

FORTIETH DAY

Wednesday, March 27, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Edward Robinson, Central Union Church, after which the Roll was called showing all Senators present with the exception of Senator Hemmings who was excused.

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

At this time, the following introductions were made to the members of the Senate:

Senator Tam introduced the following individuals representing community non-profit organizations focusing on diverse economic assistance programs for Hawaii's people: Peter Apo, Hawaii Alliance for Arts Foundation; Dr. Tin Myaing Thein, Pacific Gateway Center; Judy Sobin, Volunteer Legal Services of Hawaii; Sarah Richards, Hawaii Theatre Center; Emma Wright, Papakolea Community Association; Adrienne Dillard, Kula No Na Po'e Hawai'i; and Tom Smythe, Department of Business, Economic Development and Tourism. Also recognized was Paige Barber of the Nanakuli Neighborhood Community Housing Service, Inc., who was not present.

Senators Chumbley, Taniguchi and Kanno then introduced and congratulated Camille Coates, Hawaii's Junior Miss 2002; Nikki-Ann Guevarra, First Runner-Up; and Remy Minami, Second Runner-Up.

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

The Senate reconvened at 12:22 o'clock p.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 250, advising the Senate of the withdrawal of the nomination of VIRGINIA H. GOLDSTEIN to the Board of Land and Natural Resources, under Gov. Msg. No. 234, dated March 7, 2002, was read by the Clerk and was placed on file.

In compliance with Gov. Msg. No. 250, the nomination listed under Gov. Msg. No. 234 was returned.

SENATE COMMUNICATION

Sen. Com. No. 2, notice to the Governor dated March 27, 2002, transmitting H.B. No. 2033, H.D. 3, S.D. 1; and H.B. No. 2848, S.D. 1, which propose amendments to the Hawaii State Constitution, was read by the Clerk and was disposed of as follows:

By unanimous consent, the following notice was sent to the Governor:

"March 27, 2002

The Honorable Benjamin J. Cayetano
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following House Bill(s), a copy of which is attached hereto:

H.B. NO. 2033, H.D. 3, S.D. 1
'RELATING TO EDUCATION.'

H.B. NO. 2848, S.D. 1
'PROPOSING AMENDMENTS TO ARTICLE VII, SECTION 12, AND ARTICLE X, SECTION 1, OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE STATE TO ISSUE SPECIAL PURPOSE REVENUE BONDS AND USE THE PROCEEDS FROM THE BONDS TO ASSIST NOT-FOR-PROFIT PRIVATE ELEMENTARY SCHOOLS, SECONDARY SCHOOLS, COLLEGES, AND UNIVERSITIES.'

Respectfully,

/s/ Paul T. Kawaguchi
PAUL T. KAWAGUCHI
Clerk of the Senate"

STANDING COMMITTEE REPORTS

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3070) recommending that H.B. No. 1011, H.D. 1, 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 Hogue and carried, the report of the Committee was adopted and H.B. No. 1011, H.D. 1, 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 Monday, April 1, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3071) recommending that H.B. No. 1764 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1764, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3072) recommending that H.B. No. 2120, H.D. 1, 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 Hogue and carried, the report of the Committee was adopted and H.B. No. 2120, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 2002.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3073) recommending that H.B. No. 2613 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2613, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3074), recommending that S.C.R. No. 9 be referred to the Committee on Judiciary

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 9, entitled: "SENATE CONCURRENT RESOLUTION EXTENDING THE REPORTING DATE OF THE TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES," was referred to the Committee on Judiciary.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3075), recommending that S.C.R. No. 55 be referred to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 55, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ACCELERATE ITS IMPLEMENTATION OF THE HONOLULU BICYCLE MASTER PLAN INITIATED UNDER ORDINANCE 94-39," was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3076), recommending that S.R. No. 30 be referred to the Committee on Tourism and Intergovernmental Affairs.

On motion by Senator English, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 30, entitled: "SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ACCELERATE ITS IMPLEMENTATION OF THE HONOLULU BICYCLE MASTER PLAN INITIATED UNDER ORDINANCE 94-39," was referred to the Committee on Tourism and Intergovernmental Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3077) recommending that S.C.R. No. 43 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3077 and S.C.R. No. 43, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING ALL STATE AGENCIES TO DO EVERYTHING POSSIBLE TO FOSTER COMPETITION IN THE INTERISLAND AIR TRANSPORTATION MARKET," was deferred until Thursday, March 28, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3078) recommending that S.R. No. 24 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3078 and S.R. No. 24, entitled: "SENATE RESOLUTION ENCOURAGING ALL STATE AGENCIES TO DO EVERYTHING POSSIBLE TO FOSTER COMPETITION IN THE INTERISLAND AIR TRANSPORTATION MARKET," was deferred until Thursday, March 28, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3079) recommending that S.C.R. No. 45 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3079 and S.C.R. No. 45, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION NECESSARY TO HONOR OUR COUNTRY'S MORAL OBLIGATION TO PROVIDE FULL VETERANS BENEFITS TO FILIPINO VETERANS OF THE UNITED STATES ARMED FORCES," was deferred until Thursday, March 28, 2002.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 3080) recommending that S.R. No. 26 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3080 and S.R. No. 26, entitled: "SENATE RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO TAKE ACTION NECESSARY TO HONOR OUR COUNTRY'S MORAL OBLIGATION TO PROVIDE FULL VETERANS BENEFITS TO FILIPINO VETERANS OF THE UNITED STATES ARMED FORCES," was deferred until Thursday, March 28, 2002.

Senators Kanno and Kawamoto, for the Committee on Judiciary and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 3081) recommending that H.B. No. 1542, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 1542, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 1, 2002.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3082) recommending that the Senate advise and consent to the nominations of WAYNE H. KIMURA and JANET K. KAWELO to the Public Utilities Commission, in accordance with Gov. Msg. No. 237.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3082 and Gov. Msg. No. 237 was deferred until Thursday, March 28, 2002.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

**MATTERS DEFERRED FROM
MONDAY, MARCH 25, 2002**

Stand. Com. Rep. No. 3067 (S.C.R. No. 36):

On motion by Senator English, seconded by Senator Hogue and carried, the joint report of the Committees was adopted 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 adopted.

Stand. Com. Rep. No. 3068 (S.R. No. 16):

On motion by Senator English, seconded by Senator Hogue and carried, the joint report of the Committees was adopted 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 adopted.

THIRD READING

H.B. No. 2723, H.D. 2, S.D. 1:

On motion by Senator Inouye, seconded by Senator Kim and carried, H.B. No. 2723, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Hogue, Slom). Excused, 3 (Fukunaga, Hanabusa, Hemmings).

ADJOURNMENT

At 12:28 o'clock p.m., on motion by Senator English, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 28, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate