friday, February 28, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 627) recommending that the Senate advise and consent to the nomination of MARK J. BENNETT as Attorney General of the State of Hawai'i, in accordance with Gov. Msg. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 627 and Gov. Msg. No. 1 was deferred until Friday, February 28, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 628) recommending that the Senate advise and consent to the nomination of MICAH A. KANE as Chairman of the Department of Hawaiian Home Lands, in accordance with Gov. Msg. No. 5.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 628 and Gov. Msg. No. 5 was deferred until Friday, February 28, 2003.

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:33 o'clock p.m.

**ORDER OF THE DAY**

**THIRD READING**

S.B. No. 1290, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator English and carried, S.B. No. 1290, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRODUCT PROCUREMENT PREFERENCES BY STATE AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1334:

On motion by Senator Ige, seconded by Senator Aduja and carried, S.B. No. 1334, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INTERNET PORTAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, February 18, 2003:

Senate Concurrent Resolution	Referred to:
No. 21	Committee on Transportation, Military Affairs, and Government Operations
No. 22	Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations
No. 23	Committee on Judiciary and Hawaiian Affairs
No. 24	Committee on Tourism
No. 25	Committee on Education
No. 26	Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Economic Development and the Committee on Judiciary and Hawaiian Affairs

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Tuesday, February 18, 2003:

Senate Resolution	Referred to:
No. 11	Committee on Transportation, Military Affairs, and Government Operations
No. 12	Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations
No. 13	Committee on Judiciary and Hawaiian Affairs
No. 14	Committee on Education
No. 15	Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Economic Development and the Committee on Judiciary and Hawaiian Affairs

**RE-REFERRAL OF SENATE BILLS**

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

Senate Bill	Referred to:
No. 254, S.D. 1	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Ways and Means
No. 358	Jointly to the Committee on Economic Development and the Committee on Ways and Means
No. 918, S.D. 1	Committee on Human Services, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means

**RE-REFERRAL OF SENATE RESOLUTION**

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

Senate Resolution	Referred to:
No. 6	Jointly to the Committee on Health and the Committee on Education

Senator Hanabusa, Chair of the Committee on Judiciary and Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following Senate Bills:

- S.B. No. 1274;
- S.B. No. 1275;
- S.B. No. 1560; and
- S.B. No. 1635.

Senator Hanabusa noted:

"Mr. President, for S.B. No. 1274 and S.B. No. 1275 our notice was decked yesterday afternoon. These two matters are part of the law enforcement coalition.

"The second two bills should be a 48-hour notice. We decked that notice this morning. One is relating to property left in a dangerous condition, S.B. No. 1560. The second is S.B. No. 1635, relating to public officers and employees – this prohibits state agencies from using private funds in whole or in part."



The Chair then granted the waiver.

Senator Inouye, Chair of the Committee on Water, Land, and Agriculture, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 254.

Senator Inouye noted:

“Mr. President, this bill amends an existing appropriation of CIP funds to provide for the demolition of the Puukapu Homesteads bridge in South Kohala and for the construction of a new pedestrian bridge over the agricultural irrigation system.”

The Chair then granted the waiver.

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. Nos. 327 and 1263.

Senator Kawamoto noted:

“Mr. President, S.B. No. 1263, S.D. 1, allows for the purchase of goods and services and awarding of construction contracts through an online electronic procurement system, and was previously heard by your Committee on Science, Arts and Technology.

“S.B. No. 327 relates to the State Procurement Office, and your Committee on TMG would like to reconsider its decision from yesterday.”

The Chair then granted the waiver.

At 12:39 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:40 o'clock p.m.

#### **ADJOURNMENT**

At 12:41 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 28, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate