

## TWENTY-FIFTH DAY

Thursday, March 1, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Associate Pastor Gisele Ferreira, Hope Chapel, Manoa, after which the Roll was called showing all Senators present with the exception of Senator Chumbley who was excused.

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

Senator Hogue, in recognition of National Education Month, introduced Brienne Chang and James Ahuna from Kaneohe Elementary School and congratulated them on being named "best readers" in their second grade class.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:16 o'clock p.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 173 to 176) were read by the Clerk and were placed on file:

Gov. Msg. No. 173, dated February 7, 2001, transmitting the Report of the Mental Health Task Force prepared by the Mental Health Task Force and the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Act 243, SLH 2000.

Gov. Msg. No. 174, dated February 8, 2001, transmitting a report prepared by the Department of Health pursuant to S.C.R. No. 151 (1999), requesting the Department of Health to develop and implement a five-year statewide, comprehensive, strategic plan for services and supports for individuals with developmental disabilities or mental retardation.

Gov. Msg. No. 175, dated February 9, 2001, transmitting the Annual Report Establishing the Primary Health Care Incentive Program and the Primary Care Roundtable prepared by the Department of Health, pursuant to Act 41, SLH 1992.

Gov. Msg. No. 176, dated February 12, 2001, transmitting the Hawaii Health Systems Corporation's Critical Access Hospitals Report, pursuant to Act 281, Section 4, SLH 2000.

## DEPARTMENTAL COMMUNICATION

Dept. Com. No. 15, from the State Auditor dated February 12, 2001, transmitting a report, "Audit of Workers' Compensation Payment Process in State Agencies," (Report No. 01-03), was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 17 to 28) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 17, transmitting H.B. No. 526, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 526, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 18, transmitting H.B. No. 587, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 587, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKER LICENSING," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 19, transmitting H.B. No. 588, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 588, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWAL REQUIREMENTS OF THE BOARD OF MEDICAL EXAMINERS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 20, transmitting H.B. No. 598, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 598, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTIONS FOR DEPOSITORY INSTITUTION SALES OF INSURANCE," passed First Reading by title and was referred to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 21, transmitting H.B. No. 660, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 660, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," passed First Reading by title and was referred to the Committee on Water, Land, Energy, and Environment.

Hse. Com. No. 22, transmitting H.B. No. 692, which passed Third Reading in the House of Representatives on February 20, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 692, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," passed First Reading by title and was referred to the Committee on Water, Land, Energy, and Environment.

Hse. Com. No. 23, transmitting H.B. No. 700, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 700, H.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO THE SALE OF POISONS," passed First Reading by title and was referred to the Committee on Health and Human Services.

Hse. Com. No. 24, transmitting H.B. No. 1176, which passed Third Reading in the House of Representatives on February 20, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1176, entitled: "A BILL FOR AN ACT RELATING TO INSPECTIONS BY THE COUNTY FIRE CHIEF OR THE CHIEF'S DESIGNEES," passed First Reading by title and was referred jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations.

Hse. Com. No. 25, transmitting H.B. No. 1257, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1257, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEI DAY," passed First Reading by title and was referred to the Committee on Tourism and Intergovernmental Affairs.

Hse. Com. No. 26, transmitting H.B. No. 1474, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 1474, H.D. 1, entitled: "A BILL FOR AN ACT ADOPTING AN OFFICIAL STATE TARTAN," passed First Reading by title and was referred to the Committee on Tourism and Intergovernmental Affairs.

Hse. Com. No. 27, transmitting H.B. No. 624, which passed Third Reading in the House of Representatives on February 21, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 624, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed First Reading by title and was referred to the Committee on Hawaiian Affairs, then to the Committee on Judiciary.

Hse. Com. No. 28, transmitting H.B. No. 625, which passed Third Reading in the House of Representatives on February 21, 2001, was placed on file.

On motion by Senator English, seconded by Senator Hemmings and carried, H.B. No. 625, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed First Reading by title and was referred to the Committee on Hawaiian Affairs, then to the Committee on Judiciary.

#### JUDICIARY COMMUNICATION

Jud. Com. No. 1, submitting for consideration and consent, the nomination of REINETTE W. COOPER to the Office of Judge, District Court of the Second Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was read by the Clerk and was referred to the Committee on Judiciary.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 14 to 18) were read by the Clerk and were deferred:

#### Senate Concurrent Resolution

No. 14 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INCLUDE A PARENTING COMPONENT IN SCHOOL CURRICULUM."

Offered by: Senators Chun Oakland, Kanno, Buen, Kim, Sakamoto, Hanabusa.

No. 15 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES, HEALTH, AND LABOR AND INDUSTRIAL RELATIONS TO EXAMINE TRANSITIONAL LIVING PROGRAMS FOR YOUTHS IN FOSTER CARE."

Offered by: Senators Chun Oakland, Kanno, Chumbley, Buen, Kim, Sakamoto, Hanabusa.

No. 16 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE ETHICS COMMISSION TO INVESTIGATE ALLEGATIONS OF ETHICAL VIOLATIONS BY EMPLOYEES OF THE DIVISION OF BOATING AND OCEAN RECREATION; AND REQUESTING THE DIVISION, WITH THE ASSISTANCE OF THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, TO ANNUALLY REVIEW JOB DESCRIPTIONS IN THE DIVISION TO ENSURE COMPLIANCE WITH ALL APPLICABLE LAWS."

Offered by: Senators Tam, Slom, Hemmings, Ihara, Ige.

No. 17 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW THE PURCHASE AND IMPLEMENTATION OF THE NEW RADIO SYSTEM USED BY THE HONOLULU POLICE DEPARTMENT."

Offered by: Senators Hanabusa, Taniguchi, Kawamoto, Buen, Chun Oakland, Slom, Tam, Matsuura, Kanno, Ige, Fukunaga, Ihara.

No. 18 "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A COORDINATING COMMITTEE TO OVERSEE THE CARE OF MEDICALLY FRAGILE CHILDREN."

Offered by: Senator Matsuura.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 11 to 13) were read by the Clerk and were deferred:

#### Senate Resolution

No. 11 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INCLUDE A PARENTING COMPONENT IN SCHOOL CURRICULUM."

Offered by: Senators Chun Oakland, Kanno, Kim, Buen, Kokubun, Hanabusa, Chun, Sakamoto.

No. 12 "SENATE RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES, HEALTH, AND LABOR AND INDUSTRIAL RELATIONS TO EXAMINE TRANSITIONAL LIVING PROGRAMS FOR YOUTHS IN FOSTER CARE."

Offered by: Senators Chun Oakland, Kanno, Sakamoto, Kim, English, Tam, Nakata, Taniguchi, Matsuura, Chumbley, Fukunaga, Ige, Kokubun.

No. 13 "SENATE RESOLUTION REQUESTING THE CREATION OF A COORDINATING COMMITTEE TO OVERSEE THE CARE OF MEDICALLY FRAGILE CHILDREN."

Offered by: Senator Matsuura.

#### STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 584), recommending that S.C.R. No. 11 be referred to the Committee on Agriculture.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 11, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SUBMIT ITS FINAL REPORT TO THE LEGISLATURE AS REQUIRED BY ACT 109, SESSION LAWS OF HAWAII 1996," was referred to the Committee on Agriculture.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 585), recommending that S.R. No. 8 be referred to the Committee on Agriculture.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 8, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SUBMIT ITS FINAL REPORT TO THE LEGISLATURE AS REQUIRED BY ACT 109, SESSION LAWS OF HAWAII 1996," was referred to the Committee on Agriculture.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 586) recommending that S.B. No. 984 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 984, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Buen, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 587) recommending that S.B. No. 986, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 986, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 588) recommending that S.B. No. 448 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 448, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senators Kim and Kawamoto, for the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 589) recommending that S.B. No. 1590 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 1590, entitled: "A BILL FOR AN ACT RELATING TO INSPECTIONS BY THE COUNTY FIRE CHIEF OR THE CHIEF'S DESIGNEES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Kawamoto, for the majority of the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 590) recommending that S.B. No. 625, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.B. No. 625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 591) recommending that S.B. No. 748 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 748, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE OPERATOR EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 592) recommending that S.B. No. 750 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 750, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 593) recommending that S.B. No. 1171 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1171, entitled: "A BILL FOR AN ACT RELATING TO REPORTS," passed Second Reading and was

placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 594) recommending that S.B. No. 1202, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1202, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 595) recommending that S.B. No. 1397, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1397, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 596) recommending that S.B. No. 1453 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1453, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 597) recommending that S.B. No. 1389 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1389, entitled: "A BILL FOR AN ACT RELATING TO TOWING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 598) recommending that S.B. No. 1575, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1575, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 599) recommending that S.B. No.

1624 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1624, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 600) recommending that S.B. No. 1135 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1135, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 601) recommending that S.B. No. 1167 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1167, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 602) recommending that S.B. No. 1173 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1173, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 603) recommending that S.B. No. 1203, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 603 and S.B. No. 1203, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCREASING DEVELOPMENT FLEXIBILITY OF PUBLIC LANDS," was deferred until Tuesday, March 6, 2001.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 604) recommending that S.B. No. 1084, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 604 and S.B. No. 1084, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EDUCATION," was deferred until Tuesday, March 6, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 605) recommending that S.B. No. 1133, as amended in S.D. 1, pass

Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1133, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 606) recommending that S.B. No. 1175 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1175, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF POISONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 607) recommending that S.B. No. 1487, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1487, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 608) recommending that S.B. No. 939, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 939, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 609) recommending that S.B. No. 1062, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1062, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVERSION OF PROFESSIONAL AND VOCATIONAL LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 610) recommending that S.B. No. 1063, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1063, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO MORTGAGE BROKER LICENSING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 611) recommending that S.B. No. 1065 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1065, entitled: "A BILL FOR AN ACT RELATING TO ARCHITECTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 612) recommending that S.B. No. 1069, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1069, 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 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 613) recommending that S.B. No. 1071 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1071, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 614) recommending that S.B. No. 1074, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1074, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTIONS FOR DEPOSITORY INSTITUTION SALES OF INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 615) recommending that S.B. No. 1078, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1078, S.D. 1, 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 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 616) recommending that S.B. No. 1079, as amended in S.D.

1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1079, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY PARTNERSHIPS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 617) recommending that S.B. No. 1128, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 1128, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT INSURANCE BENEFITS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 618) recommending that S.B. No. 48, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 618 and S.B. No. 48, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 619) recommending that S.B. No. 173, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 619 and S.B. No. 173, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 620) recommending that S.B. No. 174 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 620 and S.B. No. 174, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 621) recommending that S.B. No. 175, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 621 and S.B. No. 175, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 622) recommending that S.B. No. 176 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 622 and S.B. No. 176, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 623) recommending that S.B. No. 178, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 623 and S.B. No. 178, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 624) recommending that S.B. No. 180, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 624 and S.B. No. 180, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 625) recommending that S.B. No. 210, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 625 and S.B. No. 210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTS," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 626) recommending that S.B. No. 1019, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 626 and S.B. No. 1019, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS PROGRAMS," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 627) recommending that S.B. No. 1113 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 627 and S.B. No. 1113, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 628) recommending that S.B. No. 1119, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 628 and S.B. No. 1119, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 629) recommending that S.B. No. 1121 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 629 and S.B. No. 1121, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE," was deferred until Tuesday, March 6, 2001.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 630) recommending that S.B. No. 1129 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 630 and S.B. No. 1129, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," was deferred until Tuesday, March 6, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 631) recommending that S.B. No. 423, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PROCEEDINGS," passed Second Reading and was recommitted to the Committee on Judiciary.

## ORDER OF THE DAY

### THIRD READING

S.B. No. 490:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 490, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 781:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 781, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 805, S.D. 1:

Senator Kanno moved that S.B. No. 805, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Hemmings rose to speak with reservations on the measure as follows:

"Mr. President, I rise to speak with reservations on the bill.

"Mr. President, after going over the digest and talking with my illustrious Judiciary Committee Representative, I see that this bill may interfere with a privacy relationship between the patients and doctors. Further through that, I think the previous Legislature passed a bill that was quite controversial on that relationship and this may add to the complication, therefore, my reservations.

"Thank you, Mr. President."

Senator Slom 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. 805, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read

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

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

S.B. No. 859, S.D. 1:

Senator Kanno moved that S.B. No. 859, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Slom rose to speak on the measure with reservations as follows:

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

"I think that the intent of the bill is good, but the bill has some problems within it. Both the prosecuting attorney and the paroling authority have testified in opposition to the measure, and I think what it does is undercut the responsibilities of the paroling authority. It does have flexibility right now to do the things that are embodied in this bill, but I think that this is an end run around their responsibility.

"Thank you."

Senators Inouye, Ihara, Kim, Ige, Hogue and Hemmings requested their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Chun rose to speak in favor of the measure and said:

"Mr. President, I'd like to speak in favor of the measure.

"Yes, it is true that it is under the authority of the parole board, but truthfully speaking, when the parole board refuses to take responsibility for its action, refuses to basically allow some kind of incentive program for its prisoners, I think the Legislature has to step in. This bill does that. If the paroling board wants to try to retake their responsibility and do the job that they were asked to do to begin with, then the bill provides that they can do so.

"I believe this bill is a good attempt to get the departments to do the work that they're supposed to do."

Senator Slom responded as follows:

"Mr. President, with all due respect to my learned colleague from the beautiful Garden Island of Kauai, it's not that the paroling authority has refused to do it, it's that the paroling authority has examined various procedures involved with individual cases and has made a determination on their own based on the facts that early release was not in the best interest of the individual or the victims themselves.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 859, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Matsunaga). Excused, 1 (Chumbley).

S.B. No. 1390, S.D. 1:

On motion by Senator Chun, seconded by Senator Matsuura and carried, S.B. No. 1390, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN

HEALING PRACTICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

#### RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 239	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary
No. 847	Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Labor and the Committee on Judiciary
No. 1096	Committee on Ways and Means
No. 1529	Committee on Judiciary

At this time, Senator Sakamoto made the following announcement:

“Mr. President, for the record, your joint Committees on Education and Health and Human Services heard S.B. No. 51 on February 28<sup>th</sup> of this year. That’s the bill relating to charter schools. Subsequently, we deferred the bill to March 2<sup>nd</sup> at 2:00 p.m. for Education, and 1:30 p.m. for HHS.

“The proposed amendments to S.B. No. 51 have financial implications and therefore the Honorable Chair of the Ways and Means Committee has agreed to waive the bill at this point in time, provided they be included in future deliberations on the matter.

“I just wanted to, for the record, make this statement, Mr. President. Thank you.”

At 12:23 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:27 o’clock p.m.

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

S.B. No. 331;  
S.B. No. 423;  
S.B. No. 720;  
S.B. No. 759;  
S.B. No. 932; and  
S.B. No. 1529,

and the Chair granted the waiver.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 20 for S.B. Nos. 169 and 1067, and the Chair granted the waiver.

At 12:29 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:31 o’clock p.m.

Senator Taniguchi, for the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 20 for the following Senate Bills:

S.B. No. 598;  
S.B. No. 836;  
S.B. No. 957;  
S.B. No. 977;  
S.B. No. 1054;  
S.B. No. 1096;  
S.B. No. 1264;  
S.B. No. 1303;  
S.B. No. 1366;  
S.B. No. 1401;  
S.B. No. 1469;  
S.B. No. 1473; and  
S.B. No. 1567,

and the Chair granted the waiver.

#### ADJOURNMENT

At 12:34 o’clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Friday, March 2, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate