

## FORTY-FOURTH DAY

Tuesday, April 3, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Hilaria Dawal, SSSC, Sisters of the Holy Family, after which the Roll was called showing all Senators present with the exception of Senators English, Ige, Ihara and Menor who were excused.

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

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock a.m.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 216, submitting for consideration and consent, the nomination of STEVEN S. ALM to the office of Judge, 2nd Division, Circuit Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was read by the Clerk and was referred to the Committee on Judiciary.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 359 to 364) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 359, returning S.B. No. 937, which passed Third Reading in the House of Representatives on April 2, 2001, was placed on file.

Hse. Com. No. 360, returning S.B. No. 1078, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 2001, was placed on file.

Hse. Com. No. 361, returning S.B. No. 97, which passed Third Reading in the House of Representatives on April 2, 2001, in an amended form, was placed on file.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 97, and requested a conference on the subject matter thereof.

Hse. Com. No. 362, returning S.B. No. 171, S.D. 2, which passed Third Reading in the House of Representatives on April 2, 2001, in an amended form, was placed on file.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 171, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 363, returning S.B. No. 841, which passed Third Reading in the House of Representatives on April 2, 2001, in an amended form, was placed on file.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 841, and requested a conference on the subject matter thereof.

Hse. Com. No. 364, returning S.B. No. 1062, S.D. 1, which passed Third Reading in the House of Representatives on April 2, 2001, in an amended form, was placed on file.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1062, S.D. 1, and requested a conference on the subject matter thereof.

## STANDING COMMITTEE REPORTS

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1306) recommending that H.B. No. 1257, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1257, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEI DAY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 5, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1307) recommending that H.B. No. 415, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 415, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 5, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1308) recommending that H.B. No. 824 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 824, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE OPERATOR EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 5, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1309) recommending that H.B. No. 1473, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1473, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 5, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1310) recommending that H.B. No. 660, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 660, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 5, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1311) recommending that H.B. No. 688 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 688, entitled: "A BILL FOR AN ACT RELATING TO THE EFFECTIVE DATE OF EXISTING USES UNDER THE WATER CODE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 5, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1312) recommending that S.C.R. No. 94 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1312 and S.C.R. No. 94, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR," was deferred until Wednesday, April 4, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1313) recommending that S.R. No. 72 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1313 and S.R. No. 72, entitled: "SENATE RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR," was deferred until Wednesday, April 4, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1314) recommending that S.C.R. No. 93 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1314 and S.C.R. No. 93, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING ACCELERATION OF THE DEVELOPMENT OF THE KAPALAMA CONTAINER TERMINAL FACILITY," was deferred until Wednesday, April 4, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1315) recommending that S.R. No. 71 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1315 and S.R. No. 71, entitled: "SENATE RESOLUTION SUPPORTING ACCELERATION OF THE DEVELOPMENT OF THE KAPALAMA CONTAINER TERMINAL FACILITY," was deferred until Wednesday, April 4, 2001.

#### ORDER OF THE DAY

#### ADOPTION OF RESOLUTIONS

#### MATTERS DEFERRED FROM MONDAY, APRIL 2, 2001

Stand. Com. Rep. No. 1304 (S.C.R. No. 28, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A JOINT LEGISLATIVE TECHNOLOGY TASK FORCE TO DEVELOP CLEAR GOALS AND AN IMPLEMENTATION PLAN TO IMPROVE HAWAII'S TECHNOLOGY INDUSTRY," was adopted.

Stand. Com. Rep. No. 1305 (S.R. No. 96, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.R. No. 96, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE FORMATION OF A JOINT LEGISLATIVE TECHNOLOGY TASK FORCE TO DEVELOP CLEAR GOALS AND AN IMPLEMENTATION PLAN TO IMPROVE HAWAII'S TECHNOLOGY INDUSTRY," was adopted.

#### AGREE/DISAGREE

#### MATTER DEFERRED FROM MONDAY, APRIL 2, 2001

S.B. No. 986, S.D. 1 (H.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 986, S.D. 1, and requested a conference on the subject matter thereof.

#### RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following concurrent resolutions that were offered:

Senate Concurrent Resolution	Referred to:
No. 71	Committee on Judiciary
No. 76	Jointly to the Committee on Hawaiian Affairs and the Committee on Education, then to the Committee on Judiciary
No. 139	Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, then to the Committee on Transportation, Military Affairs, and Government Operations

#### RE-REFERRAL OF SENATE RESOLUTIONS

The Chair re-referred the following resolutions that were offered:

Senate Resolution	Referred to:
No. 52	Committee on Judiciary
No. 54	Jointly to the Committee on Hawaiian Affairs and the Committee on Education, then to the Committee on Judiciary

No. 99 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, then to the Committee on Transportation, Military Affairs, and Government Operations

Senator Kanno, Chair of the Committee on Judiciary, requested a waiver of the 72-hour notice requirement pursuant to Senate Rule 20 for the following resolutions:

S.C.R. No. 8;  
S.C.R. No. 62;  
S.C.R. No. 70;  
S.C.R. No. 71;  
S.C.R. No. 72;  
S.C.R. No. 144;  
S.R. No. 5;  
S.R. No. 51;  
S.R. No. 52;  
S.R. No. 53; and  
S.R. No. 101,

and the Chair granted the waiver.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

**ADJOURNMENT**

At 11:50 o'clock a.m., on motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 4, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate