

## THIRTY-SEVENTH DAY

Thursday, March 20, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Bill Stonebraker, Calvary Chapel, Honolulu, after which the Roll was called showing all Senators present with the exception of Senators Hemmings, Ihara and Menor who were excused.

The President announced that he had read and approved the Journal of the Thirty-Sixth Day.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 243, dated March 13, 2003, transmitting the Foreign-Trade Zone No. 9's Annual Report for Federal Fiscal Year Ending September 30, 2002, was read by the Clerk and was placed on file.

## HOUSE COMMUNICATION

Hse. Com. No. 297, returning S.B. No. 460, which passed Third Reading in the House of Representatives on March 19, 2003, was read by the Clerk and was placed on file.

## STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1064) recommending that H.B. No. 297, H.D. 2, 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 H.B. No. 297, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," 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. 1065) recommending that H.B. No. 756, H.D. 2, 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 H.B. No. 756, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," 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. 1066) recommending that H.B. No. 1255, 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 H.B. No. 1255, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF ELECTIONS," 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. 1067) recommending that H.B. No. 75, H.D. 2, 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 H.B. No. 75, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," 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. 1068) recommending that H.B. No. 1511, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1511, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1069) recommending that H.B. No. 475 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 H.B. No. 475, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Menor and Ige, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 1070) recommending that H.B. No. 473, H.D. 2, 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 H.B. No. 473, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1071) recommending that H.B. No. 10, H.D. 2, 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 H.B. No. 10, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1072) recommending that H.B. No. 196, H.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 H.B. No. 196, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A GEOTHERMAL-TO-HYDROGEN TAX CREDIT," 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. 1073) recommending that H.B. No. 1276, H.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 H.B. No. 1276, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 21, 2003.

Senators Kim and Fukunaga, for the Committee on Tourism and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 1074) recommending that H.B. No. 662, H.D. 2, 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 H.B. No. 662, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII SPORTS HALL OF FAME," 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. 1075) recommending that H.B. No. 620, H.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 H.B. No. 620, H.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.

Senators Sakamoto and Hanabusa, for the Committee on Education and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1076) recommending that H.B. No. 631 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 H.B. No. 631, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAIIAN IMMERSION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1077) recommending that H.B. No. 1077, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1077 and H.B. No. 1077, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR," was deferred until Friday, March 21, 2003.

**ORDER OF THE DAY**

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM WEDNESDAY, MARCH 19, 2003**

The President made the following committee assignments of House concurrent resolutions that were received on Friday, March 14, 2003:

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| House Concurrent Resolution | Referred to:  |
| No. 20                      | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs |
| No. 22, H.D. 1              | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs |
| No. 28                      | Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Human Services                 |
| No. 35                      | Committee on Economic Development   |
| No. 52, H.D. 1              | Committee on Transportation, Military Affairs, and Government Operations  |

**THIRD READING**

H.B. No. 1302:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, H.B. No. 1302, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hemmings, Ihara, Menor).

Senator Kanno, Chair of the Committee on Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 130.

Senator Kanno noted:

"Mr. President, this bill relates to ERS benefit options, and your Committee would like to hold a hearing tomorrow in order to meet the lateral deadline."

The Chair then granted the waiver.

Senator Sakamoto, Chair of the Committee on Education, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 277.

Senator Sakamoto noted:

"Mr. President, this bill relates to penalties for truants, and your Committee would like to hold a hearing tomorrow in order to meet the lateral deadline."

The Chair granted the waiver.

**ADJOURNMENT**

At 11:48 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., Friday, March 21, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate