

TWENTY-FIFTH DAY

Thursday, March 2, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:49 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Mark Lee, Associate Pastor, Community Church of Honolulu, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 189 and 190) were read by the Clerk and were placed on file:

Gov. Msg. No. 189, dated February 18, 2000, transmitting the Progress Report of the Gasoline Overcharge Antitrust Case, prepared by the Attorney General pursuant to H.C.R. No. 9 (1999).

Gov. Msg. No. 190, dated February 18, 2000, transmitting the Financial Report of the Occupational Safety and Health Training and Assistance Special Fund Revenues for Fiscal Year Ending June 30, 1999, pursuant to Section 396-4, HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 13 to 22) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 13, transmitting H.B. No. 1757, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1757, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

Hse. Com. No. 14, transmitting H.B. No. 1761, which passed Third Reading in the House of Representatives on March 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1761, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce and Consumer Protection.

Hse. Com. No. 15, transmitting H.B. No. 1984, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1984, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 16, transmitting H.B. No. 2213, which passed Third Reading in the House of Representatives on March 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 2213, entitled: "A BILL FOR AN ACT RELATING TO BINDING ARBITRATION AWARDS,"

passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection.

Hse. Com. No. 17, transmitting H.B. No. 2344, which passed Third Reading in the House of Representatives on March 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 2344, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES," passed First Reading by title and was referred to the Committee on Government Operations and Housing, then to the Committee on Judiciary.

Hse. Com. No. 18, transmitting H.B. No. 2412, which passed Third Reading in the House of Representatives on March 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 2412, entitled: "A BILL FOR AN ACT RELATING TO CONTEMPT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 19, transmitting H.B. No. 2488, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 2488, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETURN OF PRESCRIPTION DRUGS," passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection.

Hse. Com. No. 20, transmitting H.B. No. 2562, which passed Third Reading in the House of Representatives on March 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 2562, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 21, transmitting H.B. No. 2563, which passed Third Reading in the House of Representatives on March 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 2563, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 22, transmitting H.B. No. 2565, which passed Third Reading in the House of Representatives on March 1, 2000, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 2565, entitled: "A BILL FOR AN ACT RELATING TO GARMENT INDUSTRY HOMEWORK," passed First Reading by title and was referred to the Committee on Labor and Environment.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 40 to 43) were read by the Clerk and were referred to committees:

Senate Concurrent Resolution

No. 40 "SENATE CONCURRENT RESOLUTION SUPPORTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN."

Offered by: Senators Fukunaga, Chun Oakland, Hanabusa, Inouye, Bunda, Chumbley, D. Ige, Ihara, Iwase, Kanno, Kawamoto, Levin, Matsunaga, Nakata, Taniguchi.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means

No. 41 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO INVESTIGATE OCEANIC CABLE FOR POSSIBLE UNFAIR AND MONOPOLISTIC PRACTICES FOR CHARGING BULK RATES TO MULTIDWELLING BUILDINGS THAT ARE PASSED ON AS PART OF BUILDING MAINTENANCE FEES."

Offered by: Senator Tam.

Referred to: Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means

No. 42 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE HEALTH BENEFITS OF TOFU AND SOY BASED FOOD PRODUCTS."

Offered by: Senators Kawamoto, Chun Oakland, Fukunaga.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means

No. 43 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ISSUES AND IMPLICATIONS OF INSTITUTING A TAX ON ELECTRONIC COMMERCE."

Offered by: Senators Kawamoto, Bunda, D. Ige.

Referred to: Jointly to the Committee on Economic Development and the Committee on Education and Technology, then to the Committee on Ways and Means

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 17 to 19) were read by the Clerk and were referred to committees:

Senate Resolution

No. 17 "SENATE RESOLUTION SUPPORTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN."

Offered by: Senators Fukunaga, Chun Oakland, Hanabusa, Inouye, Bunda, Chumbley, D. Ige, Ihara, Iwase, Kanno, Kawamoto, Levin, Matsunaga, Nakata, Taniguchi.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means

No. 18 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE HEALTH BENEFITS OF TOFU AND SOY BASED FOOD PRODUCTS."

Offered by: Senators Kawamoto, Chun Oakland, Fukunaga.

Referred to: Committee on Health and Human Services, then to the Committee on Ways and Means

No. 19 "SENATE RESOLUTION REQUESTING A STUDY ON THE ISSUES AND IMPLICATIONS OF INSTITUTING A TAX ON ELECTRONIC COMMERCE."

Offered by: Senators Kawamoto, Bunda, D. Ige.

Referred to: Jointly to the Committee on Economic Development and the Committee on Education and Technology, then to the Committee on Ways and Means

STANDING COMMITTEE REPORTS

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2453) recommending that S.B. No. 2146, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2146, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2454) recommending that S.B. No. 2201 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2201, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2455) recommending that S.B. No. 2535 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2535, entitled: "A BILL FOR AN ACT RELATING TO PROBATE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2456) recommending that S.B. No. 2631 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2631, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2457) recommending that S.B. No. 2667 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2667, entitled: "A BILL FOR AN ACT RELATING TO NO CANDIDATES FILED FOR AN ELECTIVE OFFICE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2458) recommending that S.B. No. 2670 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2670, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2459) recommending that S.B. No. 2711, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2711, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2460) recommending that S.B. No. 2924, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2924, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPEN MEETINGS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2461) recommending that S.B. No. 2935, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2935, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS DRUGS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senators Fukunaga and Levin, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2462) recommending that S.B. No. 2106, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2106, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL FUNDING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2463) recommending that S.B. No. 2421, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2421, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2464) recommending that S.B. No. 2791 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2791, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO PAY THE SHARE OF HEALTH INSURANCE CARRIER REFUND AND RATE CREDIT AMOUNTS DUE TO THE FEDERAL GOVERNMENT," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2465) recommending that S.B. No. 2947 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2947, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF TAX INFORMATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2466) recommending that S.B. No. 2150, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2150, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2467) recommending that S.B. No. 2666, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2666, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2468) recommending that S.B. No. 2147, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2147, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2469) recommending that S.B. No. 2480, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2480, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2470) recommending that S.B. No. 2758, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2758, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2471) recommending that S.B. No. 2639 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2639, entitled: "A BILL FOR AN ACT RELATING TO BURGLARY," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 3, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2472) recommending that S.B. No. 2637, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2637, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS AND WITNESSES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 2473) recommending that S.B. No. 2470, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2470, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2000.

ORDER OF THE DAY

THIRD READING

S.B. No. 2088:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, S.B. No. 2088, entitled: "A BILL FOR AN ACT RELATING TO SHORT-TERM INVESTMENT OF STATE MONEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Tam, Taniguchi).

S.B. No. 2067:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2067, entitled: "A BILL FOR AN ACT RELATING TO AWARDING CUSTODY AND VISITATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Tam, Taniguchi).

S.B. No. 2629:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2629, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (M. Ige, Tam, Taniguchi).

S.B. No. 2512:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, S.B. No. 2512, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAXATION," having been

read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (M. Ige, Tam).

Senator Kanno, for the Committee on Commerce and Consumer Protection, requested a waiver pursuant to Senate Rule 20 for S.B. No. 2974, and the Chair granted the waiver.

Senator Chumbley, for the Committee on Judiciary, requested a waiver pursuant to Senate Rule 20 for S.B. No. 2311, and the Chair granted the waiver.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, requested a waiver pursuant to Senate Rule 20 for S.B. No. 2151, and the Chair granted the waiver.

At 12:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:17 o'clock p.m.

ADJOURNMENT

At 12:18 o'clock p.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 3, 2000.