

THIRTY-NINTH DAY

Monday, March 25, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Captain Dwayne Petterson, Salvation Army, after which the Roll was called showing all Senators present with the exception of Senators English, Inouye and Kim who were excused.

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

Senator Tam, with the assistance of Senators Hanabusa, Menor, Chun Oakland, Chumbley and Hemmings, introduced and congratulated the 2002 Narcissus Queen Kuuleialoha Chun and her Court: First Princess Natalie Louie, Second Princess Sherri Seto, Third Princess Colette Ching, and Fourth Princess Kaipolani Chang. Accompanying the young women was Reuben Wong, President-elect of the Chinese Chamber of Commerce.

Senator Hogue, with the assistance of Senator Matsunaga, congratulated the University of Hawaii Men's Basketball Team on becoming the 2002 Western Athletic Conference Champions and making it to the 2002 NCAA Tournament and introduced the following representatives of the team: players Haim Shimonovich, Carl English and Predrag Savovic; Assistants Scott Rigot and Jackson Wheeler; Associate Coach Bob Nash; and Head Coach Riley Wallace.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

STANDING COMMITTEE REPORTS

Senators Inouye and Chun, for the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3067) recommending that S.C.R. No. 36 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3067 and S.C.R. No. 36, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KIILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK," was deferred until Wednesday, March 27, 2002.

Senators Inouye and Chun, for the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3068) recommending that S.R. No. 16 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3068 and S.R. No. 16, entitled: "SENATE RESOLUTION SUPPORTING THE ACQUISITION BY THE UNITED STATES NATIONAL PARK SERVICE OF KAHUKU RANCH FOR EXPANSION OF THE HAWAII VOLCANOES NATIONAL PARK AND OF KIILAE VILLAGE FOR EXPANSION OF PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK," was deferred until Wednesday, March 27, 2002.

Senators Inouye and Kim, for the Committee on Water, Land, Energy, and Environment and the Committee on Tourism and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3069) recommending that H.B. No. 2723, H.D. 2, 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 Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2723, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 27, 2002.

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2933 (Gov. Msg. No. 173):

Senator Kanno moved that Stand. Com. Rep. No. 2933 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations to the Crime Victim Compensation Commission of the following:

SANDRA JOY EASTLACK, terms to expire June 30, 2002 and June 30, 2006; and

DAWN YOSHIMURA SINCLAIR, term to expire June 30, 2003,

seconded by Senator Matsuura.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

Stand. Com. Rep. No. 2934 (Gov. Msg. No. 180):

Senator Menor moved that Stand. Com. Rep. No. 2934 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of ALFRED CASTRO to the State Boxing Commission of Hawai'i, term to expire June 30, 2006, seconded by Senator Matsunaga.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

Stand. Com. Rep. No. 2935 (Gov. Msg. No. 181):

Senator Menor moved that Stand. Com. Rep. No. 2935 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of MICHAEL E. ASAM to the Credit Union Advisory Board, term to expire June 30, 2006, seconded by Senator Matsunaga.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

Stand. Com. Rep. No. 2936 (Gov. Msg. No. 182):

Senator Sakamoto moved that Stand. Com. Rep. No. 2936 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Education Commission of the States of the following:

CARL T. TAKAMURA, term to expire June 30, 2004; and

KAREN Y. AKA, PH.D., term to expire June 30, 2006,

seconded by Senator Chumbley.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

Stand. Com. Rep. No. 2937 (Gov. Msg. No. 240):

Senator Sakamoto moved that Stand. Com. Rep. No. 2937 be received and placed on file, seconded by Senator Chumbley and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Board of Directors, Research Corporation of the University of Hawai'i of the following:

LYNN C. KINNEY, term to expire June 30, 2005; and

SHIGEO IWAMOTO and BRIAN T. TAMAMOTO, terms to expire June 30, 2006,

seconded by Senator Chumbley.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, MARCH 22, 2002

Stand. Com. Rep. No. 2938 (S.C.R. No. 54):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 54, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DESIGN AND REPORT FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTING A GRADES 6-12 CAREER AND LIFE SKILLS PROGRAM, AS A PART OF A COMPREHENSIVE CAREER DEVELOPMENT SYSTEM," was adopted.

Stand. Com. Rep. No. 2939 (S.C.R. No. 50):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 50, entitled: "SENATE CONCURRENT RESOLUTION DECLARING THE WISHES OF THE LEGISLATURE WITH RESPECT TO THE PRESERVATION AND PROTECTION OF EXISTING AGRICULTURAL LAND RESOURCES AND THEIR COMPONENTS," was adopted.

Stand. Com. Rep. No. 2982 (S.C.R. No. 34, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.C.R. No. 34, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF PRIVATE SECTOR SPENDING TO ADVERTISE AND PROMOTE HAWAII AS A VISITOR DESTINATION," was adopted.

Stand. Com. Rep. No. 2983 (S.R. No. 15, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and S.R. No. 15, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF PRIVATE SECTOR SPENDING TO ADVERTISE AND PROMOTE HAWAII AS A VISITOR DESTINATION," was adopted.

Stand. Com. Rep. No. 2984 (S.C.R. No. 44, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.C.R. No. 44, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ARMY NATIONAL GUARD AND OTHER AGENCIES OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT AND TRAINING TO THE EMERGENCY ENVIRONMENTAL WORKFORCE WHEN POSSIBLE," was adopted.

Stand. Com. Rep. No. 2985 (S.R. No. 25, S.D. 1):

On motion by Senator Chun, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.R. No. 25, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ARMY NATIONAL GUARD AND OTHER AGENCIES OF THE STATE OF HAWAII TO PROVIDE LOGISTICAL AND TRANSPORTATION SUPPORT AND TRAINING TO THE EMERGENCY ENVIRONMENTAL WORKFORCE WHEN POSSIBLE," was adopted.

Stand. Com. Rep. No. 2986 (S.C.R. No. 78, 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. 78, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO SCIENTIFICALLY EVALUATE QUARANTINE OPTIONS THAT REDUCE ANIMAL CONFINEMENT," was adopted.

Stand. Com. Rep. No. 2987 (S.R. No. 37, 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. 37, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO SCIENTIFICALLY EVALUATE

QUARANTINE OPTIONS THAT REDUCE ANIMAL CONFINEMENT," was adopted.

THIRD READING

H.B. No. 2493, H.D. 1:

On motion by Senator Chun, seconded by Senator Kokubun and carried, H.B. No. 2493, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 1726:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, H.B. No. 1726, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE INSTRUCTION PERMIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 1970, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, H.B. No. 1970, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE EMERGENCY RESPONSE COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2009, H.D. 1, S.D. 1:

On motion by Senator Buen, seconded by Senator Chun and carried, H.B. No. 2009, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2117, H.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2117, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2305, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2305, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2306, H.D. 2:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2306, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2308, H.D. 2:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2308, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2310:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2310, entitled: "A BILL FOR AN ACT RELATING TO VENUE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2317:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2317, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2318:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2318, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF BAIL OR BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2387, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2387, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2427, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2427, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2437:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2437, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN PROTECTIVE ORDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

H.B. No. 2438, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, H.B. No. 2438, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Inouye, Kim).

RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill Referred to:

No. 1900, H.D. 1 Jointly to the Committee on Health and Human Services, the Committee on Tourism and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection and Housing

Senator Chun rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, tomorrow, March 26, marks Kuhio Day, and contrary to the popular belief, Prince Kuhio, even though he had a federal building and a highway named after him, is from Kauai. He was born Prince Jonah Kuhio Kalaniana'ole and he served as the Territory of Hawaii's delegate to Congress from 1903 to 1921.

"In addition to being the delegate from Hawaii, he, along with Mr. John Wise, John Lane, and Noah Aluli formed the first Hawaiian Civic Club in 1917 to stimulate civic efforts and education within the Hawaiian community and promote Hawaiian culture – all this from a person from Kauai.

"Mr. President, it is with great honor that we consider Prince Kuhio a Prince from Kauai, but more importantly, Mr. President, he was the citizen's Prince, because as a leader of the people, he championed the Hawaiian Homes Commission Act which provided homesteads for native Hawaiians. In fact, it was the Prince's dream to save the rapidly declining Hawaiian race from extinction and his plan really was to return dwellers, native Hawaiian dwellers to the land and encourage them to be self-sufficient farmers, ranchers and homesteaders on lease parcels of reserved land.

"So Mr. President, it is for these reasons that we honor Prince Kuhio, not because he was a Prince that was born on Kauai from the royal line, but because of his hard work and dedication to the people of Hawaii to save the Hawaiian race and the Hawaiian culture. So it's a great honor, and I would like to announce and have people be aware that it is not just a holiday, it is a day to honor and to respect this great man.

"Thank you, Mr. President."

Senator Hemmings also rose on a point of personal privilege as follows:

"Mr. President, I rise, too, on a point of personal privilege.

"I would like to follow-up on the wonderful words that characterize the Prince from the separate kingdom of Kauai and acknowledge all the wonderful work he did on behalf of the people of Hawaii.

"I also want to go on record with a little omission on the part of the good Senator from Kauai that the wonderful man that we're celebrating tomorrow, who did so much for the Hawaii people and the Kingdom of Hawaii and subsequently the Territory of Hawaii, was a member of the Republican Party, and for that we're very proud."

Senator Taniguchi rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"I'd just like to note for the record, Mr. President, that Prince Kuhio Elementary School is in my district and that the Senator from Kauai is welcome to come every year to the celebration of the Prince's birthday at the school."

Senator Chun rose again and said:

"Mr. President, I rise on a point of personal privilege.

"I'm very, very happy that the Republican Party has one person at least to honor in Hawaii."

Senator Slom rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege.

"One of the few good bits of economic news we have recently has to do with our two local interisland air carriers.

"Despite all of the gloom and doom that we were exposed to during the proposed merger in terms that if the merger did not go through, the world as we knew it would end and it would be disaster and so forth, we're very happy to note and to acknowledge that both airlines now have indicated that they are going to be rehiring. Both airlines have indicated that they're going to be increasing their routes. Both airlines have indicated that they will be reaching out beyond Hawaii. But both airlines will still remain local Hawaiian companies.

"So, we're very happy about that and again it shows the wisdom of the position of the Senate.

"Thank you, Mr. President."

ADJOURNMENT

At 12:15 o'clock p.m., on motion by Senator Chun, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 27, 2002.